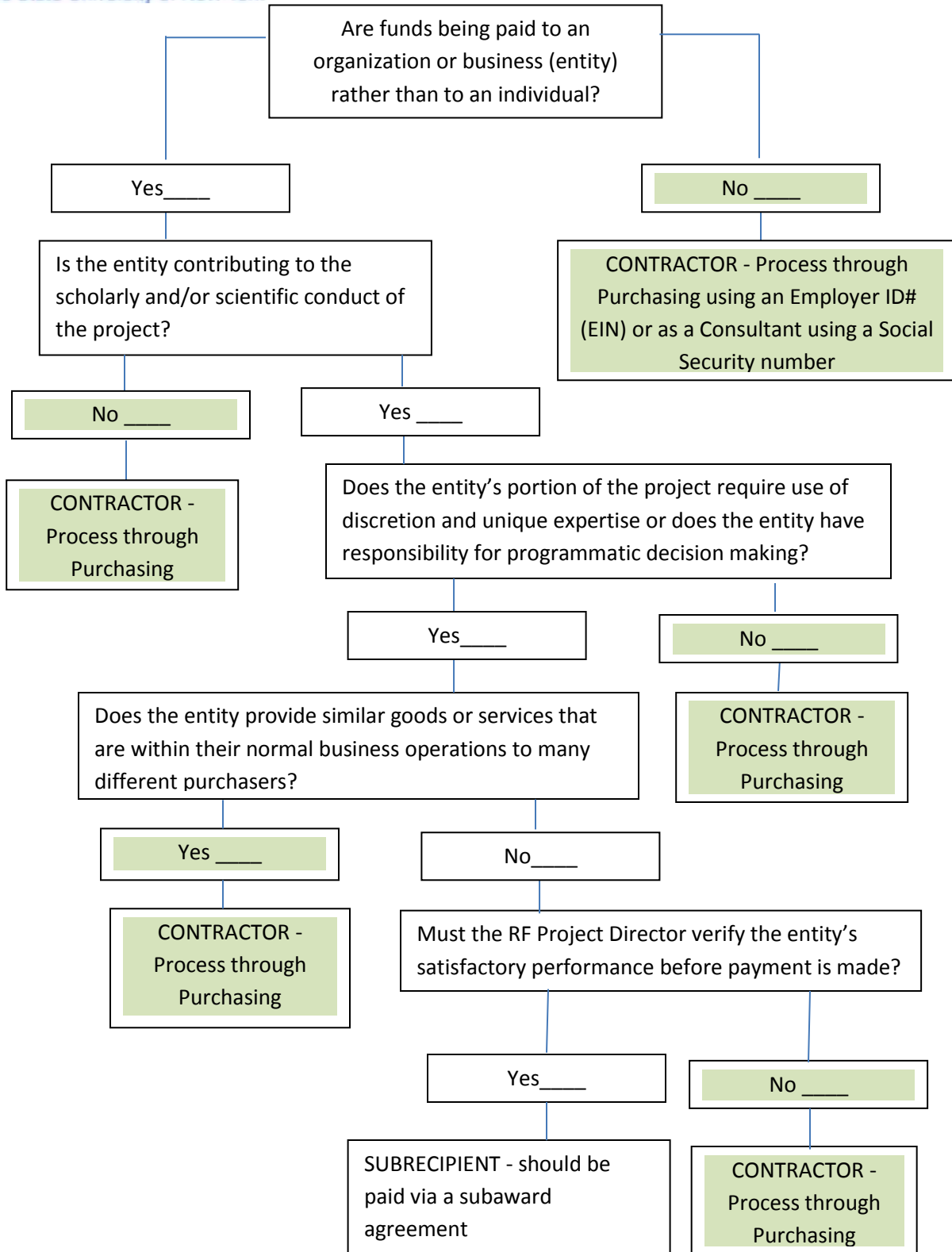


**Subrecipient vs. Contractor
 Decision Tree**



Final decision: _____ Date: _____

Signature of Reviewer: _____ Printed Name: _____

Subrecipient/Contractor Relationship - Guidelines

Definitions

2 CFR Part 200 provides these definitions which may help identify a, subrecipient and a contractor:

Subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

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.

Contractor means an entity that receives a contract as defined above.

Pass-Through Entity means a non-federal entity that provides a subaward to a Subrecipient to carry out part of a federal program.

Recipient means a non-federal entity that receives a federal award directly from a federal awarding agency to carry out an activity under a federal program.

Subrecipient means a non-federal entity that receives a subaward received 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. A Subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

Characteristics

The substance of the relationship is more important than the form of the agreement when determining if an entity is a subrecipient or a contractor. Judgment should be used in making the determination, because there may be unusual circumstances or exceptions to the general characteristics of each entity. As outlined in 2 CFR Part 200.330 *Subrecipient and contractor determinations*:

A *subrecipient* is characterized as an entity that:

- Determines who is eligible to receive what federal assistance.
- has its performance measured in relation to whether the objectives of the federal program are met.
- has responsibility for programmatic decision making.
- must comply with applicable federal program requirements specified in the federal award.
- uses the awarded federal funds to carry out the program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

A *contractor* is characterized as an entity that:

- provides goods and services that are within its normal business operations.
- provides similar goods and services to many different purchasers.
- normally operates in a competitive environment.
- provides goods and 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, though similar requirements may apply for other reasons.