

Montclair State University: Subrecipient and Contractor Determination Checklist

Under federal [Uniform Guidance: Subpart D, Subrecipient Monitoring \(§200.330-§332\)](#), a “non-federal entity may receive federal awards as a recipient, subrecipient, a contractor, depending on the substance of its agreement with the federal awarding agency and pass-through entity. A pass-through entity must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. The Federal awarding agency may require recipients to comply with additional guidance to support these determinations provided such guidance does not conflict with Uniform Guidance.”

This Subrecipient and Contractor Determination Checklist assists Montclair State University faculty and administrative staff in making the appropriate classification using characteristics defined under the **Federal Uniform Guidance on federally sponsored projects**. In cases where private, non-federal funding are involved, the classification remains important and the criteria are largely the same, and in some cases, further clarified by the sponsoring entity.

The section with the greatest number of checked characteristics indicates the likely type of relationship the entity will have with the University. In determining whether an agreement creates a relationship with a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed below may not be present in all cases, and the University must use judgment in classifying each agreement as a subaward or a procurement contract.

Name of Outside Entity _____

Subrecipient: A subaward typically results from a federal grant, or cooperative agreement, and is for the purpose of carrying out a significant portion of a sponsored project. Characteristics that support the classification as a Subrecipient, include (please check all applicable characteristics):

A subrecipient:

- Has provided the University a scope of work or statement of work, detailed budget, and budget justification, which may include cost-sharing of the subrecipient’s resources.
- Provides significant intellectual contribution to the proposal and project, and has responsibility for significant programmatic decision making.
- Has its performance is measured in relation to whether objectives of a program have been met which may be stated in a written agreement between the university and outside entity.
- In accordance with the Subagreement, uses funds to carry out a program for public good or purpose.
- Is responsible for adherence to applicable program requirements as required and specified in the resulting award agreement.
- May develop intellectual property or publish the results of the research either independently, or in collaboration with the university.

Contractors: A contract is for the purpose of providing goods and services to the non-federal entity’s own use and creates a procurement relationship with the contractor (please check all applicable characteristics):

A Contractor:

- Provides the goods and services within normal business operations.
- Provides similar goods and services to many different purchasers.
- Normally operates in a competitive environment.
- Provides goods or services ancillary to the operation of the program.
- Is not subject to the compliance requirements of the federal program as a result of the agreement, although similar requirements may apply for other reasons.

Pre-Award Determination _____ (Initials of Pre-Award Officer) **Date:** _____

Post-Award Determination _____ (Initials of Post-Award Officer) **Date:** _____

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