

**Sec. 5.11.1. APPLICABILITY OF PROCUREMENT LAWS.**

This policy pertains solely to the purchase of professional services. The purchase of other services shall be addressed in the manner prescribed under PG-5.10.

*(a) Professional Services Defined.*

“Professional services” means services:

Within the scope of the practice, as defined by state law, of:

- (1) Accounting;
- (2) Architecture;
- (3) Landscape architecture;
- (4) Land surveying;
- (5) Medicine;
- (6) Optometry;
- (7) Professional engineering;
- (8) Real estate appraising; or
- (9) Professional nursing; or

Provided in connection with the professional employment or practice of a person who is licensed or registered as:

- (1) A certified public accountant;
- (2) An architect;
- (3) A landscape architect;
- (4) A land surveyor;
- (5) A physician, including a surgeon;
- (6) An optometrist;
- (7) A professional engineer;
- (8) A state certified or state licensed real estate appraiser; or
- (9) A registered nurse; or

Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Chapter 1053, Occupations Code.

*(b) Other Services Defined.*

“Other services” or simply “services” means any service not specifically identified as a professional service.

**Sec. 5.11.2. ADOPTION BY REFERENCE.**

In procuring professional services, the Superintendent shall generally adhere to Policy PG-5.10 unless a specific provision to the contrary is adopted in this Policy.

**Sec. 5.11.3. SELECTION OF PROVIDER.**

The Board and Superintendent may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award:

1. On the basis of demonstrated competence and qualifications to perform the services; and
2. For a fair and reasonable price.

**Sec. 5.11.4. LIMITATION ON FEES.**

A provider may not charge a fee for professional services that exceeds any maximum provided by law.

**Sec. 5.11.5. MONITORING OF PROVIDER PERFORMANCE.**

The Superintendent or designee shall monitor the services and work of all professional services providers. In developing a system for monitoring the provider performance, the Superintendent shall consider the inclusion of deliverables and other measurable outcomes that demonstrate the delivery of the professional services procured from the provider and that enable the Superintendent or designee to evaluate the quality of the professional services rendered and satisfactory performance of the provider.

**Sec. 5.11.6. ADMINISTRATIVE PROCEDURES.**

The Superintendent shall prepare administrative procedures as required to implement this policy.