

## STRATEGIC USE OF CONSULTANTS

### Activity 4: Creating Strong Contracts

#### Key Elements of a Consultant Contract

All contracts should include certain key elements to protect both the contracting agency and the consultant. Some of the key elements are listed here:

- The **objective** or goal of the work
- The **specific services** to be performed by the consultant
- The **terms of payment** (e.g., hourly rate or fixed-price contract) and amount
- A description of the **roles and responsibilities** of the consultant
- A description of the **tasks or components** of the project
- A timeline with milestone completion dates and a final **deadline**, including when written reports are due and how final deliverables are submitted and approved
- A list of any project costs for which the organization will **reimburse** the consultant
- A “**no conflict of interest**” statement that ensures protection of the organization hiring the consultant
- Language requiring the consultant to abide by the program’s **standards of conduct**, as required in [45 CFR §1302.90\(c\)](#)
- A **termination clause** that allows either party to terminate the contract for any reason with at least 30 days written notice
- Language verifying the contracting agency’s rights to retain **ownership** and control over the work products of the consultant
- The **signature** of the contracting agency’s chief operating officer or highest organizational official

The following **Head Start regulations and standards** must also be considered when hiring consultants and developing consultant contracts per [45 CFR §75.327\(c\)\(1\)](#) ([General procurement standards](#)).

- Grantee and delegate agencies must ensure that all employees engaged in the award and administration of contracts or other financial awards do not solicit or accept personal gratuities, favors, or anything of significant monetary value from contractors or potential contractors.
- Personnel policies and procedures must include provision for appropriate penalties for violating the standards of conduct.

Head Start and Early Head Start leaders should follow their organization’s **procurement guidelines and processes** when hiring a consultant per [45 CFR §§75.326-75.335](#) ([Procurement Standards](#)).



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