



Contracts for the services of persons to provide special services and advice in financial, economic, accounting, engineering, legal or administrative matters may be let without competitive bidding. They must be specially trained, experienced and competent to perform the special services required. Compensation for special services and advice from such persons may be paid from available funds in the amounts deemed proper for the services rendered.

### **Independent Contractors**

To be an independent contractor, substantial conformance with all of the following conditions must exist:

- The contractor is free from the control and direction of the District in connection with the performance of the work, both under the contract for the performance of the work and in fact;
- The contractor performs work that is outside the usual course of the District's business; and
- The contractor is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

Contractors can't be fired so long as they produce a result that meets the contract specifications.

Contractors are responsible for the satisfactory completion of a job or they may be legally obligated to compensate the hiring firm for failure to complete.

### **Consultants**

Consulting services contracts refer to all services that:

- are of an advisory nature,
- provide a recommended course of action or personal expertise;
- have an end product which is basically a transmittal of information either written or verbal; and
- are obtained by awarding a procurement-type contract, a grant, or any other payment of funds for services for the above type.

The product may include anything from answers to specific questions to design of a system or plan, and includes workshops, seminars, retreats, and conferences for which paid expertise is retained by contract.