

 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE <p>Training Consultants</p>		NO. 2403
			DATE 09/24/2021
SUPERSEDES DIR #2403 Dtd. 07/09/19	DISTRIBUTION A	PAGES PAGE 1 OF 2	DATE LAST REVISED
REFERENCES (Include but are not limited to) ACA Expected Practices 5-ACI-1D-07, 1-ABC-1D-04, 2-CO-1D-04; Directive # 2916	APPROVING AUTHORITY 		

- I. **FORMAL REQUEST:** A request to pay for an outside consultant as a training resource must be approved by the Director of the Training Academy. The proposal must contain a summary of the training program, its purpose, a justification for a consultant, and complete cost details.
- II. **GUIDELINES IN PREPARING A CONTRACT REQUEST:** Once the proposal is approved by the Director of the Training Academy, the requestor should submit the proposal containing the following information to the Office of Counsel and the Contract Management Unit whenever a consultant services contract is requested:
 - A. The name and address of the individual or instructors providing the service
 1. For all non-State agencies include a Corporate Acknowledgment.
 2. For non-corporations include an Individual Acknowledgment.
 - B. A contract outline with a brief description of how the cost was derived and determined to be reasonable, statement of justification for choice of vendor, method of payment, funding source, and benefit to the Department.
 - C. A statement indicating the contract period and the provision for renewal.
 - D. Any costs, outside of the contract, to the Department for supplying classroom space, audio-visual equipment, materials, or special conditions.
 - E. A statement must exist in the contract language which specifies that the Department will retain a copyright on materials that it has purchased.
- III. **GUIDELINES FOR PREPARING A MEMORANDUM OF UNDERSTANDING (SHORT FORM) FOR ALL AGREEMENTS UNDER \$10,000*:** This form may be obtained from the Budget and Finance Unit and may be used for courses and workshops, not to exceed \$10,000 during a given fiscal year.
 - A. The following must be included on this form:
 1. The name and address of the individual or institution providing the service.
 2. A Corporate or Individual Acknowledgment.
 3. The course title, dates of course offering, and location.
 4. The signature of the representing authority.
 - B. Additional required information is contained on the form itself.

* The training consultant procurements are likely to be fairly small dollar amounts, not competitively bid out, and for services delivered within a short period of time. This type of procurement might be better processed with a purchase order. In that case, Directive #2916, "Purchasing Supplies and Equipment," should be referenced. The directive also applies to purchase of services, subject to limitations.

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- IV. FEE:** The fee paid to an individual consultant will be governed by a standard State rate, which is determined by the hourly rate paid to instructors by other agencies, colleges, and universities within the region.
- A. Daily rates will be based upon a standard eight-hour teaching day. Development time, site visits, meetings for interviews, etc., will be at 50% of the teaching rate.
 - B. Fees in excess of standard rates may be paid only with special justification, based on the individual's experience, national reputation, or past evaluations, and a statement that no other consultant was available to perform these services.
 - C. Payment for services will be processed on a standard State Voucher (AC-92) and will require the following attachments:
 - 1. Course description and daily outline, with time schedule.
 - 2. Approval from the Director of the Training Academy.
 - 3. The class roster.
 - 4. A resume.
 - 5. An agreement form.
 - D. Department employees are not eligible to be paid as training consultants for internal services.
- V. STATE EMPLOYEES:** State employees cannot be paid on a contract. A dual employment certificate is required for employees on other State agency payrolls, as well as an extra service item from which the employee will be paid. The Central Office Budget and Finance Office must be contacted to ensure an item is available prior to any commitment in order to make payment.