

April 10, 2023

To: All Faculty and Staff

From: Rawle M. Howard 
AVP & Chief Procurement Officer

Subject: Use of Consulting Services

The Office of Procurement & Contracting (“OPC”) has received numerous requests to procure Consulting Services. However, many requests are denied because specific requirements have not been met. This memo is an official notice informing the Howard Community what constitutes “Consulting Services.”

Consulting Services are those services delivered by an independent contractor (individual entity or firm) who is not on Howard University’s (“HU”) payroll and who offers its services to the public. Consulting Services refer to helping HU improve performance by analyzing existing problems and developing plans. Consulting Services may involve identifying and cross-fertilizing best practices, analytical techniques, change management and coaching skills, technology implementations, strategy development, or operational improvement. Consulting Services do not include routine service/activity necessary to functioning HU’s programs, such as hiring additional people on contract to supplement present staff.

More importantly, when engaging individuals as consultants/independent contractors, the designation of independent contractor status is governed by the Internal Revenue Service (IRS) tax code and common law. Significant tax penalties exist for incorrectly classifying an employee as an independent contractor. In addition, contracting with consultants and independent contractors may expose the University to significant risk. Therefore, it is imperative that common standards are applied in classification and contracting and that each case is fully documented and auditable.

Consequently, consultants must be selected based on demonstrated competence, qualifications, experience, and reasonableness of proposed fees. OPC will seek the guidance of the Office of Human Resources and the Office of the General Counsel when considering requests for Consulting Services



and shall procure Consulting Services only after the following has been determined:

- employees of the University cannot reasonably accomplish the tasks for which the consultant is retained;
- the use of a consultant is reasonably necessary to the proper operation of the University;
- the estimated cost is reasonable as compared with the likely benefits or results;
- the funds are available for the contract;
- the contract is in the best interest of the University

Please be reminded that all purchases of Consulting Services require a requisition to be completed and approved by the appropriate Department Head/Manager and submitted to OPC to create a PO. This will maintain the controls and reporting procedures necessary to facilitate a successful requisition to payment cycle. According to the General Procurement Policy 200-003, Section VII, Sanctions (A), employees shall be personally liable to vendors for Consulting Services' value without authorization. Furthermore, violation of this policy may result in disciplinary actions as allowed by Human Resources policies and procedures, including but not limited to negative evaluation in annual performance appraisals or termination.

The Office of Procurement & Contracting asks that you continue to support our efforts as we all attempt to exercise our fiduciary responsibility to Howard University. Thanks in advance for your cooperation.

cc Stephen Graham, Sr. VP & CFO
Warren Petty, CHRO
Florence Prioleau, CLO
Rob Clark, CCO
Bruce Jones, VP OoR

