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# **Office of Sponsored Programs and Foundation Relations**

# **SUBRECIPIENT V. CONTRACTOR CHECKLIST**

# *Created: March 2019; Last reviewed: September 2021;*

*Next review: Fall 2023*

**PURPOSE**

To document the determination of the relationship between St. John Fisher University and an outside entity. *This form is to be completed only if the relationship between the two entities is unclear.*

**DEFINITIONS FROM UNIFORM GUIDANCE (2 CFR, PART 200)**

*§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 agency.

*§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. The term contract should not be used with a subrecipient.

*§200.23* **Contractor**means an entity that receives a contract as defined in *§200.22.*

**INSTRUCTIONS**

Complete Sections I and II of the checklist, with consideration of proposal narrative, budget justification, and other grant application documents. The section with the greatest number of marked characteristics indicates the likely type of relationship the third party will have with Fisher. Section III should only be used to provide documentation on the use of judgment in determining the proper relationship classification if the determination cannot be clearly made using the criteria.

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| Project Title |  |
| St. John Fisher University PI/PD |  |
| Non-Federal entity |  |

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| **SECTION I—SUBRECIPIENT CHARACTERISTICS** |

A **subrecipient** relationship is appropriate when the non-federal entity (check all that apply):

Commits to a good faith effort to complete the design or conduct of the research

Determines who is eligible to receive what Federal assistance

Has a principal investigator (PI) or Project Director (PD) who functions as a Co-PI/Co-PD

Has its performance measured in relation to whether objectives of a federal program were met

Has responsibility for programmatic decision making or for an important or significant portion of the sponsored project or program

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 prime recipient/pass-through entity

*Entities that include these characteristics are responsible for adherence to applicable federal program requirements specified in the federal award.*

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| **SECTION II—CONTRACTOR CHARACTERISTICS** |

A c**ontractor** relationship is appropriate when the non-federal entity (check all that apply):

Is not directly responsible for programmatic decision making or research design

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

*Entities that include these characteristics are not subject to compliance requirements of the federal program as a result of the agreement, though similar requirements may apply for other reasons.*

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| **FINAL DETERMINATION** |

**SUBRECIPIENT CONTRACTOR**

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| **SECTION III—USE OF JUDGMENT [Use only when determination cannot be clearly made using the above criteria]** |

In determining whether the non-Federal entity should be classified as a subrecipient or a contractor, the substance of the relationship is most important. If the prime recipient (St. John Fisher University) must use judgment in classifying the non-Federal entity as a subrecipient or a contractor, the explanation of the use of judgment is below:

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

**Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Reviewed by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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*This form complies with 2 CFR §200.330*