

Checklist to Determine Subrecipient or Contractor/Vendor Classification

INSTRUCTIONS:

Complete sections one and two of the checklist by marking all questions that affirmatively apply to the external entity. The section with the greatest number of marked boxes 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 external entity. Section three should be used to provide documentation on the use of judgment in determining the proper relationship classification.

PURPOSE: To determine the relationship with an external entity prior to proposal submission, in compliance with [2 CFR 200.330](#). In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or a contractor/vendor, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed below in the Definitions may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward or a procurement contract.

DEFINITIONS FROM UNIFORM GUIDANCE (2 CFR § 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 program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

Contractor (Vendor, AKA: Service Provider):

§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.

NAME OF EXTERNAL 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.

Mark all questions that affirmatively apply to the external entity.

1. Will their performance represent an intellectually significant portion of the overall programmatic effort and be measured against the objectives of the program?
2. Will their funds be used to carry out a program for a public purpose, as opposed to providing goods or services for the benefit of MTU?
3. Will their PI perform investigator-level work?
4. Will they be responsible for adherence to compliance requirements, including the Federal program requirements specified in the award?
5. Are they likely to publish their results and/or co-author publications with the Michigan Tech PI?
6. Will the Michigan Tech PI need to oversee their involvement in the project and verify satisfactory performance before payment is made?

SECTION 2 – CONTRACTOR/VENDOR/SERVICE PROVIDER

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.

Mark all questions that affirmatively apply to the external entity.

1. Do they provide the goods and services within normal business operations (goods and services are not specialized for this project)?
2. Do they provide similar goods or services to many different purchasers?
3. Do they normally operate in a competitive environment?
4. Will they perform a series of repetitive tests or activities requiring little or no discretionary judgment?
5. Will they be exempt from compliance requirements of the Federal program and/or award as a result of the agreement?
6. Will they not have responsibility for programmatic decision making?

OPTIONAL - SECTION 3 - USE OF JUDGMENT (use only when the determination cannot clearly be made answering the questions above)

Explanation of Use of Judgment Determination:

Prepared By (PI/Co-PI): _____
signature

Date: _____

STOP

For SPO use only

FINAL DETERMINATION: SUBRECIPIENT CONTRACTOR

Approved By (SPO): _____

Date: _____