RECIPIENT CHECKLIST FOR DETERMINING IF THE ENTITY RECEIVING FUNDS HAS A CONTRACTOR OR SUBRECIPIENT RELATIONSHIP

This document is intended to help a recipient of federal funds make a judgment as to whether each agreement it makes, for the disbursement of federal program funds, casts the entity receiving the funds in the role of a subrecipient or a contractor. Based on 2 CFR Chapter I, Chapter II, Part 200 et al. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), issued by the U.S. Office of Management and Budget (OMB) on December 26, 2013, and effective for non-federal entities on December 26, 2014, the following information is intended for use by all non-federal entities.

Important Terms:

Recipient: A non-federal entity that receives a federal award directly from a federal awarding agency to carry out an activity under a federal program. The term recipient does not include subrecipients. (See 2 CFR 200.86 of the Uniform Guidance.)

Subrecipient: A non-federal entity that receives a subward for the purpose of carrying out part of a federal award. The subaward creates a federal assistance relationship with the subrecipient. (See 2 CFR 200.93 & .330 (a) of the Uniform Guidance.)

Contractor: A non-federal entity that receives a contract for the purpose of providing goods and services for the awarding non-federal entity's own use. The contract creates a procurement relationship with the contractor. The Uniform Guidance replaced the term "Vendor" with "Contractor." (See 2 CFR 200.22 & .330 (b) of the Uniform Guidance.)

Instructions: The "Characteristics" column in this checklist is based on language in the Uniform Guidance. The column lists characteristics that support the classification of a non-federal entity as a subrecipient or contractor. Since all of the characteristics listed may not be present in all cases, the Uniform Guidance recognizes that the recipient "...must use judgment in classifying each agreement as a subaward or a procurement contract." (2 CFR 200.330 (c).) In the "Explanations" column, AGA provides additional information to assist in answering the questions under "Characteristics." Answer each question by checking "yes" or "no" where indicated. Based on responses to the questions, a key provided at the end of each section will help in making a judgment as to whether a subrecipient or contractor relationship exists. White space is provided in between the "Characteristics" column and the "Explanation" column so that users can tailor this checklist to accommodate the unique aspects of various programs or jurisdictions.

Note: One check in a subrecipient box does not necessarily mean the entity is a subrecipient. A judgment should be based on the totality of responses.

Office —		
Notes:		



CHARACTERISTICS

EXPLANATIONS

Decision Making Authority

If the entity determines whether 200.330 a. 1 Determines who is eligible to receive what Federal assistance; a participant meets a federal program's eligibility Yes No a. Does the entity determine who is eligible to participate in requirements for assistance, it the federal program? is most likely a subrecipient. A contractor may provide 200.330 a.3 Has responsibility for programmatic decision making; services to clients in a program after eligibilty has been determined by the recipient. a. Does the entity have the ability to make decisions about Yes No how services will be delivered to participants, in accordance If the entity has authority to with federal programmatic requirements? make decisions regarding the delivery of service, operations, or types of assistance provided within the 200.330 b.4 Provides goods or services that are ancillary to the operation terms of the agreement, it is of the Federal program; typically a subrecipient. Yes No b. Does the entity provide goods or services for the If the entity provides goods or services directly to the recipient recipient's own use? or to program participants at the direction of the recipient and b. Does the entity provide services designated by the Yes No does not make programmatic recipient to serve the recipient's participants without regard decisions or adhere to program to specific federal programmatic requirements? requirements, it is typically a Subrecipient Contractor contractor. If you selected "yes" to **EITHER** item **a**, this is an indicator of a subrecipient relationship. If you selected "ves" to **EITHER** item **b**, this is an indicator of a contractor relationship. **EXPLANATIONS Nature of Award** If the entity is providing a service 200.330 a. 2 Has its performance measured in relation to whether for the recipient to meet the objectives of a federal program were met: goal of the grant, it is a contractor; if the entity is providing a service that carries out a goal a. Are the scope of work (or portion, if applicable) and terms within the scope of the grant, it Yes No and conditions of the agreement the same for the entity as is a subrecipient. When a grant they are for the recipient that received the federal funds? program contains mulitple goals, it is possible for the recipient to complete part of the goals and Yes a. Is the entity carrying out completion of the goal of the for the entity to perform another part. grant (or part, if applicable) as stated in the federal award? If the scope of the agreement 0R is per the federal program terms/quidance, the entity is 200.330 b.5 Is not subject to compliance requirements of the Federal a subrecipient. A subrecipient may also provide programmatic program as a result of the agreement, though similar or progress reports to ensure requirements may apply for other reasons. compliance with federal program requirements.

b. Does the recipient develop the scope of work and terms and conditions of the agreement to meet the recipient's needs?

Yes No

If you selected "yes" to **EITHER** item **a**, this is an indicator of a subrecipient relationship.

If you selected "yes" to item **b**, this is an indicator of a contractor relationship.

Subrecipient	Contractor

Conversely, if the scope of the agreement is per the recipient's terms and not federal program guidance, and if the recipient's oversight is governed only by the contract terms and conditions, it is a contractor.



EXPLANATIONS

If the funding is given to the entity with a purpose of completing the goal of the grant, the recipient will be required to ensure the entity adheres to federal grant program guidance. The recipient will also be required to monitor the activities of the entity per Uniform Guidance section 200.331. The entity assumes little risk should federal grant guidance not be met. The risk falls with the recipient.

If the recipient directs specific activities to be completed by the entity, by providing goods or services, the risk falls on the entity to deliver, per the agreement terms. In this case, the entity would not be required to adhere to the federal grant program requirements, just the terms and conditions in the agreement with the recipient.

EXPLANATIONS

If the entity was chosen because it has the best widgets or service for the price, it has a contractor relationship with the recipient. Typically, a procurement method is followed, such as a competitive bid or RFP process. In this type of agreement, the entity usually makes a profit by delivering this good or service to the recipient. Payments to contractors are typically made based on contract terms.

Conversely, if the entity was chosen because it was already providing a service within the guidelines of the grant program and wants to partner with the recipient to expand the delivery or assist in meeting the goal of the grant, it may be a subrecipient. Typically, the entity may not make a profit and may provide its own non-federal funding as match or cost sharing. The entity may have been chosen through an application process or an announcement of funding, as opposed to the procurement process described above. Payment to a subrecipient is generally based on actual expenses unless awarded on a fixed amount subaward (2 CFR 200.332). It is typical of subrecipients to submit budgets, financial reports, or copies of invoices to the recipient, to document activity.

If you selected "yes" to ${\bf ANY}$ item ${\bf a}$, this is an indicator of a subrecipient relationship. If you selected "yes" to ${\bf ANY}$ item ${\bf b}$, this is an indicator of a contractor relationship.

Normally operates in a competitive environment:

b. Were procurement policies applied in the selection of the

b. Was the entity's proposed price a factor in the selection

b. Will the entity derive a profit from the agreement?

Yes

Yes

No

No

No

Subrecipient

Contractor



200.330 b.3

entity?

process?

Entity's Business Environment	EXPLANATIONS
200.330 b.1 Provides the goods and services within normal business operations; b. Is the entity's normal business to provide the goods or services being purchased in the agreement? Yes No	If a federal program provides funding to modify public buildings for handicapped accessibility and the recipient provides funds to an entity to update the entity's building, per the terms of the award,
200.330 b.2 Provides similar goods or services to many different purchasers;	then a subrecipient relationship exists.
b. Does the entity provide the same goods or services to other organizations?	Conversely, if the recipient hires an entity to update their own building to be handicapped accessible, then a contractor relationship exists.
If you selected "no" to EITHER item, it is an indicator of a subrecipient relationship. If you selected "yes" to BOTH items, it is an indicator of a contractor relationship.	
Determination	EXPLANATIONS
Final Determination Subrecipient Contractor	Review all the entries and make an overall determination of the relationship. Check the appropriate box in this section.
Determined by	
(enter name of person initially making decision)	(date)
Approved by	
(enter name of person reviewing)	(date)
Based on the relationship determined above, see additional guidance on requirements governing agreer Section 200.331 - "Requirements for pass-through entities," for subrecipient agreements, Section 200.317 through 200.326 - "Procurement Standards," for contractor agreements.	ments.

