



## ODFW Subrecipient vs. Contractor Determination Checklist For Federal Award Funds

Description of Work or Project \_\_\_\_\_

Federal Award Number & Title \_\_\_\_\_

Name of Entity Receiving Federal Award Funds (if known) \_\_\_\_\_

Type of Entity (if known):

- Individual   
  Nonprofit organization   
  For-profit   
  Higher Education   
  Federal agency  
 Local government agency   
  Oregon state agency   
  Other: \_\_\_\_\_

*ODFW (“Recipient”) must make a case-by-case determination to determine whether an entity to which ODFW awards Federal funds is a subrecipient or a contractor. Federal funds expended as a subrecipient are subject to subrecipient monitoring and audit as per 2 CFR 200.332.*

*Please review the **subrecipient** and **contractor** characteristics below and mark each characteristic that fits the entity’s relationship with this project. There may be unusual circumstances or exceptions to the listed characteristics. It is not expected that all the characteristics will be present (see 2 CFR 200.331). Complete this checklist and use your judgement to make a final determination as per ASD policy ASD\_232\_PO and procedure ASD\_232\_PR.*

### SUBRECIPIENT

A subaward is for the purpose of carrying out a portion of the Federal award and creates a Federal financial assistance relationship with a subrecipient.

**Check all that apply.** Characteristics that support the classification of the entity as a subrecipient include, but are not limited to, when the entity:

- (1) Determines who is eligible to receive what Federal assistance. Example: A subrecipient that identifies mentors and mentees under a mentoring program.
- (2) Has its performance measured in relation to whether objectives of a Federal program were met. Example: ODFW will rely on the subrecipient’s data to submit ODFW’s performance data to the federal agency.
- (3) Has responsibility for programmatic decision-making.
- (4) Develops the scope of work; will use the funds to carry out its own public project and/or provide a public service.
- (5) Is responsible for adherence to applicable Federal program requirements specified in the Federal award (such as audit requirements, National Environmental Policy Act (NEPA) regulations and consultation with State Historic Preservation Office (SHPO)).
- (6) Uses the funds to implement a program for a public purpose specified in authorizing statute of the Federal program, as opposed to providing goods or services for the benefit of ODFW.

- (7) Is compensated for only the actual costs incurred. The recipient or subrecipient must not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award (2 CFR 200.400(g)).
- (8) Provides in-kind or third-party match to project.

**CONTRACTOR**

A contract is for the purpose of obtaining goods and services for the recipient's or subrecipient's use and creates a procurement relationship with a contractor.

**Check all that apply.** Characteristics that support the classification of the entity as a contractor include, but are not limited to, when the entity:

- (1) Receives a Statement of Work or order from ODFW to provide goods/services; provides goods or services to help ODFW meet ODFW's own program objectives.
- (2) Provides the goods and services within normal business operations.
- (3) Provides similar goods or services to many different purchasers.
- (4) Normally operates in a competitive environment.
- (5) Provides goods or services that are ancillary to the implementation of a Federal program. Examples include but are not limited to: Office equipment, supplies, software licenses, wildlife monitoring equipment, internet services, cell phone service, website hosting, copying/printing, lodging
- (6) Is not subject to compliance requirements of a Federal program as a result of the agreement. However, similar requirements may apply for other reasons.
- (7) Is a for-profit business.
- (8) Is paid a fee for service or a fixed price above its cost (for profit).

In determining whether an entity is a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. Use the box below to describe other considerations (if any) that were used to make this determination.

*Comments:*

**FINAL DETERMINATION:**

Subrecipient

Contractor

\*Please forward the completed determination checklist to Contract Services as an attachment to the PIE request for the federal grant, or Contract Services Request (CSR) for procurement or subaward.

Completed By: \_\_\_\_\_

Date: \_\_\_\_\_