

**Coast Community College District  
ADMINISTRATIVE PROCEDURE**

Chapter 6

Business and Fiscal Affairs

---

**AP 6370 CONTRACTS FOR INDEPENDENT CONTRACTOR OR  
PROFESSIONAL EXPERT SERVICES**

**References:**

Education Code Section 88003, 88003.1  
Government Code Section 53060

**Independent Contractors**

To be an independent contractor, substantial conformance with the following conditions must exist:

- The contractor controls the way in which work is performed.
- The contractor sets his/her own hours.
- The contractor is not restricted from taking jobs from other businesses at the same time that they are doing work for the District.
- The District does not provide assistants to the contractor.
- The duration of employment is for a specific job, not for a specified period of time.
- The District does not furnish tools, training, or equipment to the contractor. Contractors should be able to perform their services without the District's facilities (e.g., equipment, office furniture, machinery).
- The contractor's investment in his/her trade must be real, essential, and adequate.
- The individual is not presently employed by the District to do the same type of work.
- Contractors are hired to provide a result and usually have the right to hire others to do the actual work.
- Contractors are generally responsible for their incidental expenses.
- Contractors should be able to make a profit or a loss. Some circumstances show that a profit or loss is possible:
  - If the contractor hires and pays assistants
  - If the contractor has his/her own office, equipment, materials, or facilities
  - If the contractor has continuing and reoccurring liabilities
  - If the contractor has agreed to perform specific jobs for prices agreed upon in advance
  - If the contractor's services affect his own business reputation

Contractors are responsible for the satisfactory completion of a job or they may be legally obligated to compensate the District for failure to complete.

**Professional Experts**

Contracts for the services of persons who qualify as professional experts may be let without competitive bidding. Professional experts are persons specially qualified to provide services and advise in financial, economic, accounting, engineering, legal, or administrative matters. They must be specially trained, experienced, or competent to perform the services required. Compensation for special services and advice from professional experts may be paid from available funds in the amounts deemed proper for the services rendered. Professional experts are District employees hired pursuant to Education Code Section 88003.

Ratified December 2, 2013