Contractor or Subrecipient Relationship Determination Checklist

(To satisfy requirement of section 200.331 in OMB 2 CFR Chapter I, Chapter II, Part 200 et al Uniform Guidance)

In addition to grant specific requirements, all State agencies who receive Federal grants are required to comply with 2 CFR Chapter I, Chapter II, Part 200, et al. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

This document is intended to be used as a tool to help State agencies comply with 2 CFR 200.331 in making case by case subrecipient or contactor determinations for ALL State agency agreements or contracts involved in the disbursement of Federal program funds.

The checklist will also be applied to non-federally funded agreements to be able to determine recipient or contractor relationship. For the purposes of this document, recipient as it relates to non-federal funds, will be an entity who directly receives an award from a state agency to carry out an activity under a state program or non-federal/private program. A subrecipient determination on a non-federal funded agreement would make the entity a recipient.

Recipient: A non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include subrecipients. (2 CFR 200.86)

For the purpose of this checklist the State agency is the Recipient.

State Agency

<u>Subrecipient:</u> A non-Federal entity that receives a subaward from a pass-through entity to carry out all or a portion of a Federal award. This relationship creates a Federal assistance relationship with the subrecipient. (2 CFR 200.93)

Pass-through entity: A non-Federal entity that provides a subaward to a subrecipient to carry our part of the Federal program. For the purposes of this checklist the State agency is the pass-through entity

Program Name

<u>Contract:</u> A legal instrument by which a non-Federal entity purchases property of services needed to carry out the project of program under a Federal Award. (2 CFR 200.22)

Contractor: An entity that receives a contract (2 CFR 200.22)

<u>Entity:</u> For the purposes of this checklist, Entity includes any business, government, organization, individual, etc. in which a State agency has a contract or agreement with.

CFDA#

<u>DIRECTIONS:</u> Please complete the following checklist. Each section contains characteristics of subrecipients and contractors. Mark the box under "Yes" or "No" next to the question under each characteristic in the sections below. Mark the "Subrecipient" or "Contractor" box to the best of your determination in the blue box at the bottom of each section. **One subrecipient check does not necessarily make the entity a subrecipient** nor does one contractor check make it a contractor.

If you need assistance in determining the relationship, please contact your internal control officer.

Name of Entity receiving funds		Contract	/ Agreemer	nt Number			
Funding Source(s)	RFP number (if applicable)						
	Yes No						
Will the agreement be funded by Federal funds?		If No, federal guid	ance does no	t apply howeve	er checklist assists agency in agreement relationship.		
Is the agreement with another State agency?	If Yes, stop here. 0	If Yes, stop here. Other State agencies aren't considered subrecipients of the State.					
Is the agreement a "renewal" of expired agreement?	If Yes, stop here. F	If Yes, stop here. File original checklist determination with current agreement.					
Is the agreement with an Individual Beneficiary?		Descriptiion: A beneficiary is an individual that stands to benefit from the performance of the gran					
		entitlement recipi	ent, an atteno grant. Typical	dee at a grant-f lly, there is littl	ant project is undertaken. For example, a beneficiary may be an unded conference, or an individual daycare provider receiving a e to no expectation for performance from beneficiaries. If Yes, emplate.		
	Characteristics				Explanations		
	cision Making Authority						
 200.331 a.1 Determines who is eligible to receive what F a. Does the entity determine who is eligible to participate in 		Yes No			If the entity determines whether a participant meets a Federal program's eligibility requirements for assistance, they are most likely a subrecipient.		
200.331 a.3 Has responsibility for programmatic decision a. Does the entity have the ability to make decisions about h will be delivered to participants, in accordance with Federal p	ow services	Yes No			A contractor may provide services to clients in a program after eligibility has been determined by the State agency.		
requirements?							
200.331 b.4 Provides Goods or Services that are ancillary	to the operation of the Federal	program. Yes No			If the entity has authority to make decisions regarding the delivery of service, operations, or types of assistance provided within the		
b. Does the entity provide goods or services for the State ag	ency's own use?				terms of the agreement, they are typically a subrecipient.		
b. Does the entity provide services designated by the State a	gency to serve	Yes No			If the entity provides goods or services directly to the State agency or to		
its participants without regard to specific Federal programma					program participants at the direction of the State agency and does not make programmatic decisions or adhere to program requirements, they		
A "Yes" answer to item a. questions is an indi			Subrecipient	Contractor	are typically a contractor.		
A "Yes" answer to item b. questions is an indi	cator of a contractor relationship						
	Nature of Award						
200.331 a.2 Has its performance measured in relation to were met. a. Is the scope of work (or part, if applicable), and terms and agreement the same for the entity as they are for the State a Federal funds?	conditions of the	Yes No			If the entity is providing a service for the State agency to meet the goal of the grant, it is typically a contractor; if the entity is providing a service that carries out a goal within the scope of the grant, it is typically a subrecipient. When a grant contains multiple goals, it is possible for the State agency to complete part, and for a subrecipient to perform another		
a. Is the entity carrying out completion of the mission of the (or part, if applicable) as Stated in the Federal award?	grant	Yes No			If the scope of the agreement incorporates Federal program terms and guidance, it is typically a subrecipient. A subrecipient may also provide		
200.331 a.4 Is responsible for adherence to applicable Fe	~				programmatic or progress reports to ensure compliance with Federal		
requirements specified in the Federal award a. Is the entity responsible for performing any Federal grant		Yes No			program requirements.		
a. Does the funding to the entity depend on its ability to bes of the award?	•	Yes No			If the funding is given to the entity with a purpose of completing the goal of the grant, the State agency is required to ensure the entity adheres to Federal grant program guidance.		
200.331 b.5 Is not subject to compliance requirements of agreement, though similar requirements ma	• •	of the					

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Contractor or Subrecipient Relationship Determination Checklist

(To satisfy requirement of section 200.331 in OMB 2 CFR Chapter I, Chapter II, Part 200 et al Uniform Guidance) **b.** Does the State agency develop the scope of work and terms and conditions of the terms and not Federal program guidance, and if the State agency's agreement to meet the State agency's needs? oversight is governed only by the agreement terms and conditions, it is typically a contractor. A "Yes" answer to item **a.** questions is an indicator of a subrecipient relationship Subrecipient Contractor A "Yes" answer to item $oldsymbol{b}$. questions is an indicator of a contractor relationship

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Contractor or Subrecipient Relationship Determination Checklist

(To satisfy requirement of section 200.331 in OMB 2 CFR Chapter I, Chapter II, Part 200 et al Uniform Guidance)

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 ${\it Each heading has a hyperlink to the specific section referenced.}$

Based on the relationship determined above, Subrecipient or Contractor, see additional guidance for the requirements governing the agreement. Section 200.332 - "Requirements for pass-through entities", for subrecipient agreements

Section 200.317 through 200.327 - "Procurement Standards", for contractor agreements

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