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## 1. Overview

When the existing staff of an office, regional learning/operation center, district or school cannot offer the expertise to accomplish a necessary educational goal, it may be effective to hire a consultant.

**Consultants are individuals who provide services on a temporary and occasional basis possessing special skills and knowledge in various areas but are not employees of the Department of Education.**

**GROUPS, CORPORATE BODIES, INSTITUTIONS AND SOLE PROPRIETORSHIPS/INDIVIDUALS WHO ARE INCORPORATED (I. E. POSSESSING A FEDERAL EMPLOYER TAX IDENTIFICATION NUMBER) CANNOT RENDER SERVICES ACCORDING TO THE PROCEDURES IN THIS CHAPTER.** SERVICES PROVIDED BY GROUPS, CORPORATE BODIES, INSTITUTIONS OR INDIVIDUALS WHO ARE REGISTERED AS BUSINESS ENTITIES MAY BE ACQUIRED ONLY BY FOLLOWING STANDARD SOLICITATION PROCEDURES. DO **NOT** FOLLOW THE ACQUISITION PROCEDURES OUTLINED IN THIS CHAPTER ON “UTILIZATION OF CONSULTANTS.” Instead, refer to the SOP chapters on “Bidding and Contracts” and “OTPS Purchases” for prospective consultants who fit any of the categories described in this paragraph. Note that these chapters require a proceed notice resulting from a contract or a purchase order in order to engage technical and professional services of a group, organization or company, or any individual who is registered as a business entity.

Furthermore, there are two classifications for individuals who provide service as consultants: administrative and other-than-administrative. **This chapter deals only with other-than-administrative consultants.** The services of individuals who are administrative consultants may be acquired using procedures established by New York City and administered by the Department’s Division of Human Resources (DHR). Please contact the DHR for further information concerning administrative consultants.

### 1.1 Defining Who Is Eligible to Be Engaged Using the Procedures Outlined In This SOP Chapter.

**The regulations and procedures outlined in this SOPM chapter can only be used to acquire the services of individuals who fit the definition of an independent contractor.**

Following is a listing of factors that should help you determine whether an individual being considered for consulting services is not an **independent contractor**. Although a single factor can be determinative, generally it is a **combination** of factors that will determine whether this individual is not an independent contractor.

**An individual is less likely to be considered an independent contractor if:**

- You or your employees instruct the individual in how, when, and where the work should be done.
- You must train the individual before the job is undertaken.
- The individual becomes substantially a part of your organization's operations.
- Your organization has a continuing relationship with the worker.
- You tell the individual what hours of work to follow.
- He/she does not control the sequence of events to follow.
- You require **frequent** significant progress reports.
- You reimburse for costs not covered by the contract.
- You furnish the supplies, materials and equipment.
- The individual has no significant investment in his/her own business.
- He/she will realize neither profit nor loss from the job.
- The individual does not offer services to the general public.
- You have the right to discharge the individual.
- The individual can terminate the relationship without penalty.

If, after reviewing the above criteria, you are still uncertain whether an individual can properly be characterized as an independent contractor, you may contact the:

**Consultant Monitoring Unit  
Division of Human Resources  
65 Court Street – Rm. 709  
Brooklyn NY 11201**

## **1.2 Other Options for Acquiring Consultant Services:**

If, after reviewing the above factors, you determine that the individual you wish to retain **cannot** be properly classified as an independent contractor/consultant, **you cannot use the procedures outlined in this chapter.** However, you have two other options to use to acquire the services of individuals who do not fit the definition of an independent contractor/consultant. These include:

- **Using appropriate hiring practices** established by the Department of Education's Division of Human Resources to acquire the services of an applicant as a Department employee (either per diem, hourly or full time);
- **Utilizing an Employment Agency** under contract with the Department of Education to provide the Department with individuals who can provide professional services in educationally related support areas (refer to the educational support areas described in section 1.2. Contact the Division of Human Resources Consultant Unit for information on how to access the services of the Department's contracted employment agency for professional services.

**If the individual is not considered an independent contractor/consultant, then use one of the alternative options to acquire services as indicated in Section 1.2 above.**



**STOP  
HERE**



**YOU DO NOT HAVE TO READ ANY FURTHER**



**STOP  
HERE**

### 1.3 Acquiring the Services of Individuals Who Meet IRS Criteria for Independent Contractors/Consultants:

**Step 1:**

Make certain that the individual is an independent contractor/consultant under IRS guidelines – see Section 1.1 above.

**Step 2:**

Make a determination as to whether or not the project can best be performed by individual consultants or by a consulting organization. If it can be justified that the project can best be performed by individual consultants (for example, that the use of an individual would be more cost effective), then a determination should be made as to the appropriate solicitation process to follow.

**Step 3:**

Clearly define the type of experience and expertise needed to complete the task.

Some other vital points to consider before acquiring the services of a consultant are:

- Estimating the period of time it will take to complete the project;
- Establishing project specifications and specific deliverables;
- Making sure that sufficient funds are set aside for the engagement;
- Establishing a system for evaluating specified services or products provided; and
- Understanding the regulations and procedures for consultant approval.

**Please note:** it is very important that a complete written record of the above be maintained in your files.

## **1.4 Classifying Categories of Consultants:**

Other-than-administrative consultants are classified according to the following broad categories of expertise:

### **EDUCATION:**

These consultants have specific expertise in educationally related areas, such as research, curriculum and/or program development and implementation, staff development and training, diagnosis of learning disabilities, pupil assessment, development of guidelines and manuals on school personnel administration.

### **EVALUATION:**

These consultants have demonstrable professional and technical skills necessary to perform an independent assessment of a program. These skills might include: research and development; testing; data analysis; the collection, processing, preparation and dissemination of reports. The nature and applicability of the consultant's skills should be determined based on the specific tasks necessary to complete the evaluation.

### **ARTISTIC:**

These consultants function as performing artists or they assist in specialized aspects of a program related to the arts. They offer unusual talents in the areas in which they provide service.

**Note:** The following regulations apply to artistic consultants in addition to all other "Consultant" regulations:

- The performer's handbill specifying performance credits may be used instead of a resume and will be verified by the ROC/district/FMC business office; and
- Consideration may be given to rehearsal and other preparation time on other than Department of Education premises when computing pay.

**ARBITRATORS, HEARING OFFICERS AND EXPERT WITNESSES:**

These consultants are engaged to render opinions, make determinations or to furnish authoritative testimony at hearings on matters of employee performance and labor relations. In some cases, the cost for their services is shared, by agreement, with an employee or union.

**LEGAL AND MEDICAL CONSULTANTS:**

These consultants are recognized experts in their fields. Their services are secured typically on an *ad hoc* basis for the duration of a particular case.

The use of consultants is subject to audit by the Office of Auditor General (OAG), or by external agencies. Abuses are subject to referral to the Office of Special Investigation, the Special Commissioner of Investigations or local prosecutors.

The Chancellor or designee must approve any exceptions to regulations described in this chapter, including those concerning limitations on consultant utilization and rates of pay. Requests for exceptions must be made in writing and submitted to the Chief Executive of the Division of Human Resources (DHR).

The Chancellor must approve any waivers to consultant regulations for consultants who serve in the Division of Human Resources when there are exceptions to the maximum consultant rate of pay.

The originating office must retain all records relating to the evaluation, solicitation, selection and payment of consultants for seven years. These records must be readily available for inspection.

## 2. Regulations

### 2.1 Procedures for Procurement of Consultant Services

The Regional Learning/Operation Center/District/Office/Program must first decide if it needs to procure consultant services from outside the Department of Education. This may be done only if it is determined that such service:

- Are critical to meeting the Regional Learning/Operation Center/District/Office/Program's goals and objectives; and
- Cannot be provided by Department of Education employees or another City agency.

Once the decision is made to procure outside consultant services, the ROC/district/FMC must then enter into a solicitation process if the total expense for the project is expected to be **greater than \$25,000**. This is required in order to:

- a) Broaden the pool of qualified consultants;
- b) Reduce consultant costs;
- c) Improve the quality of consultant services;
- d) Reduce the risk of impropriety; and
- e) Guard against favoritism, improvidence, extravagance, fraud and corruption.

If it is determined that the work is to be performed by a consulting **firm**, then the services must be secured in accordance with the regulations and the procedures outlined in the SOP chapter on "Bidding and Contracts."

If it is determined that an **individual consultant** (or consultants) can best provide the services, then the services must be secured in accordance with the regulations and the procedures outlined in this chapter as follows:

#### **Acquiring the Services of an Individual Consultant – Solicitation Process**

For each fiscal year, ROCs/districts/FMCs should prepare a project plan and cost projection for all consultant projects to determine which acquisition process to follow depending on the dollar thresholds indicated below.

**Solicitation Thresholds – If the total expense for a project is estimated to be:**

**Equal to or less than \$25,000:**

- No formal solicitation is required, however, it is recommended that a Request For Proposal (RFP) process be used to secure services at this level
- The ROC/district/FMC must explain how and why the consultant was identified for the project.
- Completion and processing of a Consultant Nomination Form (Exhibit A), a Consultant Approval Form (Exhibit B) and/or Consultant Change Notice Exhibit D).

**More than \$25,000 and up to and including \$50,000:**

- In addition to the steps indicated directly above, a written solicitation and public advertising is required followed by the completion and processing of a Consultant Approval Form and Change Notice.

**More than \$50,000 and up to and including \$100,000:**

- A formal RFP, including public advertising, is required.
- The Division of Contracts and Purchasing (DCP) will prepare a formal contract.

**More Than \$100,000:**

- A formal RFP, including public advertising, is required.
- A formal contract must be prepared and executed by the Office of Legal Services.

**Caveats Concerning Solicitation Thresholds:**

Change notices increasing the total expenditure for an individual consultant beyond the \$25,000 threshold **will not be approved** unless accompanied by evidence of the solicitation and/or advertising procedure outlined above. In the event billing exceeds the \$25,000 threshold and the above procedure involving the solicitation and advertisement has not been followed, the consultant will **not** be paid.

Any exceptions to following the solicitation thresholds for all engagements for more than \$25,000 as indicated above require the written approval of the Chancellor's Committee on Contracts. The ROC/district/FMC must be able to demonstrate and prove to the Committee any extenuating circumstances that warrant an exception. Exceptions must be requested and approved prior to the onset of the service. Requests are to be submitted in writing to the Committee on Contracts care of:

Division of Contracts and Purchasing  
65 Court Street  
Brooklyn, New York 11201

**To facilitate the consultant engagement process, the responsible district or central office should:**

Review the experience of the consultant **prior** to retaining his/her services to determine which other city schools and/or agencies have used his/her services or products. Once you have identified these schools and/or agencies you should make inquiries regarding the consultants qualifications and whether his/her performance was considered satisfactory; and

Maintain a list of "pre-qualified" individual consultants to facilitate the procurement process when it is determined that the district or central office will require individual consultant services during the course of a fiscal year. As the list is created and/or updated, a copy should be forwarded to DHR's Consultant Monitoring Unit to enable the Division of Human Resources to maintain a city-wide list of "pre-qualified" consultants. This will enable districts to do some comparative shopping and pricing.

## 2.2 Limitations on Employment

### What Must Be Done Before Starting Work?

It is extremely important that no commitment be made to a prospective consultant until written authorization has been received from the Division of Human Resources regarding approval, rate of pay, and length of service.

#### ADVISORY

Consultants are to be instructed **not** to start a project **prior to approval**. Any staff member who makes a commitment to a prospective consultant not in accordance with these regulations may be held personally responsible for the restitution of any funds that are subsequently disbursed.

In exceptional circumstances only, a special request can be made to the Chief Executive of the Division of Human Resources for commencement of services prior to approval clearly indicating:

- a) The urgent reasons for prior-to-approval start date and,
- b) Steps that have been taken by the responsibility center to ensure that there is no repetition of this situation.

### When Is Consultant Fingerprinting Required?

If consultant service is anticipated to be more than 10 days during the fiscal year, the consultant is required to be fingerprinted. Regardless of the number of days of anticipated service, if the consultant will work in a school and/or around children or staff, he/she will be required to be fingerprinted before starting work. Refer to procedures on page 16.

### Must Conflict of Interest Regulations be Observed?

**Yes.** There should be no conflict of interest regarding the relationship between any organizational entity of the Department of Education and the Consultant.

**UTILIZATION OF CONSULTANTS  
Standard Operating Procedures  
Division of Financial Operations**

**Topic 2: Regulations  
Issued: May 2006**

All consultants, including individual consultants who are retirees (or otherwise separated from service with the Department of Education) applying to serve as consultants are subject to all applicable provisions of Chancellor's Regulation C-110 (issued January 27, 2006) relating to conflicts of interest. As such, the authorized ROC/district/FMC official should be familiar with Chancellor's Regulation C-110 and should supply the consultant with a copy. To obtain copies of Chancellor's Regulations C-110 contact:

**Office of Administrative Personnel  
Division of Human Resources  
65 Court Street, Room 504  
Brooklyn, NY 11201**

**or visit the following website:**

<http://docs.nycenet.edu/docushare/dsweb/Get/Document-56/C-110.pdf>

Under certain conditions (e.g., when a person has unique skills that cannot be provided by a current Department employee, etc.), a former Department of Education employee may perform services for the Department of Education as a consultant pursuant to a *direct and personal* contract between the Department (i.e., not through an employment agency or other company) within one year of the former employee's termination of services with the Department.

During the period of the consultancy with the Department of Education, all consultants must agree to several conditions detailed in the certification section (Section B) of the Consultant Nomination Form (Exhibit A). The head of the responsibility center must, therefore, have the consultant sign in front of a Notary Public the certification section (Section B) on the Consultant Nomination Form

In the event questions should arise regarding conflicts of interest, the Office of Ethics and Conflicts of Interest, (718) 935-5300 should be contacted.

No person may be retained as a consultant if there exists any conflict of interest or conflicts in work schedule with his/her other employment or activities.

### **What If the Nominee is a Full-Time Employee of a City Agency or Public Corporation?**

Any person who is employed on a full-time basis in any other City agency or in a public corporation or authority where compensation is derived wholly or in part from NYC funds may be utilized as a consultant only with written authorization from his or her own agency. The authorization must include a statement by the agency director that the proposed consultant service will not constitute a conflict of interest with the nominee's basic work schedule or responsibilities. The letter of authorization must also specify the period during which consultant service may occur (e.g., October to January). The period of service requested by the hiring official and approved by the Division of Human Resources must be within the time frame stated by the agency (e.g., November 3 to December 15).

When a nominee is retired from another City agency, a New York State agency or the Department of Education, he/she must advise the appropriate retirement systems of their employment. Such retirees may be employed if they file a Certification of Employment under Section 212 of the Retirement and Social Security Law, obtain a waiver in accordance with Section 211 of Article 7 of the Retirement and Social Security Law, or waive their pensions.

Please note that retirees employed as consultants who joined their retirement system on or before May 31, 1973 do not have to apply for a 211 waiver.

Please refer to the annual memorandum distributed by the Division of Human Resources on the "Employment of Retirees from New York City and New York State Agencies as Pedagogical Employees". There are also certain variations in procedures for retaining Department of Education retirees as consultants: a review of transcripts is **not** required nor is the nominee required to submit a resume if all information required on the nominating form is supplied.

## **2.3 Prohibitions**

### **Work Environment Prohibition:**

At no time may a consultant be left alone with a student or students without a teacher or supervisor present.

**Persons Prohibited From Working as Consultants:**

No member of a Community or Citywide Education Council may serve as a consultant or in any other paid capacity.

No person whose name appears on any payroll of the Department of Education as a full-time or part-time employee as either pedagogical or administrative staff with a regular work schedule of twenty hours or more per week may serve as a consultant.

An employee on leave of absence with pay may not serve as a consultant. Similarly, an employee on leave of absence without pay generally may not serve as a consultant.

No former employee who is on a disability retirement may serve as a consultant.

No member or employee of any agency, board, committee, or corporation who has a responsibility for the evaluation, design or mandated advisory review of federal or state-funded programs may be paid as a consultant for services provided to any program, district or central office, directly or indirectly associated with that responsibility.

No former Department of Education employee who was terminated for cause or who resigned while charges were pending may be retained as a consultant.

**Benefits Prohibition:**

Because consultants are **not** Department of Education employees, they are **not** entitled to any fringe benefits such as paid vacation, sick leave, social security, pension, unemployment insurance, workers compensation, hospitalization insurance or paid holidays.

**Reimbursement of Expenses Prohibition:**

Consultants may **not** be reimbursed for the following expenses:

- Incidental expenses for supplies and materials;
- Telephone costs;
- Travel between home and the work sites.

## 2.4 Conditions of Service and Rate of Pay

**Annual memorandum.** The maximum per diem rate of pay, and other pertinent information are detailed in an annual memorandum distributed by the Division of Human Resources at the beginning of the fiscal year. Since these figures are subject to periodic change, it is necessary to obtain a copy of the most current memorandum when planning the project.

### Maximum Per Diem Pay:

The maximum that may be paid for one day of consultant service is the agreed upon per diem rate, unless otherwise indicated on the Consultant Nomination Form (Exhibit A) and approved by DHR as noted in Section D of the Nomination Form (refer to section 3.2 of these procedures).

The compensation level for arbitrators, expert witnesses and legal and medical consultants is established individually on the basis of the value of the specific services and the prevailing rate paid to persons of such stature by other public agencies and industrial organizations.

The Chancellor or designee must approve specific rates of payment above the established daily maximum for the following categories. For further information, contact the individual offices listed below.

- Rates for legal consultants: General Counsel to the Chancellor in the Office of Legal Services.
- Rates for medical consultants: Chief Executive of the Division of Human Resources.

Authorization for exceptions from the prescribed limitations on the per diem rate of pay must be obtained in writing from the Chancellor or his/her designee.

### Period of Service - General Regulations:

All consultants (with the exception of evaluation consultants) can be authorized to work only through the end of the fiscal year. If the consulting engagement is projected to span two (2) fiscal years, the consultant must be **renominated** and approved by the Division of Human Resources for each future fiscal year in which the consultant will work.

**Additional Regulations for Evaluation Consultants:**

An Evaluation Consultant may be authorized to work up to three months following a program's ending date in order to complete the program's evaluation. Therefore, evaluation services performed by consultants during July, August and September for a program ending on June 30th may be charged to the prior fiscal year.

Evaluation consultants are to complete any forms and certification required by the district or other ROC/FMC responsible for coordinating the activities of the program for which the consultant is retained. All such documentation is retained in the FMC for a period of six years following the completion of the program.

**Subcontracting by Consultants:**

Consultants may subcontract all the required incidental services (e.g., typing and computer analysis) for which they lack personal proficiency as long as the ROC/District Office/FMC is notified. If the engagement requires a formal contract, the contract must address the topic of sub-contracting.

### **3. Procedures**

**After making certain that the nominee meets the IRS guidelines listed in section 1.1 on pages 1 and 2 of this chapter, the process of nominating a consultant can be divided into eight phases:**

1. Determining that an employee or other city agency cannot perform that service;
2. Determining whether consultant services should be acquired via an individual or a firm;
3. Preparing a solicitation if required;
4. Nominating the consultant;
5. Approving the consultant;
6. Processing payments (with the exception of the final payment);
7. Evaluating the consultant's deliverables; and
8. Processing final payment.

At each point there are procedures and related forms. Note that a consultant may not begin work until notification of approval has been received from the Consultant Monitoring Unit of the Division of Human Resources and the encumbrance of funds for the consultant has occurred in FAMIS.

#### **3.1 How to Nominate a Consultant**

The nomination process is designed to ensure that:

- Consultants are qualified for the project for which they are nominated;
- Their qualifications have been reviewed and approved by the authorized official;

- The details of rate of pay, period of service, and any exceptions to standard regulations have been reviewed to ensure that they conform to regulations and have been approved at the local level; and
- Funds have been properly allocated.

**The Consultant's Role in the Nominating Process:**

The consultant completes the appropriate section of the Consultant Nomination Form (see Exhibit A). In the form, he or she:

- Certifies that no conflict of interest exists relating to the proposed position;
- Acknowledges that he/she is not to begin work before written authorization from the Division of Human Resources and will not be paid for any services rendered prior to such authorization;
- Lists other programs in which he/she is providing services to the Department of Education;
- Indicates his/her remuneration history if this information is necessary to substantiate the determined cost of the consultant's engagement to complete the project;
- Furnishes a resume or provides all requested information in another form; and
- Submits a sworn statement certifying the accuracy of information provided (on the Consultant Nomination Form) and signs it in the presence of a notary public.

If requested, consultants must also furnish information related to disclaimers of conflict of interest and any other aspect of their service to the Office of Special Investigations.

Consultants who will serve more than ten days during the fiscal year **must have fingerprints on file** at the Department of Education prior to the start of service. Consultants who will provide direct services to children, regardless of the number of days of service, must also be fingerprinted by the New York City Department of Education prior to the start of service.

Consultants will not normally be required to be fingerprinted if they were fingerprinted by the New York City Department of Education after July 1, 1990.

Contact the Office of Personnel Investigation (65 Court Street - Room 233, Brooklyn, N.Y. 11201 or call 718-935-2666 for information concerning where and when fingerprints may be taken as well as what fees and documentation are required.

Note that the prospective consultant must pay the required fee at the time of fingerprinting.

The project coordinator should inform the individual that after fingerprinting they should deliver the receipt for the fingerprinting to DHR's Consultant Monitoring Unit (65 Court Street, Room 709) to expedite the approval process.

Consultants may commence service prior to the receipt of fingerprinting results, or upon submission of an approved "Request for Conditional Fingerprint Clearance" OP190 F (refer to Exhibit E).

**The Authorizing Official's Role in the Nominating Process:**

The ultimate responsibility for the acquisition of the services of an individual consultant rests with the superintendent, executive director or other authorized official who signs the Consultant Nomination Form (refer to Exhibit A) certifying that the nominee meets consultant criteria developed by the IRS as indicated in section 1.1 on pages 1 and 2 of this chapter. Please refer to Section B of the Consultant Nomination Form (Exhibit A) for these certifications. However, in order to maintain effective internal controls, to the extent practical, it is required that the following functions be performed by different staff:

- Solicitation (if required);
- Selection; reviewing consultant progress (e.g., via project milestones);
- Authorizing payment; and
- Verifying the accuracy of computations.

Therefore, the Authorizing Official Must:

- Review and/or complete the appropriate sections on the Consultant Nomination Form including: a detailed description of the specific duties to be performed, the finished product, and an indication of the completion date (prepared in conjunction with the prospective consultant).

**Note:**

The Consultant Monitoring Unit will not process the Consultant Nomination Form unless the description of service and deliverables (along with specific costs) are detailed, specific and verifiable. An agreed upon time frame for the project should also be included. The description of services and deliverables (e.g., written reports, etc.) may be used by the FMC and/or the Office of Auditor General to verify that services have been delivered and that payment is warranted.

- Authorize the project costs indicated in the Consultant Nomination Form; and
- Verify the consultant's qualifications by:
  - Reviewing transcripts and diplomas (If documentation is deemed not to be sufficient, schools should be contacted in writing);
  - Writing or calling employers or other references;
  - Ensuring that a record is maintained of the documents reviewed, and institutions and employers contacted with dates of contact and the names of the persons who responded;
  - Confirming that sufficient funds are available to be encumbered for the proposed consultant service; and
  - Signing the Consultant Nomination Request certifying that the above requirements have been met.

### **The ROC/district/FMC's Role in the Nomination Process:**

The ROC/district/FMC retains a copy of the nomination form for its files and delivers the signed Consultant Nomination Form and supporting documentation such as a resume (transcripts are not to be sent) to the Consultant Monitoring Unit of DHR.

## **3.2 How a Consultant is Approved**

### **Role of the Consultant Monitoring Unit:**

To expedite approval of a consultant, the Division of Human Resources has a Consultant Monitoring Unit, which performs the following functions:

- Reviews the Consultant Nomination Form: If the Consultant Monitoring Unit has any questions or needs further information, the ROC/district/FMC will be contacted for clarification. In most cases the Consultant Monitoring Unit will take no more than ten workdays to approve or reject the consultant nomination.
- Notifies the ROC/district/FMC of acceptance or rejection of the nomination by completing Section D of the Consultant Nomination Form and returning a copy of the approved form to the submitting District/FMC office. If the nomination is approved, a consultant approval number is entered in Section D of the DHR 190 (Exhibit A). A photocopy of the approved/rejected Nomination Form is retained by the DHR. The original DHR 190 is returned to the District/FMC. If the nomination is rejected, reasons for the rejection are provided and attached to the DHR 190. Similarly, the original OP 190 is returned to the District/FMC while a photocopy is retained by DHR's Consultant Monitoring Unit.

### **Role of the FMC if the Consultant is Not Approved:**

If the Division of Human Resources disapproves the nomination, the FMC notifies the consultant and decides whether or not to pursue the nomination by modifying the nature of consultant services, deliverables and/or costs, or by satisfying other objections to the nomination. The ROC/district/FMC then resubmits the nomination or notifies the consultant that he/she has been disapproved.

**Role of the ROC/district/FMC if the Consultant is Approved:**

If the Division of Human Resources' Consultant Monitoring Unit approves the consultant, the ROC/district/FMC will receive the original copy of the approved Consultant Nomination Form (OP 190) signed by an authorized DHR representative in Section D and indicating a unique consultant approval number. The ROC/district/FMC then does the following:

**If Sufficient Funds Are Available in the ROC/District/FMC Budget to Cover the Approved Consultant Engagement:**

- Prepares a Consultant Approval Form (shown in Exhibit B) by using the information on the Consultant Nomination Form. Retroactive approval will be granted only in emergency situations, and then only with the written approval of the Chief Executive of the Division of Human Resources.
- Obtains the signature of the District Superintendent/Executive Director or designee (Item 24 on the Consultant Approval Form), certifying that DHR approval of the consultant's qualifications (original copy of the OP 190) is on file at the District/FMC office.
- Has the District/FMC business office encumber sufficient funds in FAMIS to cover the approved length of the consultant engagement. After encumbering the Consultant Approval Form into FAMIS, the business office:
  - Stamps the Consultant Approval Form with the word, "Encumbered" and the date of the encumbrance;
  - Sends **one** stamped copy back to the Consultant Monitoring Unit; and
  - Retains **two** copies in the open payment files;
  - Notifies the consultant and the project coordinator of the starting date which is either the first day of service indicated in Section C of the approved Consultant Nomination Form (Exhibit A) or the date of approval in Section D of the approved Consultant Nomination Form (whichever is later) by forwarding **two** copies of the encumbered Consultant Approval Form to the principal or project coordinator (one copy is retained by the principal or project coordinator and one copy is the consultant's copy).

**If Sufficient Funds Are Not Available in the ROC/District/FMC Budget to Cover the Approved Consultant Engagement:**

- Notifies the Consultant Monitoring Unit only if the ROC/District/FMC plans to:
  - Encumber less than the amount indicated on the Consultant Nomination Form; or
  - Discontinue the project.
- Notifies the consultant and project coordinator that services cannot begin until funds are available; and
- Retains the unencumbered Consultant Approval Form until sufficient funds are available in the ROC/district/FMC to cover the encumbrance. In this case, when funds do become available, the Consultant Monitoring Unit must be notified that the ROC/district/FMC authorized official intends to proceed with the encumbrance.

**If Partial Funding Is Available in the ROC/District/FMC Budget to Cover the Approved Consultant Engagement:**

If the total amount of the funds required to cover the consultant project is **not available** at the time that the consultant approval is requested, the ROC/district/FMC or other responsibility center may process the approved consultant authorization for the amount of funds available and plan for the submission of a change notice upon funding availability. In such cases, however, the following disclosures must be made when the Consultant Nomination Form is submitted to the Division of Human Resources:

By disclosing the entire scope of consultant services and projected funding sources at the commencement of the consultant nomination process, the need for change notices during the project will be anticipated.

- Disclose, under separate cover to DHR's Consultant Monitoring Unit, the entire estimated project service amount together with estimated dates for funding availability and related project funding sources.

- Disclose the reason that funding for the entire project is not currently available and what assurances the district/FMC has that funding will subsequently be provided.
- Disclose any plans for split budgeting or additional funding requirements.

For information concerning consultant nominations and review of qualifications, contact:

**The Consultant Monitoring Unit  
Division of Human Resources  
65 Court Street - Room 709  
(718) 935- 5622**

### **3.3 How to Review the Project**

When the consultant commences services, the project coordinator is responsible for the ongoing review of the consultant's progress in meeting the agreed upon deliverables, evaluating the timeliness and quality of the deliverables, and interacting with the consultant so that the project objectives and schedule originally set by the consultant can be maintained. The Consultant Invoice (refer to Exhibit C) records the consultant's request for payment regarding particular aspects of the project(s) He/she must indicate a description of items delivered, date(s) of delivery and related costs. No payment may be authorized without such documentation.

The project coordinator may request additional details about the specific stage of a project.

The project coordinator must submit to DHR's Consultant Monitoring Unit a written evaluation of the deliverables and services provided by the consultant following the completion of the project. The evaluation should indicate the perceived quality of the work (superior, acceptable, not acceptable), whether the deliverables/services were delivered on time and an indication of whether you would recommend the consultant to other ROCs/districts/FMCs.

### **3.4 How to Prepare the Invoice**

The Consultant Invoice (refer to Exhibit C) is maintained by the consultant and serves two functions:

- It records a detailed description of the nature of goods and services rendered, date of delivery, number of days worked, agreed upon daily rate and total amount for each, and
- It requests payment (Total Amount Due) for the services rendered by the consultant.

#### **Timeliness of Submission:**

**A consultant may submit an invoice at least once per month, but no more than once every two weeks, and only after services have been performed for part of a project.**

**The Consultant Invoice contains the following information:**

- Consultant's name, address, and social security number;
- Consultant approval number;
- Approved daily/hourly rate;
- Details of specific goods and/or services delivered, related dates of delivery, number of days worked, cost of each item described and a total of all costs.
- Signature of project coordinator or principal and date signed.

A copy of the Consultant Invoice is designated for a particular person or office as indicated below.

- **Copy 1** - unit that processes payments
- **Copy 2** - district office/responsibility center
- **Copy 3** - project coordinator or principal
- **Copy 4** - consultant

### **3.5 How to Initiate the Payment Process**

#### **The Consultant:**

- Personally enters onto the Consultant Invoice all information including a detailed description of the nature of the goods and/or services rendered, date of delivery, number of days worked and grand total amount; and
- Submits three copies of the Consultant Invoice at least once a month (but not more often than once every two weeks) to the project coordinator or principal. Invoices must be submitted no later than the end of the fiscal year during which services were performed or goods delivered, or in the case of Evaluation Consultants, not later than 90 days after the end of the Fiscal Year or program. Invoices submitted for services performed during the last 10 days of the fiscal year (or, in the case of evaluation consultants, including the 81st through 90<sup>th</sup> day of the program) will be given a grace period of five additional days to be submitted for processing.

#### **The Project Coordinator or Principal:**

- Verifies the information provided by the consultant;
- Verifies the accuracy of costs on the Consultant Invoice by adding each deliverable for a grand total;
- Signs and enters the date in box 6 certifying that all information stated is complete, accurate and correct;
- Attaches a copy of the Consultant Invoice to the file copy of the Consultant Approval Form. (This copy is retained in accordance with the rules and regulations for retention of records for the individual funding source and State and City regulations); and
- Forwards two copies of the Consultant Invoice and any supporting documentation to the ROC/district/FMC for payment processing.

**The ROC/district/FMC:**

- Verifies that all computations and certifications are correct and signs the Consultant Invoice;
- Retains a copy in its consultant file; and
- Uses one copy to process payment.

### **3.6 How to Pay for Consultant Services**

Consultants are classified as vendors (individual contractors) and, therefore, are processed for payment by the Department of Education through standard vendor payment procedures (i.e., using payment vouchers). The ROC/district/FMC uses the following documents for the vouchering process:

- A copy of the Consultant Invoice; and
- Back up documentation including a copy of the Consultant Approval Form and any applicable Change Notices.

**Note:**

When preparing the voucher, enter the consultant's social security number as the Vendor Number as indicated in Box 3 of the Consultant Invoice.

Special attention should be paid to the following when vouchering:

- The Consultant Approval Form (Exhibit B) must have been encumbered into FAMIS;
- The Consultant Approval Number is entered in the Document Reference Number column of the Payment Voucher;
- Correct transaction codes are entered; and
- The financial account codes are the same as on the Consultant Approval Form.

If the total amount of payment is less than the original encumbered amount and the last payment is coded as "final," the remaining encumbered funds are liquidated automatically. The processing of a new Consultant Approval Form (via a request to the Division of Human Resources) is required for additional payments.

**Note:**

At the end of each calendar year, an "IRS Form 1099" (Miscellaneous Income) will be issued to indicate all consultant compensation.

### **3.7 Purpose of a Consultant Change Notice**

**A Change Notice should not be necessary if the project has been sufficiently planned.** However, in cases where the scope of consultant services varies due to unforeseen circumstances, it is the responsibility of the community school ROC/district/FMC to notify the Division of Human Resources of any changes to the scope of the consultant project. The consultant will **not** be permitted to continue his/her services regarding the original project scope until the Division of Human Resources has approved the Change Notice and the funds have been encumbered.

A Consultant Change Notice (refer to Exhibit D) is used to request a change in the following items:

- Period of authorized service: only the end date, not the start date, may be changed and that can only be changed up to the end of the fiscal year (June 30th or the last work day in June). Evaluation consultants may work as long as 3 months after the end of the fiscal year (as approved on the Consultant Nomination Form).
- Number of days/hours;
- Total amount (due to change in the number of days or hours or the rate of pay); and
- Account code (if funds are available).

The Consultant Change Notice is used to increase, decrease or cancel the original encumbrance for a consultant (or to change the last date of service).

**Note:** When canceling, it is advisable to use Transaction Code **325**, which will allow future actions to be made to the encumbrance in question, if necessary. If canceling “on-line”, please use Transaction Type **CG**.

Change notices should be kept to a minimum since ROCs/districts/FMCs are required in advance to plan and budget the amount of time required to complete a consultant project. Change notices are requested only when there has been an unplanned and verifiable change to the scope of the consultant project.

A separate Consultant Change Notice should be prepared for each Consultant Approval Form.

To change the consultant encumbrance, enter the amount of the net change in Box 26 and check increase or decrease in Box 27 on the Consultant Change Notice. (Enter transaction code 324 for an increase, 325 for a decrease and leave blank for a time extension).

### **3.8 How to Process a Consultant Change Notice**

The authorizing official states the reason for the change and signs the change notice certifying that the requested change is necessary for the educational/administrative program, that the rate of pay is in conformance with regulations, and that funds are available for the change (Box 28).

**Note:**

In cases where a Change Notice is submitted that will increase the amount of consultant service, the ROC/district/FMC must clearly explain why the extended period of time was not anticipated at the initiation of the consultant nomination process. The Consultant Monitoring Unit will not process Consultant Change Notices unless the reason for the increase is detailed, specific and verifiable.

The ROC/district/FMC retains one file copy and forwards copies to:

**The Consultant Monitoring Unit  
Division of Human Resources  
65 Court Street - Room 709  
Brooklyn, New York 11201**

**The Consultant Monitoring Unit:**

- Reviews the Consultant Change Notice;
- Obtains the signature of the Chief Executive of the Division of Human Resources or designee, indicating that the requested changes are approved.
- Retains one copy; and
- Returns the approved Consultant Change Notice to the ROC/district/FMC for the adjustment to the encumbrance and subsequent payment processing; or
- Notifies the ROC/district/FMC or project coordinator if the changes) are rejected.

The ROC/district/FMC, upon receiving the approved Change Notice from the Consultant Monitoring Unit:

- Encumbers the Change Notice into FAMIS; and
- Processes payment based on consultant invoice submission.

The FMC distributes the appropriate copies to the project coordinator or principal and retains copies in the ROC/district/FMC file.

#### 4. Internal Controls and/or Delegation of Responsibilities

The ROC/district/FMC should obtain and maintain on file all Chancellor's Regulations, the Standard Operating Procedures, and the most current memorandum regarding utilization of consultant services. Prior to retaining consultant services, the ROC/district/FMC should also review the Division of Contracts and Purchasing (DCP) current list of contracted services to determine if the desired services can be obtained via existing Department-wide contracts. In acquiring the services of a consultant:

- Authorization should first be obtained and funds encumbered **before** consultants commence service.
- The ROC/district/FMC should establish a mechanism whereby each consultant's services are periodically reviewed.
- To the extent practical, the activities of solicitation, selection, reviewing of consultant performance, verification of payment calculations, payment authorization and evaluation of the consultant's performance after the project has been completed should be dispersed among different ROC/district/FMC staff.
- Responsibility centers that annually contract for large numbers of individual consultants to perform the same type of service (e.g., training, evaluation, etc.) are encouraged to prepare detailed cost/benefit analyses to compare the advantages and disadvantages of having such services performed by a consulting firm or other contracting alternative. Copies of cost/benefit analyses should be maintained at the responsibility center and should be made available for review by authorized auditing agencies upon request.
- It would be advantageous to review the experience of the consultant **prior** to retaining his/her services to determine what other city schools and/or agencies have used his/her services or products. Once you have identified these schools and/or agencies you should make inquiries regarding the consultant's qualifications and whether his/her performance was considered satisfactory.
- The ROC/district/FMC must ensure that consultant services do not exceed the approved encumbered scope of the consultant project.

## **5. Sample Forms**

The forms described below are used to process individual consultants as described in this chapter. The following provides a brief overview of these forms. Most of these forms do **not** require detailed instructions in order to complete them. If instructions are necessary, they are included on the actual form.

### **The Consultant Nomination Form (DHR 190 Revised: May 2006 - Exhibit A):**

The Consultant Nomination Form is filled out by the consultant in conjunction with the project coordinator. The signature of the superintendent/executive director certifies that the qualifications of the consultant have been reviewed and accepted and that funds will be available. The form is also used by the DHR's Consultant Monitoring Unit to approve the nomination.

**Note:**

The Division of Contracts and Purchasing (DCP) will no longer have available certain forms for ordering from its warehouse. Instead, users are asked to **download** required forms directly from this chapter and to make photocopies as needed for distribution to others. The entire chapter can be found on the website of the Division of Financial Operations (DFO) located at: <http://www.nycenet.edu/Offices/DFO/default.htm>.

### **The Consultant Approval Form (DHR/DFO 9950 Revised: May 2006 - Exhibit B):**

This form is filled out by the Consultant Monitoring Unit from the Nomination Form and is used to reserve funds in FAMIS for future payments.

### **The Consultant Invoice (DHR/DFO 2008 Revised: May 2006 - Exhibit C):**

Filled out by the consultant to document service and signed by the authorized official, this form is used as an invoice and as supporting documentation to process payment.

**Consultant Change Notice**

**(DHR/DFO 9950a Revised: May 2006 - Exhibit D):**

The Consultant Change Notice is filled out by the FMC and sent through the same approval and encumbrance process as the Consultant Approval Form. DHR's Consultant Monitoring Unit must first approve all changes that increase, decrease or cancel the original encumbrance.

**Request for Conditional Fingerprint Clearance**

**(DHR 190F Revised: May 2006 - Exhibit E):**

This must be submitted for all consultants who require fingerprinting and who will commence service before clearance is received. This form is not required for consultants who will provide fewer than 10 days of consulting services and/or will not be providing direct services to children.

**5.1 Table of Exhibits**

<b>EXHIBIT</b>	<b>TITLE</b>
<b>A</b>	<b>Consultant Nomination Form (DHR 190 - Revised: May 2006)</b>
<b>B</b>	<b>Consultant Approval Form (DHR/DFO 9950 - Revised: May 2006)</b>
<b>C</b>	<b>Consultant Invoice (DHR/DFO 2008 - Revised: May 2006)</b>
<b>D</b>	<b>Consultant Change Notice (DHR/DFO 9950a - Revised: May 2006)</b>
<b>E</b>	<b>Request for Conditional Fingerprint Clearance (DHR 190F - Revised: May 2006)</b>

**Note:**

Once again, you are reminded that the above forms will **no longer** be stocked or made available for purchase through the Division of Contracts and Purchasing (DCP).

Please download required forms (from this chapter) and photocopy as needed for appropriate routing to others from the website of the Division of Financial Operations (DFO) located at: <http://www.nycenet.edu/Offices/DFO/default.htm>.



CONSULTANT NOMINATION FORM

This form is to be completed to review a proposed consultant's personnel qualifications. A consultant may not begin the program/project until the responsibility center has received the Consultant Approval Form (DHR/DFO 9950) confirming that the consultant has been authorized to perform services. Refer to the Standard Operating Procedures (SOP). The original DHR-190 form is forwarded to the Division of Human Resources, Consultant Monitoring Unit along with the consultant's resume. A copy is kept on file in the Roc/District/FMC to be made available for inspection by appropriate Department of Education personnel and authorized auditing agencies.

SECTION A: TO BE COMPLETED BY CONSULTANT

- 1. Full Name, Social Security Number, Date of Birth
4. Home Address (Number and Street), City, State, Zip Code
5. Yes/No questions regarding employment history, family members, and criminal records.

If the answer to any of the questions above (excepting the first check box item) is YES, please explain on a separate sheet.

- Yes/No question regarding pension status with detailed instructions.
6. Please attach an up-to-date resume specifying education (including names of colleges or universities, degrees and dates awarded), licenses, Current employment, other relevant employment and experience such as publications, professional associations related to the consultant project to be completed.
7. Most Recent Work Experience, Title, Income/Salary

SECTION B: CONSULTANT CERTIFICATION (This section continues on side 2)

By affixing my signature in front on a Notary Public (see reverse side) I agree to the following:

- 1. MY SERVICE AS A CONSULTANT WILL NOT CONSTITUTE A CONFLICT OF INTEREST AS SET FORTH IN THE NEW YORK CITY CHARTER.
2. I WILL NOT BEGIN THE PROJECT UNTIL I RECEIVE WRITTEN AUTHORIZATION FROM THE ROC/DISTRICT/FMC BUSINESS OFFICE.
3. I am an independent contractor and nothing herein shall be deemed to confer upon me, nor shall any of my duties hereunder be construed to Mean that I am an employee of the New York City Department of Education.
4. I understand that the consulting relationship is for a legitimate Department of Education purpose; that the consulting contract is not offered as a reward to me as a former employee or to remunerate me at a higher salary level or to avoid budget limitations; and, that the consulting relationship will not create an actual or potential conflict of interest.
5. If this consultancy is approved by the Division of Human Resources and funds are encumbered by the Division of Financial Operations I agree to provide the above mentioned services as described in Section C. I also agree to be bound by the terms and conditions for the period of engagement.
6. I will not engage in any business transaction or private employment, or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of my duties as a consultant.
7. I will not use or attempt to use my position as a consultant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for myself or for any person or firm\* associated with me.

\*A person or firm "associated" with a consultant includes a spouse, child, parent, or sibling; a person with whom the consultant has a business or other financial relationship; and, each firm in which the consultant has a present or potential interest. However, the consultant is not prohibited from stating the nature and existence of the consulting relationship with the Department of Education in the normal pursuit of his or her business.

- 8. I will not use, publish or distribute for private purposes the work product derived from the consulting relationship with the Department of Education without the written consent of the Chancellor or the Chancellor's designee.

**SIDE 2 (Consultant Certification Continued)**

- 9. I will not disclose any confidential information concerning the property or affairs of the Department of Education that is obtained as a result of the consulting relationship with the Department of Education and that is not otherwise available to the public, or use any such information to advance any direct or indirect financial or other private interest for myself or of any other person or firm associated with me. This does not prohibit the me from disclosing any information concerning conduct that I know or reasonably believe to involve waste, inefficiency, corruption, criminal activity or conflict of interest.
- 10. I will not use the equipment, supplies or personnel resources of the Department of Education to further business that is not within the scope of the my duties for the Department of Education.
- 11. I will not accept any gift from a person or firm engaged in business dealings with the Department of Education, except those gifts that are customary on family or social occasions.

**SUBMISSION OF FALSE DOCUMENTATION OR A FALSE STATEMENT WILLINGLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS FORM MAY RESULT IN THE CANCELLATION OF YOUR CONSULTANT SERVICES AND MAY SUBJECT YOU TO CRIMINAL CHARGES.**

I, \_\_\_\_\_, being duly sworn, state that I have read and understand all the items contained in this form, the attached resume and attached sheet(s) (if applicable); that I have supplied full and complete information in answer to each item herein to the best of my knowledge, information and belief; and that all the information supplied by me is true.

<b>SUBSCRIBED AND SWORN TO BEFORE ME THIS</b>
_____ DAY OF _____ 20_____
_____ SIGNATURE OF NOTARY PUBLIC (PLACE STAMP OR SEAL HERE)

\_\_\_\_\_  
SIGNATURE OF CONSULTANT

**SECTION C: TO BE COMPLETED BY SUPERINTENDENT/ROC DIRECTOR/EXECUTIVE DIRECTOR**

**ROC/District/Financial Management Center (FMC) Contact Person:**

District/FMC	Name and Title	Phone	Fax
Address	Borough	Zip Code	

**Type of Consultant (check one):**

- Educational  Evaluation  Artistic  Legal or Medical  Arbitrator, Hearing Officer or Expert Witness

- 1. Specific project(s) to be completed by this consultant (including objectives, and activities). Include title of project. Attach additional sheets if necessary.
- 2. Describe precisely the deliverables, the finished product(s) and/or desired outcome(s) (report, manual, film, etc.) to be produced by the consultant. Attach additional sheets if necessary.
- 3. Specify the phase(s) and expected date(s) of each deliverable from the consultant. Attach additional sheets if necessary.
- 4. Agreed upon fee for the entire project: \$ \_\_\_\_\_ Requested Start Date: \_\_\_\_\_ Requested End date: \_\_\_\_\_  
 Expected number of days to complete project: \_\_\_\_\_ Per diem rate \$ \_\_\_\_\_ or if applicable hourly rate: \$ \_\_\_\_\_  
 Project shall not be for more than one (1) year. **Consultant providing services for more than 10 days in a school year or having direct contact with children must receive fingerprint clearance.** Either the consultant or the Department of Education may terminate this consultant agreement by giving prior written notice to the other party. The Department of Education shall only pay the consultant fee for services satisfactorily rendered and shall not be obligated to pay any fee beyond the effective date of termination. The consultant shall be responsible for the entire cost of providing the services, products and deliverables as indicated above including the costs of materials and supplies.
- 5. Any materials provided to the consultant must be used exclusively to complete the project. Such materials shall be returned to the Department of Education upon the completion of the project. The consultant shall be responsible for all other supplies, assistance, cost of travel, meals, etc. necessary for the performance of the service herein.
- 6. Consultants may work on Department of Education premises to the extent necessary for their services. Where it is necessary for a consultant to be on the Department of Education's premises, such services may be limited to the hours of operation of the building.
- 7.  Yes  No Has this consultant previously provided similar services for you? If yes, provide explanation for renewal in the space provided below.

**ALL QUESTIONS PERTAINING TO THE UTILIZATION OF CONSULTANTS MUST BE ADDRESSED TO THE CONSULTANT MONITORING UNIT OF THE DIVISION OF HUMAN RESOURCES (TELEPHONE # 718-935-5622).**

**ROC/District/FMC Certification**

9. I certify that I have verified the educational background and employment experience of this consultant and that fees to this consultant will be solely utilized for the project(s), product(s) or finished outcome(s) indicated above. A copy of this form is on file. I further certify that I have read and understand the Standard Operating Procedures Manual (SOPM) on the Utilization of Consultants, and pursuant to IRS guidelines, the consultant has met the requirements of a consultant and is not an employee of the Department of Education.

\_\_\_\_\_  
Signature of Superintendent/ROC Director/Executive Director

\_\_\_\_\_  
Date

**SECTION D: DIVISION OF HUMAN RESOURCES APPROVAL**

Qualified  Unqualified Consultant Approval #: \_\_\_\_\_ Consultant Unit Approval Signature \_\_\_\_\_ (Print Name of Approving Official)

Dates of Authorized Service: From: \_\_\_\_\_ to \_\_\_\_\_ Approved Rate: \$ \_\_\_\_\_ Approval Date: \_\_\_\_\_  
M M D D Y Y M M D D Y Y (Indicate daily or hourly rate)



**New York City  
Department of Education**

**CONSULTANT  
APPROVAL FORM**

1. CONSULTANT APPROVAL NO.

2. TYPE OF CONSULTANT (Check Box)				LEGAL		3. PROGRAM NAME				
EDUCATIONAL				EVALUATION		ARTISTIC				
				MEDICAL						
4a. CONSULTANT'S NAME					5. ROC/DISTRICT/FINANCIAL MANAGEMENT CENTER (FMC)					
4b.										
4c. MAILING ADDRESS			Street		ADDRESS			Street		
4d. City			State		City			State		
			Zip					Zip		
6. SOCIAL SECURITY NUMBER				7. DATES OF AUTHORIZATION SERVICES:						
				FROM		TO		20_____		
8. APPROVED RATE PER			DAY		\$ _____		9. NUMBER OF		DAYS _____	
			HOURS		\$ _____		HOURS _____		10. APPROVAL DATE	
							MM		DD	
							YY			

FINANCIAL ACCOUNTING DATA				11. Fiscal year	12. VENDOR NUMBER			13. REPORTING CATEGORY			14. NO. OF LINES
ENCUMBRANCE DOCUMENT NUMBER											<b>1</b>
15. SFX	16. TRANS CODE	17. DIST	18. QUICK CODE	19. OBJECT	20. BUDGET	21. GRANT		22. LOCATION	23. AMOUNT		
<b>1</b>											

**24. APPROVAL AND CERTIFICATION BY ROC/DISTRICT OFFICE OF FMC**

I approve the above named consultant at the rate indicated above. The person I have selected to be in charge of the program/project has the responsibility of reviewing the consultant's progress, including the timeliness of deliverables, goods and services.

I certify that sufficient funds are available and have been encumbered to the codes above. The expenditure is necessary to conduct the educational or administrative program/project. I further certify that an original copy of the DHR 190 approved by DHR is on file at the ROC/District office or FMC.

\_\_\_\_\_  
Superintendent, ROC Director or Executive Director

\_\_\_\_\_  
Approval Date

25. REMARKS

26. PAYMENT RECORD	VOUCHER DATE	BY	AMOUNT OF PAYMENT	OPEN BALANCE	VOUCHER #	BY	AMOUNT OF PAYMENT	OPEN BALANCE
VOUCHER #								



## CONSULTANT INVOICE

New York City  
Department Of Education

1. CONSULTANT'S NAME				
2. MAILING ADDRESS			3. SOCIAL SECURITY NUMBER	
Street				
City			4. CONSULTANT APPROVAL NUMBER	
State				
Zip				
A. DETAILED DESCRIPTION OF NATURE OF GOODS AND SERVICES RENDERED	B. DATE OF DELIVERY	C. NUMBER OF DAYS OR HOURS SERVED	D. AGREED UPON RATE	E. TOTAL AMOUNT
		HOURS _____ DAYS _____		
		HOURS _____ DAYS _____		
		HOURS _____ DAYS _____		
		HOURS _____ DAYS _____		
		HOURS _____ DAYS _____		
		HOURS _____ DAYS _____		
		HOURS _____ DAYS _____		
		HOURS _____ DAYS _____		
		HOURS _____ DAYS _____		
		HOURS _____ DAYS _____		

**TOTAL AMOUNT DUE**

	\$
--	----

5. I certify that in accordance with the agreement. I have preformed the services as indicated and I have accurately reported the Number of days/hours served.

\_\_\_\_\_  
Signature of Consultant

\_\_\_\_\_  
Date

6. I certify that the service reported on this form has been performed and delivered as stated by the consultant and the rate of pay is in accordance with the rules and regulations of the Department of Education.

\_\_\_\_\_  
Signature of principle or project coordinator

\_\_\_\_\_  
Date

7. I certify that the service reported on this form has been performed and delivered as stated by the consultant and the rate of pay is in accordance with the rules and regulations of the Department of Education.

\_\_\_\_\_  
ROC/District Office/Accounts Payable Examiner

\_\_\_\_\_  
Date

# EXHIBIT D



## New York City Department of Education

### Consultant Change Notice

1. DOCUMENT NUMBER

2. PROGRAM NAME

3. TYPE OF CONSULTANT (Check Box)				LEGAL	4. PROGRAM NAME				
EDUCATIONAL				EVALUATION	ARTISTIC				
MEDICAL									
3a. CONSULTANT'S NAME				5. ROC/DISTRICT/FINANCIAL MANAGEMENT CENTER (FMC)					
3b.									
3c. MAILING ADDRESS				Street		ADDRESS		Street	
3d. City		State		Zip		City		State	
6. SOCIAL SECURITY		7. APPROVAL DATE		MM	DD	YY	<b>FAMIS</b>		

**CHANGE TO:**

<b>FROM ORIGINAL APPROVAL FORM:</b>		9. RATE OF PAY PER	10. NO. OF DAYS/HOURS	11. TOTAL AMOUNT										
8. PERIOD OF AUTHORIZED SERVICE														
FROM	TO	20	DAY	HOUR										

**CHARGE TO:**

12. PERIOD OF AUTHORIZED SERVICE	13. RATE OF PAY PER	14. NO. OF DAYS/HOURS	15. TOTAL AMOUNT											
FROM	TO	20	DAY	HOUR										

<b>FINANCIAL ACCOUNTING</b>	16. FISCAL YEAR	17. LOCATION	18. REPORTING CATEGORY	19. NO. OF LINES
<b>DOCUMENT NUMBER</b>				
				<b>1</b>

20. SFX	21. TRANS CODE	22. DOCUMENT REFERENCE		23. DIST.	24. QUICK CODE	25. OBJECT	26. NET CHANGE	27. CHECK ONE	
		Original Consultant	SFX					INC	DEC
<b>1</b>		Approval Number							

28. **CERTIFICATION OF ROC/DISTRICT/FMC**  
 I certify that sufficient funds are available and have been encumbered to the codes above. The expenditure is necessary to conduct the Educational or administrative project.

REASON FOR CHANGE:

\_\_\_\_\_  
 Superintendent, ROC Director or Executive Director

\_\_\_\_\_  
 Approval Date

29. NOTE: PERSONNEL APPROVAL IS REQUIRED FOR ALL CHANGES TO ORIGINAL ENCUMBERED AMOUNT.

Approval is hereby granted for the above named consultant at the rate indicated above. The person is charge of the program is Responsible for reviewing consultant progress including the timeliness of deliverables, goods and services.

THIS APPROVAL IS CONDITIONED UPON THE AVAILABILITY OF SUFFICIENT FUNDS IN THE BUDGET FOR THE PROJECT AND EXPIRES WITH THE EXPIRATION OF SUCH BUDGET.

**REMARKS:**

\_\_\_\_\_  
 Executive Director of The Division of Human Resources

\_\_\_\_\_  
 Approval Date

**DISTRIBUTION**

- Business Office
- Principle or Project Coordinator
- Consultant Monitoring Unit
- Roc/District or Approving Office
- Division of Human Resources



**New York City Department of Education**  
**Division of Human Resources**  
**Office of Personnel Investigation**  
**65 Court Street – Room 409**  
**Brooklyn, New York 11201**

**EXHIBIT E**

*Part 1*  
 (Page 1 of 2 Pages)

**REQUEST FOR CONDITIONAL FINGERPRINT CLEARANCE**

**Instructions:** This form is for use in connection with the procurement of pedagogical consultants (Educational, Artistic, Evaluation, Legal and Medical). Part 1 is to be completed and signed by the Consultant Monitoring Unit of the Division of Human Resources. Part 2 (Affidavit) is to be completed in full by the consultant nominee before a notary public.

When completed, this form should be delivered to the attention of the Director, Office of Personnel Investigation at the above address. Any incomplete application will be returned to the applicant.

**FOR OFFICE USE ONLY**

**Certification by the Division of Human Resources**

I approve the processing of the within named consultant nominee in the title of:

\_\_\_\_\_

The Consultant Approval Form (Form DHR/DFO 9950) has been approved by the Consultant Monitoring Unit.

\_\_\_\_\_

**DHR Approving Officer** **Date**

# EXHIBIT E

Part 2 - Affidavit  
(Page 2 of 2 Pages)

STATE OF NEW YORK )  
COUNTY OF ) SS:

\_\_\_\_\_, being duly sworn, deposes and says  
(Print Full Name)

1. I now reside at: \_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City State Zip Code Telephone No.

2. My Social Security Number is: \_\_\_\_\_

My Date of Birth is: \_\_\_\_\_  
Month Day Year

3. I have applied for consultant service with the New York City Department of Education and my fingerprints were taken by the Department on: \_\_\_\_\_  
Date

4. I understand that the Department will conduct an investigation to determine whether I have any criminal record and will evaluate that record. I make this affidavit in consideration of my consultant service in the interim between the execution of this affidavit and the completion of the Department's investigation and evaluation.

5. I understand that if I have been convicted of a criminal offense or if any criminal charges are pending against me, my consultant service with the Department may be terminated until the investigation and evaluation have been completed and a determination has been made that my criminal record does not disqualify me from the consultant service I am seeking with the Department of Education.

6. I have not been convicted of any criminal offense.

7. There are no criminal actions pending against me.

8. I answered "NO" to Question 5 in my Consultant Nomination Form (DHR 190) with regards to ever being convicted of a criminal offense.

9. I understand that any omission and/or misstatement of material facts may result in termination of my consultant services and will be incorporated into my record for review in connection with any future application.

**KNOWINGLY MAKING AN APPARENTLY SWORN FALSE STATEMENT IS A PUNISHABLE OFFENSE UNDER THE PENAL LAW OF NEW YORK STATE.**

\_\_\_\_\_  
Affiant (Sign Name in Full)

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
\_\_\_\_\_  
Signature of Notary Public

**FOR OFFICE USE ONLY**  
**Approved:** \_\_\_\_\_  
Director, OPI Date  
**Data Input:** \_\_\_\_\_  
Operator Date