SUBRECIPIENT vs. CONTRACTOR DETERMINATION CHECKLIST

SUBRECIPIENT | CONTRACTOR INFORMATION

Principal Investigator: _____ Project Number: _____

Project Title: _____

Name of Organization: _____

Type of Organization: _____ Contract Number: _____
(i.e. nonprofit, for-profit, individual)

The following should be analyzed in order to determine whether a Subrecipient or Contractor relationship exists. It is important to *consider the substance of the relationship* when determining whether a subrecipient or contractor relationship exists.

OMB Uniform Guidance, 2 CFR Part 200, Subpart D - §200.330 defines subrecipient and contractor relationships as follows:

- **Subrecipient (§200.93)** is defined as 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 agency.
- **Contractor (§200.22)** is defined an entity that receives a contract, i.e. a legal instrument by which a non-Federal entity purchases goods or services needed to carry out the project or program under a Federal award.

Check all that apply.

Subrecipient:

- ☐ Has its performance measured in relation to whether objectives of a Federal program are met;
- ☐ Has responsibility for programmatic decision making;
- ☐ Is responsible for adherence to applicable Federal program requirements specified in the Federal award;
- ☐ In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity; and
- ☐ Determines who is eligible to receive what Federal assistance.

Contractor:

- ☐ Provides the goods and services within normal business operations;
- ☐ Provides similar goods or services to many different purchasers;
- ☐ Normally operates in a competitive environment;
- ☐ Provides goods or services that are ancillary to the operation of the Federal program; and
- ☐ Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

As there are exceptions to the above list of characteristics, judgment must be used in determining whether an entity is a subrecipient or a contractor. In making this determination, the substance of the relationship is more important than the form of the agreement.

Based on your analysis of the above checklist results and definitions, the organization is determined to be a (check one):

☐ **Subrecipient** ☐ **Contractor**

I certify that I have no conflict of interest involving the subrecipient or contractor named above or with its organization.

_____ _____

SFSU Principal Investigator Date SFSU Authorized Official Date