****Subrecipient vs. Contractor

***Checklist to Determine Subrecipient or Contractor Classification***

Principal Investigator/Project Director Name: ­

Sponsor/Funding Agency:

Project Title:

**OBJECTIVE:**

Generally, the determination of the relationship with an entity is verified through the institutional review of the proposal narrative, budget justification, and other related proposal documents, as well as through discussions with the principal investigator/project director and other key personnel prior to proposal submission. When the relationship remains unclear, this form may provide assistance in making an accurate determination.

**DEFINITIONS FROM UNIFORM GUIDANCE:**

**Subrecipient:**

§200.93 Subrecipient means a non‐Federal entity that receives a subaward from a pass‐through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding

**Contractor:**

§200.23 Contractor means an entity that receives a contract as defined in §200.22 Contract. §200.22 Contract means a legal instrument by which a non‐Federal entity purchases property or services needed to carry out the project or program under a Federal award

**INSTRUCTIONS**:

Complete sections one and two of the checklist by marking all characteristics that apply to the outside entity. The section with the greatest number of marked characteristics indicates the likely type of relationship the entity will have with the University. On occasion there may be exceptions to the type of relationship indicated by the completed checklist. In these situations, the substance of the relationship should be given greater consideration than the form of agreement between the University and the outside entity. Section 3 should be used to provide documentation on the use of judgment in determining the proper relationship classification only when the determination cannot clearly be made by using the below criteria.

**NAME OF ENTITY/INDIVIDUAL/BUSINESS:**

**SECTION 1 SUBRECIPIENT**

*A subaward is for the purpose of carrying out a portion of a substantive portion of the programmatic effort on the Federal award. Entities that include these characteristics are responsible for adherence to applicable Federal program requirements specified in the Federal Award*

Has responsibility for substantive, programmatic decision making

Contributes to the scholarly/scientific conduct of the project as described in the statement of work

for the prime award

Uses the funding to carry out its own program, as compared to providing goods or services for the

benefit of the prime recipient

The research program or project is within the research objectives of the entity

There is the expectation that the entity will retain ownership rights in potentially patentable or

copyrightable technology or products that it produces in the course of fulfilling its scope of work

Publications may be created or co-authored at the entity

Performs work that involves human subjects or animal studies

**SECTION 2 CONTRACTOR**

*A contract is for the purpose of obtaining goods and services for the Non-federal entity’s own use and creates a procurement relationship with the contractor. Entities that include these characteristics are not subject to compliance requirement of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.*

Provides a routine service or goods as part of its normal business operations

Provides similar goods or services to many different purchasers

Provides goods or services that are ancillary to the operation of the Federal program

Is not responsible for the project design, conduct or reporting of research or educational activities

and is not involved in programmatic work on the project including deliverables such as reports

**FINAL RELATIONSHIP DETERMINATION:**

**SUBRECIPIENT**  **CONTRACTOR**

**SECTION 3 – USE OF JUDGEMENT (OPTIONAL)**

*In determining whether an agreement between a pass-through entity and another non-Federal entity is considered a subrecipient or contractor, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed above may not be present in all cases, and the pass-through entity must use judgement in classifying each agreement as a subaward or a procurement contract.*

*Explanation of Use of Judgement Determination:*

**Prepared by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**