



Policy Type: Board

Category: Procurement

Policy Name: Contracting with Individuals - Board Policy 5.13

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5.13 CONTRACTING WITH INDIVIDUALS (Amended 5-19-15)

5.13.1 Overview

This section addresses contracting with individuals who will assume a defined set of responsibilities and/or perform services for the County.

5.13.2 Policy

It is the policy of the Board that the County contract with individuals to assume certain responsibilities and/or perform services when such contracts will result in the best outcome for the County.

5.13.3 Background

Under certain circumstances, the County may determine that it is in its best interest to contract with an individual. Individuals may enter into contracts with the County as a contract employee or as an independent contractor. Individuals under contract may work on a part- time or full-time equivalent basis.

5.13.4 Purpose

The purpose of Section 5.13 is to establish a policy that describes when the County may contract with individuals.



For purposes of this section, this policy does not apply to individuals who are employees of a corporation or firm that has a contract with the County.

5.13.5 Application of Policy

5.13.5.1 Contract Employee vs. Independent Contractor

A determination must be made whether an individual retained pursuant to contract is a contract employee or an independent contractor. Agencies/Departments should contact OBA or County Counsel for advice in making this determination.

5.13.5.2 Solicitation/Approval Process

Unless an exception or exemption applies, Agencies/Departments are required to engage in competitive procurement to hire an individual pursuant to contract. If an Agency/ Department believes that an exemption or exception applies, the Agency/Department must comply with the policy set forth in Section 5.6.5.1(D) above.

Generally, the Board will only approve an Agency/Department's use of contracts for individuals when such use is needed to provide specialized skills, address emergency situations or provide assistance to meet an unusual or temporary operational requirement.

Agencies/Departments are prohibited from hiring individuals pursuant to a contract if the intent is to circumvent the position control process that is administered through the adoption of and amendments to the annual budget, or if the action is in conflict with the County's classified service and collective bargaining agreements/processes.

5.13.6 Applicable Legal Authority



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The applicable legal authority for this Section includes, but is not limited to the following:

County Charter Article VII, Section 701

Related Policies

None.

Related Forms and Information

- Memorandum re: Phased Elimination of Dependent Contractors - [\[url\]/sites/policies/FormsrelatedtoPolicies/Memo-Phased-Elimination-of-Dependent-Contractors.pdf](#)

History

Date	Changes Made
11/17/2015	Policy Amended. View legislative file.
05/19/2015	Policy Amended. View legislative file.
3/19/2014	Policy Uploaded. (Kyle Larson)