

**Harvard Pilgrim Health Care, Inc.**  
**Harvard Pilgrim Health Care Institute, LLC**  
*Office of Sponsored Programs*

**Policy and Procedure**

---

**TITLE:** Obtaining Approval to Hire Consultants

---

**PURPOSE:**

To provide information and steps necessary to hire external consultants.

**PERSONS AFFECTED:**

This guidance applies to all Harvard Pilgrim Health Care, Inc. (HPHC) and Harvard Pilgrim Care Institute, LLC (HPHCI) (collectively, HPHC/I) personnel engaged in research, teaching or research administration activities in support of the charitable and educational mission of HPHC, Inc.

**POLICY:**

HPHC/I follows the Massachusetts law regarding hiring ex-employees as consultants.

1. HPHC/I employees cannot be consultants on HPHC/I activities
2. An ex-employee cannot be hired back as a 1099 consultant to do the same work, as it's not possible to fulfill the "outside the usual course of business" prong.
3. Ex-employees who have a fully functioning business providing this service to other entities as well, is allowable as it is considered outsourcing the function.

Individuals hired as consultants must be approved through the HPHC review process.

Firms or companies can be hired as a consultant without having to be approved by HPHC.

**DEFINITIONS** (see **GLOSSARY** for meaning of the terms listed below):

**Consultant** An individual providing professional advice or services on the basis of a written agreement for a fee. These individuals are not normally employees of the organization receiving the services. Consultants also include firms providing professional advice or services. Consultants provide a specific expertise to the grant and are not involved in the actual conduct of the research.

***Sponsored Projects*** Research, surveillance or teaching projects that are funded from external sources.

***Faculty Grants*** Any research, surveillance or teaching project funded by the Department of Population Medicine (DPM), including Ebert and Pyle fellowships.

***Department Projects*** DPM administrative projects (Non-research or teaching)

## **PROCEDURE FOR INDIVIDUAL CONSULTANTS:**

### ***Sponsored Projects and Faculty Grants***

1. Complete and submit “Request for Review and Approval of Consulting Services” form to OSP Grant Manager. (Consultant services for externally and internally funded projects must be reviewed and approved by the Office of Sponsored Programs).
2. Once OSP has approved, the Request for Review will be sent to Maura Gerhart in HPHC Legal for review and approval.
3. If approved, Legal will inform the originator and the OSP Director. (If consultant is going to be given an access pass and/or access to HPHC systems, HR will determine if a CORI will be needed.)
4. OSP Associate Grants Coordinator will check individual consultants in Visual Compliance.
5. GM will initiate and negotiate the service agreement.

### ***Department Projects***

1. Complete and submit “Request for Review and Approval of Consulting Services” form to HPHCI Manager of Operations and Workforce (MOW). (Consultant services for administrative projects must be reviewed and approved by DPM).
2. Once MOW has approved, the Request for Review will be sent to Maura Gerhart in HPHC Legal for review and approval.
3. If approved, Legal will inform the originator and the HPHCI Director of Administration (DA). (If consultant is going to be given an access pass and/or access to HPHC systems, HR will determine if a CORI will be needed.)
4. MOW will check individual consultants in Visual Compliance.
5. DA will initiate and negotiate the service agreement.

## **PROCEDURE FOR COMPANIES**

### ***Sponsored Projects and Faculty Grants***

1. Complete and submit “Request for Review and Approval of Consulting Services” form to OSP Grant Manager. (Consultant services for externally and internally funded projects must be reviewed and approved by the Office of Sponsored Programs).

2. OSP Associate Grants Coordinator will check firms in System for Award Management (SAM) and Visual Compliance.
3. GM will initiate and negotiate the service agreement.

**Department Projects**

1. Complete and submit “Request for Review and Approval of Consulting Services” form to HPHCI Manager of Operations and Workforce (MOW). (Consultant services for administrative projects must be reviewed and approved by DPM).
2. MOW will check firms in System for Award Management (SAM) and Visual Compliance.
3. DA will initiate and negotiate the service agreement.

<b>Department:</b> OSP	<b>Title:</b> P/P Obtaining Approval to Hire Consultants
<b>Effective Date:</b> 11/1/2021	<b>Owner:</b> Director, Office of Sponsored Programs
<b>Reviewed By/On:</b> 8/1/2018-9/28/2018; 10/8/2020 Sheila Fireman, Charlotte Johnson	
<b>Replaces P/P Dated:</b> 9/1/2018; 8/1/2020; 11/1/2020	
<b>Related Documents:</b> Review and approval form; sole source justification form; P&P Procurement	
<a href="https://www.mass.gov/info-details/massachusetts-law-about-independent-contractors">https://www.mass.gov/info-details/massachusetts-law-about-independent-contractors</a>	
<b>Approved By:</b> Sheila Fireman and Charlotte Johnson	