

**The University of Alabama in Huntsville – Office for Sponsored Programs**

**Check List for Subrecipient and Contractor Determinations**

Name of Organization: \_\_\_\_\_ UAH Proposal #: \_\_\_\_\_

Type of Organization: \_\_\_\_\_ (i.e. nonprofit, for-profit, educational)

The following should be analyzed in order to determine whether a Sub-recipient or Professional Service (contractor) relationship exists. It is important to consider the substance of the relationship when determining whether a sub-recipient or contractor relationship exists.

**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.

§200.23 **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. The term as used in this part does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward (see §200.92 Subaward).

**Check all that apply.**

- Has its performance measured in relation to whether objectives of a Federal program were met.
  - Has responsibility for programmatic decision making and discretion over how the work is carried out.
  - 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.
  - Services are uniquely designed in response to each project, and not provided commercially.
  - Technical lead is usually a scientific collaborator, or even a co-PI on the UAH project.
  - Subawardee participates in a creative way in development and execution of statement of work.
  - Publications may be created or co-authored at the entity.
  
  - Provides the goods or services within its normal business operations or commercially.
  - 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.
  - Is not subject to compliance requirements of the Federal program as a result of the agreement.
  - The entity does not expect its employees to be credited as co-authors on papers emerging from research.
  - The expectation is that the work will not result in patentable/copyrightable technology to be owned by entity.
  - Is there a fee or profit associated with proposed cost.
- As there are exceptions to the above list of characteristics, judgment must be used in determining whether an entity is a subrecipient or a provider of professional services/contractor. In making this determination, the substance of the relationship is more important than the form of the agreement.

\_\_\_\_\_  
Principal Investigator

\_\_\_\_\_  
Date

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

Subrecipient: \_\_\_\_\_ Contractor: \_\_\_\_\_

\_\_\_\_\_  
Office for Sponsored Programs

\_\_\_\_\_  
Date

If you have any questions, feel free to call Steve Parker in the Office for Sponsored Programs at 256-824-2654.