**CONSULTANT CONTRACT FINDING OF FACT REQUEST**

Name of State Agency:

Description of proposed consulting contract:

Not to exceed contract amount:

Proposed contract term:

Is the proposed contract a "major consulting services contract" within the meaning of Section 2254.021(2)?

\_\_\_\_\_\_\_\_\_\_YES \_\_\_\_\_\_\_\_\_\_NO

If the proposed contract involves both consulting services and other services, the primary objective of the proposed consulting contract must be to acquire consulting services.

Does the proposed consulting services contract involve other services?

\_\_\_\_\_\_\_\_\_\_YES \_\_\_\_\_\_\_\_\_\_NO

If YES, include a description of those other services and the percentage of those services compared to the consulting services.

Is the proposed contract a renewal, amendment, or extension of an existing consulting contract? If so, what are the terms of the renewal or amendment?

Is this a request for an "emergency waiver" from the provisions of the subchapter?

\_\_\_\_\_\_\_\_\_\_YES \_\_\_\_\_\_\_\_\_\_NO

If YES, describe the "unforeseen emergency" supporting the emergency waiver.

Is it feasible for the services described in the contract proposal to be provided internally or through an interagency contract?

\_\_\_\_\_\_\_\_\_\_YES \_\_\_\_\_\_\_\_\_\_NO

If NO, please explain why it is necessary to acquire the services described in the contract proposal from a “consultant” as defined by Section 2254.021(3) and describe the process by which you made this determination.

**The following affirmation must be signed by the Executive Head of the State Agency:**

On behalf of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, [agency], I affirm the following:

1. The proposed consulting services are services for the studying or advising our state agency under a contract that does not involve the traditional relationship of employer and employee.
2. Our state agency will comply with all of the requirements of Texas Government Code, Chapter 2254, Subchapter B, including but not limited to Sections 2254.023 and 2254.027.
3. Consistent with Texas Government Code, Section 2254.026, our state agency requires the consulting services because we have a substantial need for the consulting services and we cannot adequately perform the services with our own personnel or obtain the consulting services through a contract with a state governmental entity.
4. Consistent with Texas Government Code, Section 2254.027, our state agency shall (1) base its choice on demonstrated competence, knowledge, and qualifications and on the reasonableness of the proposed fee for the services; and (2) if other considerations are equal, give preference to a consultant whose principal place of business is in the state or who will manage the consulting contract wholly from an office in the state.
5. Consistent with Texas Government Code, Section 2254.032 and 2254.033, our state agency shall comply with the applicable conflicts of interests provisions.
6. Consistent with Texas Government Code, Section 2254.035, the proposed consulting contract has not been divided into more than one contract to avoid the requirements of law.
7. Consistent with Texas Government Code Section 2254.038, to the extent “other services” are included in the proposal, the primary objective of the proposal is the acquisition of consulting services.
8. Consistent with Texas Government Codes, Section 2254.041, our state agency shall include the distribution of consultant reports provisions in any resulting consulting contract.
9. Our state agency shall comply with all applicable state procurement laws regarding the proposed consulting services contract.

Signature of Executive Head of State Agency:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact Information - Name and contact information for state agency person regarding this request for a finding of fact:

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