RESEARCH FOUNDATION CUNY

CHECKLIST TO DETERMINE SUBRECIPIENT OR CONTRACTOR CLASSIFICATION
(Internal CUNY Use Only)

PI _____   Funding Opp. # _____

Institution _____   Sponsor _____

Definitions from Federal Uniform Guidance (2 CFR, PART 200) 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 a program.

§200.331 - Subaward proposals must use a subrecipient's federally negotiated Facilities & Administrative (F&A) rate. If none exists, then a 10% de minimis rate should be used, unless no F&A rate is required.

Contractor

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

§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.

Other Federal Guidance

From NIH

Sub-awardees (sub-recipients) should make a major contribution to the project. Use a sub-award when you need another institution for design, conduct, or outcome of your project. Consultants usually provide advice or services—for example, supplying software, making technical comments, or setting up equipment—and sometimes participate significantly in the research. They work for a fee.

Instructions

Complete sections 1 & 2 attached by marking all characteristics that apply to the outside entity. The section with the greatest number of marked characteristics indicates the relationship the entity will most likely have with CUNY. There may be circumstances when the relationship does not easily conform to either the sub-recipient or contractor categories as indicated by the checklist. In these situations, the substance of the relationship should be given greater consideration than the type of agreement. Section 3 should be used to provide the documentation used in determining the proper relationship classification.

Name of Outside Entity _____

Section 1 - Subrecipient

Description: A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics that support the classification of the non-Federal entity as a subrecipient include.

☐ 1. The subrecipient must comply with the sponsor requirements of the prime award (e.g., effort reporting on federal awards).

☐ 2. The subrecipient exercises programmatic control over how the sponsored work is performed. It makes independent decisions regarding how to implement the proposed activities, as opposed to providing goods or services to the prime award PI.

☐ 3. The subrecipient is responsible for substantive programmatic work or for conducting a significant portion of the project.

☐ 4. A principal investigator has been identified at the subrecipient who functions as a "Co-PI." Publications may be created or co-authored.

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

Section 2 - Contractor

Description**:** 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. Below are characteristics indicative of a procurement relationship between the non-federal entity and a contractor:

☐ 1. A contractor is not subject to the compliance requirements of the Federal program (e.g., effort reporting on Federal awards).

☐ 2. A contractor provides goods or services developed according to the specifications of the CUNY Principal Investigator.

☐ 3. A contractor provides similar goods or services within its normal business operations to other purchasers and normally operates in a competitive environment.

☐ 4. A contractor 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.

Determination

☐ Subrecipient   ☐ Contractor

Section 3 - Optional   Use of Judgement

Description: In determining whether an agreement between a pass-through entity and another non-Federal entity should be classified as a subrecipient or contractor relationship, 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 its judgement in classifying each agreement as a subrecipient award or a procurement contract.

Prepared by _____   Date _____