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## HIRING CONSULTANTS POLICY

# Hiring Consultants Policy

### Procedure Sections

**Last Revised:** June 2014

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### Reason for Procedure

This procedure outlines the policies for hiring consultants when needed for advising the Center on financial, grant, legal or other professional matters.

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### Who Should Know This Procedure

- Principal Investigators
- Administrative Staff
- Winter Conference/Summer Workshop Organizers
- Proposal Committee
- Officers
- Trustees
- General Members
- Other: \_\_\_\_\_

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### Contacts

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<b>Subject</b>	<b>Contact</b>
Hiring Consultants Questions	Administrative Vice President President

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## Applicable ACP Policies

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- Conflict of Interest
  - Procurement Standards
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## Hiring Consultants Policy at ACP

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When the Aspen Center for Physics requires professional assistance it is within the purview of the Board of Trustees at their discretion or at the request of the Administrative Vice President to hire consultants for a variety of needs that are unmet by staff. Outside consultants are an essential factor in an institution with a very limited staff so that professional expertise can be hired on a very temporary, short-term basis rather than adding a staff member.

When hiring consultants, the Administrative Vice President or Officers of the Corporation will adhere to Procurement Standards set forth in this document.

Employees of the Federal government (other than those working for the ACP's cognizant agency) may be utilized as lecturers or staff members on a project and may receive compensation and/or expenses if they obtain prior approval from their agencies to participate, and if services to the project are performed outside their regular working hours or while they are on leave status from official duties. Under no circumstances may employees of agencies that give sponsored support to the Aspen Center for Physics receive compensation from a project supported by their agency.

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## Roles & Responsibilities

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**Designated Officers:** Responsible for soliciting bids and interviewing and hiring potential consultants that are outside of the purview of the Administrative Staff.

**Administrative Staff:** Responsible for soliciting bids and interviewing and hiring potential consultants that are outside of the purview of the Board of Trustees.

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## Appendix: Applicable Federal Regulations & Criteria

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ACP policies regarding hiring consultants adhere to the guidelines in the NSF's AAG manual, Chapter V.B.6 as noted below:

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## 6. Consultant Services

### a. Outside Consultants

(i) Grantees normally are expected to utilize the services of their own officers or employees to the maximum extent in managing and performing the activities supported by NSF grants. Where it is necessary for a grantee to enter into a consulting agreement for the services of persons who are not its officers or employees, it is expected to do so in accordance with written organizational standards which provide for consideration of the factors outlined in the governing cost principles.

(ii) Costs of professional and consultant services are allowable when reasonable in relation to the services rendered. Payment for consultant services should be comparable to the normal or customary fees charged and received by the consultant for comparable services.

(iii) In determining the allowability of costs in a particular case, no single factor or any special combination of factors is necessarily determinative. However, the following factors, among others, are relevant:

(a) the nature and scope of the service rendered in relation to the service required;

(b) the necessity of issuing a consulting agreement for the service considering the organization's capability in the particular area;

(c) the past pattern of such costs, particularly in the years prior to the award of government contracts and grants;

(d) the impact of government contracts and grants on the organization's total activity (e.g., what new problems have arisen);

(e) whether the proportion of government work to the organization's total activity is such as to influence the organization in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under government contracts and grants;

(f) whether the service can be performed more economically by employment rather than by consulting;

(g) the qualifications of the individual or concern rendering the service and the normal/customary fees charged and received by the individual for comparable services, especially on non-government contracts and grants; and

(h) adequacy of the contractual agreement for the service (e.g., description of the service, estimate of time required, rate of compensation and termination provisions).

(iv) In addition, retainer fees to be allowable must be supported by evidence of bona fide services available or rendered.

(v) Costs of legal, accounting and consulting services and related costs incurred in connection with organization and reorganization, defense of antitrust suits and the prosecution of claims against the government are unallowable. Costs of legal, accounting and consulting services and related costs incurred in connection with patent infringement litigation are unallowable unless specifically provided for in the award letter or by advance understanding.

(vi) Grantees may hire consultants not identified in the grant proposal or award, provided:

(a) it is in accordance with written organizational standards;

(b) grant funds are reallocated in accordance with the grantee's policies which are consistent with the governing cost principles; and

(c) it is within the limits of the grant funding.

