

Subrecipient Monitoring and Management Subrecipient/Contractor Determination Checklist



Applicability: Project Proposal and Set-Up; Subaward Management

Document Retention: File to be maintained in department and/or attached to SPS record

Effective Date: August 2018

Entity Name: _____ **SPS#:** _____

PI: _____ **Preparer:** _____

Duke University is subject to the regulations and requirements of 2 CFR Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (The Uniform Guidance). The Uniform Guidance requires Duke, when acting as a pass-through entity, to determine whether a relationship with an entity is a subrecipient or a contractor (vendor). The UG defines these terms as:

Subrecipient (200.93): *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 (200.23): *An entity that receives a contract, a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project of program under a Federal award.*

Note: Clinical trial sites are considered fixed-rate subrecipients and do not require documentation.

For all other entities, using the below checklists, mark all characteristics of the relationship:

SUBRECIPIENT:

The following are characteristics of a subrecipient, as outlined in 200.330 (a) of the UG:

- Determines who is eligible to receive what Federal assistance
- Has its performance measured in relation to whether objectives of a Federal program were met
- Has responsibility for programmatic decision making
- 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 Duke

CONTRACTOR (VENDOR):

The following are characteristics of a contractor, as outlined in 200.330 (b) of the UG:

- Provides the goods and services within normal business operations
- 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.

The UG encourages the use of judgment in making a determination of appropriate classification, and it is important to analyze the substance of the relationship, rather than the form of the agreement. When a determination is made based on judgment, justification must be documented. Questions should be directed to your pre-award office.

Final Determination:

- Subrecipient
- Contractor

PI (or delegate) Approval: _____

Date: _____