



September 2023

## Government Procurement Services

This newsletter provides information to government purchasing and contracting professionals regarding public procurement topics.

### UPCOMING CLASSES:

[Ethics & Fraud in Contracting](#)

[September 19, 2023](#)

Virtual

[Procurement Management Academy](#)

[October 11-12, 2023](#)

Arlington, TX (NCTCOG)

[Contract Administration](#)

[October 18, 2023](#)

Virtual

[Purchasing 101 for Everyone](#)

[October 24, 2023](#)

Arlington, TX (NCTCOG)



[More Info](#)

Professional Services

Training Schedule



What is a professional service? Many vendors say they offer "professional services," but do they meet the definition of professional services under [Texas Government Code](#)

[§2254](#)? Let's take a look at what the statute says:

Professional services are limited to services provided within the scope of practice of the following professions:

- **Accounting**
- **Architecture**
- **Landscape Architecture**
- **Land Surveying**
- **Medicine**
- **Optometry**
- **Professional Engineering**
- **Real Estate Appraising**
- **Professional Nursing**
- **Forensic Science**
- **Interior Design** (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.)

A government entity may **not** select the provider of professional services based on competitive bids. Yes, you heard that correctly. Professional services are selected based on 1) demonstrated competence and qualifications to perform the services and 2) providing a fair and reasonable price.



**Workshop Prices**  
**\$325.00 (Virtual)\***  
**\$375.00 (In-Person)\*\***

**Group Discounts Available**

**CONTRACT ADMINISTRATION**  
**October 18, 2023\***

**ETHICS AND FRAUD IN CONTRACTING**  
**September 19, 2023\***

**FUNDAMENTALS OF PUBLIC PURCHASING**  
**November 1-2, 2023\*\***

**NEGOTIATION SKILLS**  
**November 15, 2023\***

**PROCUREMENT MANAGEMENT ACADEMY**  
**October 11-12, 2023\*\***  
**December 5, 2023\***

**PURCHASING 101 FOR EVERYONE**  
**October 24, 2023\*\***

Generally, professional services are solicited through a Request for Qualifications (RFQ), wherein the respondents provide only their qualifications. Once the government entity determines the most qualified respondent, pricing is requested from that respondent. The award is made to the most qualified respondent who provides a fair and reasonable price. If the parties cannot agree on a fair and reasonable price, the government entity may choose to obtain pricing from the next most qualified respondent.

Purchasing professionals should understand the difference between professional services described in Texas Government Code and regular services such as janitorial, landscaping, security guards, etc., as the procurement process is significantly different.

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## QUESTION OF THE MONTH

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### Question:

"Our entity wants to hire a person to teach a class on Project Management for our Project Managers. The person recommended by the Training Department is an engineer, so the Training Department recommends hiring the person under the Professional Services Act. Do you agree this is the appropriate way to contract with this person?"



### Answer:

**November 8, 2023\***

**SPECIFICATION  
WRITING**

**December 7, 2023\***

**WRITING  
STATEMENTS OF  
WORK**

**November 14, 2023\*\***

**December 12, 2023\***

Based on the information provided, I would say "no." The Professional Services Act allows for the services offered within the scope of work of their profession. Project management classes may be taught by other qualified instructors who are not engineers. While being an engineer may be helpful, teaching project management classes is not considered engineering work. Therefore, it would be considered a regular service and should follow the standard procurement rules for goods and services.

However, I am not an attorney, and I am not here to give legal advice. So, I would certainly consult with your entity's legal department about this.

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