




OREGON DEPARTMENT OF FISH & WILDLIFE POLICY

Administrative Services Division

Title: Federal Subaward/Contract Determination and Subaward Administration Policy	ASD_232_PO
Supersedes:	n/a
Applicability:	All ODFW employees
Reference:	ORS 190, 279A, 291, 496, 501, and 506; OAR 125; OAR 137; Oregon Constitution Article IX; ORS 30; Federal regulations (2 CFR 25, 2 CFR 200, 2 CFR 184, and FFATA Federal Funding Accountability and Transparency Act of 2006 Public Law 109-282); federal funding agreements, and Oregon Accounting Manual 30.40.00.
Effective Date: 11/26/25	Approved: 

I. PURPOSE

To establish effective policy for ODFW employees to implement the federal requirements of 2 CFR 200 and other applicable federal regulations in determining Subawards vs. Contracts and managing and monitoring federal Subaward Agreements to ensure the proper stewardship of federal funds. This policy applies to the expenditure of funds from federal financial assistance awards with Subawards and Contracts. This policy does not apply to federal contracts, in which ODFW is acting as a Contractor to provide good or services to the federal government.

II. DEFINITIONS

Code of Federal Regulation (CFR) means the publication that contains the official rules of the federal government. 2 CFR 200 is the primary regulation governing grants and Cooperative Agreements issued by the federal government.

Contract means, for the purpose of this policy which involves federal financial assistance, a legal instrument by which ODFW conducts procurement transactions under a Federal Award. (See 2 CFR 200.1). Note: For the purposes of this policy, “Contract” does not include Grant Agreement or Subaward Agreement.

Contract Services means the work unit in ODFW’s Administrative Services Division.

Contractor means an entity with which ODFW enters into a Contract.

Cooperative Agreement means, for the purposes of this policy, a legal instrument of financial assistance between a Federal agency and a Recipient OR between a Pass-Through Entity and Subrecipient that

- A. Is used to enter into a relationship the principal purpose of which is to transfer anything of value to carry out a public purpose authorized by a law of the United States; and not to acquire property or services for the Federal Government or pass-through entity's direct benefit or use;
- B. Is distinguished from a grant in that it provides for substantial involvement of the Federal agency or pass-through entity in carrying out the activity contemplated by the Federal Award. (See 2 CFR 200.1.)

Federal Award (or Federal Grant or Federal Financial Assistance Award) means federal financial assistance that a Recipient receives directly from a federal agency or indirectly from a Pass-Through Entity (2 CFR 200.1). It does not include federal funding through a federal contract (a contract in which the federal government is procuring Goods or services for its use).

Goods means:

- A. Equipment (tangible personal property having a useful life of more than one year and a per-unit acquisition cost >\$10,000);
- B. Supplies (all tangible personal property other than equipment);
- C. Materials; and
- D. Any personal property, including any tangible, intangible, and intellectual property and rights and licenses that ODFW is authorized by law to procure.

Grant is defined in ORS 279A.010 and means, for the purposes of this policy:

- A. A Contract under which ODFW receives money, property, or other assistance, from a grantor for the purpose of supporting or stimulating a program or activity of ODFW; or
- B. A Contract under which ODFW provides money, property, or other assistance, to a recipient for the purpose of supporting or stimulating a program or activity of the recipient.

Pass-Through Entity means a Recipient or Subrecipient that provides a Subaward to a Subrecipient (including lower tier Subrecipients) to carry out part of a federal program. The authority of the Pass-through Entity under this part flows through the Subaward agreement between the Pass-Through Entity and Subrecipient (2 CFR 200.1). The Pass-Through Entity for the purposes of this policy is ODFW.

Procurement Information Exchange (PIE) system means the ODFW system that tracks incoming funding.

Project Manager for Federal Award means the ODFW employee with responsibility for the budget and administration of the Federal Award. This is the person designated as “Project Manager” in the PIE system or a successor to the Project Manager. Also may be called “Grantee Project Director” in federal documents. This may be a different employee from the Project Manager for Subaward.

Project Manager for Subaward means the ODFW employee with responsibility for monitoring the activities of a Subrecipient to ensure compliance with the Subaward. This is the ODFW employee designated on the Contract Services Request (CSR) for the Subaward or a successor to the Project Manager. Also may be called “Project Leader” in federal documents.

Recipient means a non-federal entity, such as ODFW, that receives a Federal Award directly from a Federal agency to carry out an activity under a Federal program. The term “Recipient” does not include Subrecipients or individuals that are participants or beneficiaries of the award. The Recipient for the purposes of this policy is ODFW.

Services means the furnishing of labor, time, or specialized expertise.

Subaward (“subgrant”) means an award provided by a Pass-Through Entity to a Subrecipient for the Subrecipient to contribute to the goals and objectives of the project by carrying out part of a Federal award received by the Pass-Through Entity. It does not include payments to a Contractor, beneficiary, or participant (2 CFR 200.1).

Subaward File means an official file for a Subaward maintained by the Project Manager for Subaward, containing documents related to determination of Subrecipient, and monitoring and administration of the Subaward (e.g., requests for reimbursement, correspondence with Subrecipient, monitoring activity records).

Subrecipient means an entity that receives a Subaward from a Pass-Through Entity (e.g., ODFW) to carry out part of a Federal Award (2 CFR 200.1).



III. POLICY

- A. ODFW receives a variety of Federal Awards from various federal agencies. ODFW employees managing federal funds, including federal funds used to pay for Contracts and Subawards, are required to ensure the use of the funds meet the requirements of the Federal Award.
- B. ODFW employees shall comply with the following:
 - i. Code of Federal Regulation (CFR) 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
 - ii. 2 CFR 184 Buy America Preferences for Infrastructure Projects;
 - iii. Other federal regulations related to individual Federal Award programs;
 - iv. The terms and conditions of specific Federal Awards;
 - v. Oregon Accounting Manual 30.40.00; and
 - vi. Applicable state laws and rules.

ODFW employees acting as Project Managers for Federal Grants, Project Managers for Subawards, and Project Managers for federally funded Contracts shall be knowledgeable of the regulations and terms above. Project Managers shall comply with Contract Administration policy ASD_231_PO. Employees acting as Project Managers for United States Fish and Wildlife Service Office of Conservation Investment grants shall complete the online [Project Leader course](#) as soon as possible after being assigned a Federal Award.

Subrecipient/Contractor Determination: In accordance with [2 CFR 200.331](#), ODFW determines case-by-case whether a third-party entity (Entity) receiving federal funds from ODFW is a Subrecipient or a Contractor. The Project Manager for Federal Award is responsible for making this determination and documenting it in the incoming federal assistance application budget, budget narrative, and PIE budget template.

The Project Manager for Federal Award, in cooperation with the Project Manager for the Contract or Subaward, shall use the following rationale to make this determination:

Entity activity	Entity provides Goods or Services that are used <u>by ODFW</u> to fulfill one or more of the public purposes of the Federal Award; “ODFW’s project.”	Entity uses the funds themselves to directly fulfill one or more of the public purposes of the Federal Award. <u>Entity has a vested interest in project’s success.</u>
Examples	Goods and Services for ODFW wildlife areas or hatcheries, Services for data or research ordered and used by ODFW 	Maintenance or development of sites not owned by ODFW (e.g., boating access sites, shooting ranges); research conducted by universities for their own programs 
Treat entity as:	CONTRACTOR	SUBRECIPIENT
Establish relationship through:	Contract. This use of funds shall be considered a procurement . Selection of a Contractor shall proceed as per public procurement law, rules, and Contracting policy ASD_230_PO.	Subaward agreement. This use of funds shall be considered a Subaward (“subgrant”). See this policy and ASD_232_PR procedure for instructions.

C. **“Gray area” entities:** If ODFW will have substantial involvement and is planning to enter into a Cooperative Agreement, **OR** if due to the unique nature of the relationship to be established between ODFW and a third party the entity may appear to exhibit the characteristics of both a Contractor and a Subrecipient, the Project Manager for the Federal Award shall determine the nature of the relationship using the Subrecipient vs. Contractor Determination Form. The Project Manager for the Federal Award shall save it in the file for the federal award and provide to the Project Manager for the Contract or Subaward to save in the Procurement File or Subaward file in case of questions or audit.

D. Requirements for Subaward

- (1) As a Pass-Through Entity for federal Subawards, ODFW must comply with [2 CFR 200.332](#). The Project Manager for Subaward is responsible for:
 - i. Monitoring the programmatic, administrative, and financial activities of a Subrecipient to ensure proper stewardship of federal funds; and
 - ii. Documenting monitoring efforts.
- (2) As per [2 CFR 200.332](#), the Project Manager for Subaward and other ODFW employees as outlined in procedure ASD_232_PR must:
 - i. Verify that the Subrecipient is not excluded or disqualified in accordance with [2 CFR 180.300](#).

- ii. Ensure that every Subaward agreement is clearly identified to the Subrecipient as a Subaward and includes:
 - a) The fourteen (14) pass-through requirements listed in [2 CFR 200.332\(b\)\(1\)](#) regarding the Federal Award;
 - b) All requirements of the Subaward, including terms and conditions of the Federal Award;
 - c) Any additional requirements imposed by ODFW as the Pass-Through Entity;
 - d) Subrecipient's indirect cost rate;
 - e) Requirement that the Subrecipient permit ODFW and auditors to access the Subrecipient's records and financial statements for monitoring purposes; and
 - f) Appropriate terms and conditions concerning closeout of the Subaward.
- iii. Evaluate each Subrecipient's fraud risk and risk of noncompliance with a Subaward to determine the appropriate Subrecipient monitoring.
- iv. If appropriate, consider implementing specific conditions in a Subaward as described in 2 CFR 200.208 and notify the Federal agency of the specific conditions.
- v. Monitor the activities of a Subrecipient as necessary to ensure that the Subrecipient complies with Federal statutes, regulations, and the terms and conditions of the Subaward.
- vi. Depending upon the Pass-Through Entity's assessment of the risk posed by the Subrecipient, determine use of monitoring tools listed in [2 CFR 200.332\(f\)](#).
- vii. Verify that a Subrecipient is audited as required by [2 CFR 200 Subpart F](#).
- viii. Consider whether the results of a Subrecipient's audit, site visits, or other monitoring necessitate adjustments to the Pass-Through entity's records.
- ix. Consider taking enforcement action against noncompliant Subrecipients as described in [2 CFR 200.339](#) and in Federal Grant program regulations.

IV. RELATED DOCUMENTS

ASD_232_PR Federal Subaward (Subgrant)/Contract Determination and Subaward Administration Procedure
 Subrecipient vs. Contractor Determination Form
 Subrecipient Controls Questionnaire
 Subrecipient Risk Assessment and Monitoring Plan
 Subaward Monitoring Record
 Subaward Closeout Form