



PURCHASING OPERATING PROCEDURES

SECTION V- G - Independent Contractor Agreements

TITLE: Denver Public Schools Agreement for Independent Contractor Services

1. Purpose: These procedures outline the necessary requirements and steps in contracting for the services of an independent contractor, person, firm, consultant and/or entity to meet certain criteria outlined in state and federal regulations.

2. Definition: When it is necessary for sites to contract with persons, firms, consultants and/or entities to provide educational services relating to and/or working directly with the students of the District, they may do so on an Agreement for Independent Contractor Services, provided the person, firm, consultant and/or entity meet certain criteria outlined in state and federal regulations.

Because of legal requirements, individuals and entities that provide services/programs must complete in full an Independent Contractor Agreement, submitted to the District's Purchasing Department, and approved and executed by the Board of Education's duly authorized designee prior to the commencement of the Contractor's provision of services.

Forms can be viewed and printed from the Purchasing website.

<http://purchasing.dpsk12.org>

3. Policy: The Contractor shall provide the services consistent with generally accepted industry standards for the Contractor's customary services. On the effective date of the Agreement, and during the term of the Agreement, the Contractor will be fully qualified and will have all licenses, permits, certificates, registrations, and approvals needed to perform its obligations under the Agreement.

Failure to correctly identify a person as an employee rather than an independent contractor puts the District at risk of incurring fines and penalties for failure to pay the appropriate taxes. To assist in determining whether an individual can be hired as an independent contractor, a questionnaire is available for the contractor to complete, based on requirements outlined in the Colorado Employment Security Act, the Internal Revenue Service Ruling 87-41 and the Fair Labor Standards Act. As such, sites may want to complete the "Independent Contractor vs. Temporary Questionnaire", which is available on the Purchasing Department web site to determine the appropriate method for hiring them.

Per Board of Education policy # GCQE, C.2 – "No independent contractor agreement shall be entered into by the District which exceeds one year".

In addition, Board Policy GBEA, Staff Ethics/Conflict of Interest, states that, "No employee shall be a contractor or subcontractor with the school system other than within the terms of his appointment or contract of employment, or have a material financial interest in any contract or subcontract with the school system." As such, Denver Public Schools' employees cannot be hired as independent contractors.

Conflict of interest (Board Policy GBEA) - The Contractor shall not be related to any DPS employee nor shall any DPS employee have a funded interest with the Contractor pursuant to DPS Board Policy (GBEA)

