

WORKING WITH SUBRECIPIENT AGREEMENTS UNDER SPONSORED AWARDS AT UCD

[DEFINITIONS](#) | [QUESTIONS AND ANSWERS](#)

The following information is intended to assist those who work with Grants and Contracts to set up collaborative relationships with agencies external to UCD under a sponsored award. Nothing in this document is meant to replace UCD Fiscal Policy.

Definitions

<ul style="list-style-type: none"> • Award • Consortium/Contractual • Consultant • Contract • Cooperative Agreement 	<ul style="list-style-type: none"> • Financial Assistance Award • Flow-through Entity • Grant • Independent Contractor • Prime Award 	<ul style="list-style-type: none"> • Prime Awardee • Prime Recipient • Procurement Award • Recipient • Sponsored Project 	<ul style="list-style-type: none"> • Subaward • Subcontract • Subrecipient • Subrecipient Agreement • Vendor
--	---	---	---

TERM	UCD	FEDERAL GOVERNMENT
<p>Award</p> <p>Prime Award</p>	<p>Funds provided from a sponsor for support of a sponsored project or program. This term is used for the original award, and subsequent supplements or modifications to that award.</p> <p>Awards, also known as agreements, typically include money or equipment.</p>	<p>Federal awards include financial assistance awards and procurement awards.</p> <p>Federal awards do not include:</p> <ul style="list-style-type: none"> • Technical assistance • Loans, loan guarantees, interest subsidies, insurance • Direct payments of any kind to individuals

Consultant**Independent Contractor**

An individual whose expertise is required by the Principal Investigator to perform the project. Services are temporary, special, urgent, or highly technical.

A consultant describes a relationship that exists with an individual or consulting firm that is responsible to the UCD for the results of certain work but is not subject to the UCD's control with respect to the means and methods of accomplishing the work (i.e. the consultant is not an employee of CU).

Further, a consultant generally:

- Has a place of business and a business listing in a directory when the services are offered to the public.
- Selects the clients and is free to work for one or more during any given period.
- Determines the time and place where work shall be performed.
- Provides the tools and materials needed to perform the work.
- Does not participate directly or indirectly in benefit programs of the UCD. For example, the individual is not covered by the UCD for Workers Compensation covering injury to the worker, for public liability covering injury to others, or for unemployment compensation.
- May agree to perform specific services for a fixed price and generally does not receive regular amounts at stated intervals.

Consultants are paid directly and are responsible for reporting and covering taxable income.

Note: A consultant is paid with a payment voucher or Standing Purchase Order (SPO) request after it has been determined by UCD Human Resources (<http://www.ucdhsc.edu/admin/hr/>) that the individual meets the legal criteria to be a consultant, rather than being considered an employee of the University.

According to the NIH Grants Policy Statement (12/03) a consultant is, "An individual who provides professional advice or services for a fee, but normally not as an employee of the engaging party. In unusual situations, an individual may be both a consultant and an employee of the same party, receiving compensation for some services as a consultant and for other work as a salaried employee. Consultants also include firms that provide professional advice or services."

Refer to the Procurement Service Center's web site for more information (<http://www.cusys.edu/psc/>).

A UCD faculty member working as a consultant should not be using University space, equipment, resources, or employees.

Contract

A contract is a written agreement to acquire from UCD services that many times will primarily benefit the sponsor.

For an award to be considered a contract, it normally must contain all of the following elements:

- The parties to the agreement must be clearly identified.
- Detailed financial and legal requirements must be included with a specific statement of work to be performed.
- A specific set of deliverables and/or reports to the sponsor is defined.
- Legally binding contract clauses are included (period of the contract, termination terms, etc.).
- Authorized signatures by all parties to the contract.

Federal contracts are [procurement awards](#), subject to applicable Federal Acquisition Regulations (FAR).

According to the FAR, a contract is a mutually binding legal relationship obligating the seller to furnish the supplies or services and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriate funds and that, except as otherwise authorized, are in writing. Contracts do not include grants and cooperative agreements covered by 31 USC 6301.

Cooperative Agreement

A funding mechanism used by federal sponsors making [financial assistance awards](#), when a program requires more agency involvement and restrictions than a [grant](#) but requires less agency supervision than a federal contract (or procurement award). Cooperative Agreements are subject to applicable OMB Regulations.

According to the NIH Grants Policy Statement (12/03) a cooperative agreement is, "A support mechanism used when there will be substantial Federal scientific or programmatic involvement. Substantial involvement means that, after award, scientific or program staff will assist, guide, coordinate, or participate in project activities."

Financial Assistance Award	A Request for Applications (RFA) will result in a financial assistance award by the Federal government and will be funded by a grant or cooperative agreement to the prime awardee .	Provide support from the federal government to accomplish a public purpose. Awards made for financial assistance are made using a grant or cooperative agreement award mechanism.
Flow-through Entity		A non-federal entity that provides a portion of a federal award to a subrecipient . The subrecipient is responsible for carrying out its portion of the federal award.
Grant	Federal grants are financial assistance awards subject to applicable OMB regulations and provide funds to educational institutions, foundations, local governments, state agencies and other nonprofit organization to accomplish a public purpose of support or stimulation authorized by federal statute.	According to the NIH Grants Policy Statement (12/03) a grant is “a financial assistance mechanism providing money, property, or both to an eligible entity to carry out an approved project or activity. A grant is used whenever the NIH IC anticipates no substantial programmatic involvement with the recipient during performance of the financially assisted activities.”
Procurement Award	A Request for Proposals (RFP) will result in a procurement award by the Federal government and will be funded by a contract to the prime awardee .	Provides for the purchase of goods and services to accomplish a governmental purpose; services can include research. Awards made for procurement are made using a contract as the award mechanism.
Prime Awardee Prime Recipient Recipient		The organization receiving a financial assistance award or procurement award from a Federal agency to carry out a project.

<p>Sponsored Project</p>	<p>Research, instructional, or public service activities that are related to the mission of the UCD and sponsored by external agencies or entities. Facilities and administrative cost recovery is not a factor in determining whether funding is a sponsored project.</p> <p>Application/award issues that require administration by Grants and Contracts include any one of the following:</p> <ul style="list-style-type: none"> • the award is a grant or contract from a governmental entity; • sponsor support is directed to satisfy specific, programmatic objectives that are to be accomplished within a specific time and budget framework; • the sponsor is entitled to receive some deliverable, such as a detailed technical report of research results or a report of expenditures; • there is a provision for audits by or on behalf of the sponsor; • the funding is for a project with compliance issues including, but not limited to: human subjects, animal use, biohazards, and biosafety; • publication restrictions, patent, or licensing rights are requested by the grantor. 	
<p>Subrecipient Consortium/ Contractual</p>	<p>A subrecipient is a legal entity that has agreed to work in collaboration with the prime awardee to perform a substantive portion of the programmatic effort on an award.</p> <p>The subrecipient's PI has responsibility for programmatic decision-making on their portion of the project and may be able to co-author publications. The subrecipient is also responsible for adhering to all applicable sponsor and federal requirements.</p> <p>Note: A subrecipient can be confused with a consultant or a vendor.</p> <p>Note: Previously referred to in Grants and</p>	<p>The legal entity that a subaward or subcontract is made to and who is accountable to the recipient for the use of funds provided.</p> <ul style="list-style-type: none"> • See agency implementations of A-110 to determine what type of entity can be a subrecipient. <p>According to OMB Circular A-133 (§____.210) a subrecipient (vs vendor) can be determined if:</p> <ul style="list-style-type: none"> • The recipient determines who is eligible to receive what Federal financial assistance; • The organization has its performance measured against whether the objectives

Contracts as a Subcontractor.

- of the Federal program are met;
- The organization has responsibility for programmatic decision making;
 - The organization has responsibility for adherence to applicable Federal program compliance requirements; and
 - The organization uses the Federal funds to carry out a program ... as compared to providing goods or services... .

Subrecipient Agreement

A subrecipient agreement is an agreement that is entered into with a [subrecipient](#) to establish the working relationship between the prime awardee and the [subrecipient](#). Subrecipient agreements include [subawards](#) and [subcontracts](#) funded by [sponsored projects](#).

Funding from a [prime recipient](#) to a [subrecipient](#) to carry out specific program activities.

Issuances of subrecipient agreements under a [prime award](#) are subject to compliance with applicable federal law and all subrecipient agreements are subject to the terms and conditions of the [prime award](#) and the normal purchasing requirements of the State of Colorado.

A subrecipient agreement does not include technical assistance or direct payments of any kind to individuals ([consultants](#)), for goods or services that fall within their normal business operations ([vendor](#)) and/or when they provide similar goods or services to many different purchasers operating in a competitive environment ([vendor](#)). This also includes goods or services that are secondary to the project.

Subaward

[Award](#) issued by the [prime awardee](#) to a [subrecipient](#) to flow-down programmatic effort under a [grant](#) or [cooperative agreement](#).

A [financial assistance award](#) made by a [prime recipient](#) to an eligible [subrecipient](#)

Subawards are issued to a third party ([Independent Contractor](#)) for the acquisition of services or for the conduct of prescribed activities that are considered "substantive programmatic work".

- Includes any financial assistance when provided by legal agreement, even if the agreement is called a contract
- Does not include the purchase of goods and services

Subcontract		
	<p>Award issued by the prime recipient to a subrecipient to flow-down programmatic effort under a contract. A subcontract is an agreement that is entered into with a subrecipient.</p> <p>Subcontracts are issued to a third party (Independent Contractor) for the acquisition of services or for the conduct of prescribed activities that are considered "substantive programmatic work".</p>	<p>Funding from a prime recipient to a subrecipient to carry out specific program activities.</p> <p>A procurement award made by a prime recipient to an eligible subrecipient.</p> <ul style="list-style-type: none"> Does not include support for the federal government to accomplish a public purpose.
Vendor	<p>Vendor agreements are handled through the Procurement Service Center (PSC), http://www.cusys.edu/psc/.</p>	<p>Payments that are received for goods and services (vendor agreements) are not subject to the same audit requirements as subrecipients.</p> <p>According to OMC Circular A-133 (§____.210) a vendor (vs subrecipient):</p> <ul style="list-style-type: none"> Provides the goods and services within normal business operations; Provides similar goods or services to many different purchasers; Operates in a competitive environment; Provides goods or services that are ancillary to the operation of the Federal program; and Is not subject to compliance requirements of the Federal program.

Questions

- [What is the difference between a subcontract, subaward, and a consultant?](#)
- [How do I determine what is categorized as consortium/contractual costs \(subrecipient agreement costs\), as opposed to consultant costs or costs categorized as "other costs"?](#)
- [During proposal preparation, do I look at overall costs to determine if the budget should be a consortium \(subrecipient\) agreement or consultant?](#)
- [How would I categorize the costs associated with the proposed collaboration with another university requesting, salary, benefits, supplies, travel, F&A, with the total cost less than \\$25,000? What if the total cost is more than \\$25,000?](#)
- [What happens when another organization asks to be categorized in the proposal budget](#)

- under consortium/contractual costs (as a subrecipient) rather than under consultant costs?
- When categorizing the budget and considering cost, do I look at the budget period or the project period?
- What if the scope of the work for the project period is not substantive, however the cost is over \$25,000, would G&C consider doing this as a subrecipient agreement?
- Is there anything different to consider when dealing with one of the other CU campuses?
- How do I categorize a collaborative arrangement in support of a research project where some portion of the programmatic activity will be carried out (per the NIH Grants Policy Statement)?
- What additional documentation does G&C need at the proposal stage if the grant application or contract proposal is to a non-federal sponsor or federal sponsor (not including NIH) and proposes a subrecipient?
- What kind of documentation does G&C need at the proposal stage if the grant application is to NIH and proposes a subrecipient?
- What kind of documentation does G&C need if the subrecipient changes to another entity in the second year?
- What do I do when the proposal does not identify the organization that we are supposed to collaborate with, per sponsor guidelines?
- How are subrecipients, consultants, or the services categorized as "other costs" set-up at UCD?
- How is the arrangement with a subrecipient formalized?
- Who determines how a subrecipient agreement is set-up?
- If only a SPO is used rather than the subaward or subcontract (with SPO) mechanism, are the sponsor's terms and conditions passed onto the subrecipient?
- What PeopleSoft account codes should be used on the SPO for subrecipient agreements?
- Is it true that CU employees cannot receive consultant \$'s from another CU campus?
- What happens if a collaborator is categorized wrong in the proposal budget?
- Do payments made to a subrecipient change the amount encumbered in the PeopleSoft Financial System?
- How can I determine if the organization/individual we want to assist on a project should be categorized as a subrecipient, consultant, or as "other costs"?

What is the difference between a subcontract, consortium/contractual, subaward, and a consultant?

- Each of these terms have been defined in the [Definition](#) section of this document.

A **subrecipient agreement** is used when UCD has been awarded grant or contract funds from an external sponsor (such as the National Institutes of Health) and has arranged to enter into a collaborative relationship with another legal entity to complete a substantive portion of the programmatic effort. A subrecipient agreement is used to refer to **subawards** and **subcontract** arrangements. For example, if the expertise of a faculty member at a collaborating

institution, such as the University of Michigan, is of critical significance and will add a substantive portion to the programmatic effort of a proposed project in a grant application, then the University of Michigan would be categorized as a subrecipient in the budget. A subrecipient agreement would be used to enter into agreement with the subrecipient to establish a collaborative relationship between the parties.

Consultants on the other hand are individuals whose expertise is required by the UCD Principal Investigator (PI) to perform the project. A consultant describes a relationship that exists with an individual (or consulting firm) that is responsible to the UCD for the results of certain work but is not subject to the UCD's control with respect to the means and methods of accomplishing the work (consultants are not CU employees). For example, if the expertise of a specialist who would be paid directly rather than through an employer were needed for a proposed project, that person would be categorized as a consultant in the budget.

- Related Questions: [What happens when another organization asks to be categorized in the proposal budget under consortium/contractual costs \(as a subrecipient\) rather than under consultant costs. What do we do then?](#)

How do I determine what is categorized as consortium/contractual costs (subrecipient agreement costs), as opposed to consultant costs or costs categorized as "other costs"?

- Each of these terms have been defined in the [Definition](#) section of this document.

When UCD is the prime applicant institution, any legal entities (other than UCD and UCD personnel) whose personnel have agreed to provide a substantive portion of the programmatic effort in collaboration with UCD personnel on a project are to be categorized under **consortium/contractual costs**. For example, when a faculty member at another university will be contributing a substantive portion to the programmatic effort of a proposed project, the faculty member and his/her employing university and would be categorized under **consortium/contractual costs**.

When UCD is the prime applicant institution, any individual(s) (other than CU personnel) who plan to contribute to the project as an independent contractor and whose expertise is required by the UCD PI to perform the project (paid or unpaid) should be categorized under **consultant costs**. For example, if the expertise of a specialist who would be paid directly rather than through an employer is needed for a proposed project, that person would be categorized as a consultant in the budget.

Other types of arrangements where assistance is being provided by a external sources, such as technical assistance or goods and services, that fall within their normal business operations and/or when they provide similar goods or services to many different purchasers operating in a competitive environment should be categorized under **other costs** (refer to the Procurement Service Center's (<http://www.cusys.edu/psc/>) training guide entitled, *I need to buy something, now what?* located at <http://www.cusys.edu/psc/pol-pro/what-now/what-now.html>). This also includes goods or services that are secondary to the project. For example, using a company that routinely analysis blood samples would normally be categorized under other costs.

- Related Questions: [During proposal preparation, do I look at overall costs to determine if the budget should be a consortium \(subrecipient\) agreement or consultant?](#)

During proposal preparation, do I look at overall costs to determine if the budget should be a

consortium (subrecipient) agreement or consultant?

Cost is one factor among many during proposal review used to determine how to best categorize the activity in the budget.

How would I categorize the costs associated with the proposed collaboration with another university requesting, salary, benefits, supplies, travel, F&A, with the total cost less than \$25,000?

Cost is one determining factor among many used to determine how to best categorize the proposed activity in the budget. In this example the total cost is less than \$25,000, which may indicate that the work is not substantive, but there may be a number of other factors that would suggest that the university be categorized as a subrecipient. For example, PI at the university may have responsibility for programmatic decision-making on their portion of the project and may be able to co-author publications.

What if the total cost is more than \$25,000?

When the total cost exceeds \$25,000, it is a good indicator that the work is substantive (i.e. the costs could be categorized as a subrecipient), but it is still important to consider the other aspects that constitute a subrecipient before making the final determination.

- Related Questions: [When categorizing the budget and considering cost, do I look at the budget period or the project period?](#)

What happens when another organization asks to be categorized in the proposal budget under consortium/contractual costs (as a subrecipient) rather than under consultant costs?

How a cost is categorized in the budget is based on the sponsoring agency's instruction at the application/proposal process as well as the policies and procedures of UCD given in the [table of definitions](#). Normally, an organization would be categorized as a subrecipient or as "other costs". In circumstances where this is not the case, say with a consulting firm, the organization would need to provide written justification demonstrating why there is a need to be categorized as a subrecipient rather than a consultant. Based on the justification and the specific situation, a determination would have to be made on how to handle the situation.

When categorizing the budget and considering cost, do I look at the budget period or the project period?

When looking at cost, consider the project period rather than the budget period. For NIH, this would be all years within a competitive cycle.

What if the scope of the work for the project period is not substantive, but the cost is over \$25,000? Would G&C consider doing this as a subrecipient agreement?

Remember that cost is only one factor used to determine how the cost should be categorized. There should also be an assessment of the type of work that will be performed.

In the question, it states that for the stated period the scope of the work is not substantial. Based on that information it may be determined that this would be an “other cost” item. It would be necessary to clarify though if the work will be provided by an external source to UCD, and whether or not the work falls within their normal business operations and/or they provide similar goods or services to many different purchasers operating in a competitive environment. This also includes goods and services that are secondary to the project.

Is there anything different to consider when dealing with one of the other CU campuses?

How to categorize the cost in a budget does not change when the work is to be performed by another CU campus. Rather, an assessment of the type of work that will be performed should be used to categorize the cost.

How do I categorize a collaborative arrangement in support of a research project where some portion of the programmatic activity will be carried out (per the NIH Grants Policy Statement)?

Typically, a collaborative arrangement where the other organization will be carrying out some portion of the programmatic activity would mean that the other organization would be considered a subrecipient and therefore listed on the NIH budget page under consortium/contractual costs. Remember though to check the sponsor’s instructions as well as how UCD defines subrecipients. It is possible that this collaborative arrangement would be appropriate as an “other cost” item.

What additional documentation does G&C need at the proposal stage if the grant application or contract proposal is to a non-federal sponsor or federal sponsor (not including NIH) and proposes a subrecipient?

For any subrecipient organizations listed in UCD proposals to non-federal sponsors, a list of the documents required by G&C can be found at <http://www.uchsc.edu/ogc/pre/chksub.php>. Always be sure to review the sponsor’s instructions for any additional documentation required.

What kind of documentation does G&C need at the proposal stage if the grant application is to NIH and proposes a subrecipient?

For any subrecipient organizations listed in UCD proposals to NIH, a list of the documents required by Grants and Contracts can be found at <http://www.uchsc.edu/ogc/pre/nihsb.php>. Always be sure to review the sponsor’s instructions for any additional documentation required.

What kind of documentation does G&C need if the subrecipient changes to another entity in the second year?

A Request for Subrecipient Agreement (or Amendment) form (see <http://www.uchsc.edu/ogc/forms/fp4-02b.doc>) and any sponsor requirements will need to be completed.

What do I do when the proposal does not identify the organization that we are supposed to collaborate with, per sponsor guidelines?

In this situation, a Request for Subrecipient Agreement (or Amendment) form (see <http://www.uchsc.edu/ogc/forms/fp4-02b.doc>) will be required when the subrecipient is determined. Always be sure to review the sponsor's instructions for any additional documentation required by the sponsor.

How are subrecipients, consultants, or services categorized as "other costs" set-up at UCD?

- Subrecipient agreements are handled in G&C, see [How is the arrangement with a subrecipient formalized?](#)
- Consultant agreements are handled through the Procurement Service Center and Human Resources.
- Procurement agreements (i.e. services categorized as "other costs") are handled through the Procurement Service Center.

How is the arrangement with a subrecipient formalized?

There are two mechanisms used in G&C to set-up subrecipient agreements under sponsored projects:

1. Subaward or Subcontract (with SPO)*

This mechanism is used when required by the State of Colorado Fiscal Rules and UCD Fiscal Policies (Fiscal Policy 4-2, Expenditure Contracts and/or Subagreements Under Sponsored Awards at <http://www.ucdhsc.edu/admin/policies/G&C/fp4-02.pdf>). A subaward or subcontract (with SPO) is required when the award provides for the disbursement of funds and:

- There will be the acquisition of personal services costing more than \$25,000 during the project period (even if the award crosses several budget periods); and/or
- The award incorporates laws or regulations that are specifically or legally mandated to supersede UCD fiscal policy in whole or in part. This includes situations where the cost is less than \$25,000 for the project period, but a subaward or subcontract is needed to adequately convey UCD's expectations and/or sponsor requirements to the subrecipient.

Note: A subaward or subcontract (with SPO) will create an encumbrance in PeopleSoft. An encumbrance identifies obligations made by showing the amount of funding obligated to the subrecipient. Encumbrances reduce the available balance of a PeopleSoft project or program.

*Subrecipient agreements with other University of Colorado campuses employ a Letter Agreement (with SPO) rather than a subaward or subcontract (with SPO).

2. Standing Purchase Order (SPO)*

This mechanism is used when a Subaward or Subcontract (with SPO) is not necessary (as outlined above). An SPO is used when the award provides for the disbursement of funds and:

- The acquisition of personal services will cost \$25,000 or less during the project period (even if the award crosses several budget periods); and

- The award does not incorporate laws or regulations that are specifically or legally mandated to supersede UCD fiscal policy in whole or in part and there is no need convey UCD's expectations and/or sponsor requirements to the subrecipient.

Note:

- An SPO (without a Subaward or Subcontract attached) will not create an encumbrance in PeopleSoft unless a special request is made to the Procurement Service Center.
- SPOs are also used for other purposes not related to sponsored projects. For information contact the Procurement Service Center

*In cases where the cost eventually exceeds \$25,000 during the project period or it is determined that a subrecipient agreement is needed to adequately convey UCD's expectations and/or sponsor requirements to the subrecipient, a subaward or subcontract (with SPO) will be used in place of an SPO.

- Related Questions: [Who determines how a subrecipient agreement is set-up?](#)

Who determines how a subrecipient agreement is set-up?

G&C Subcontract Specialist with input from the PI/department who has direct knowledge of the subrecipient and the work to be performed.

If only a SPO is used rather than the subaward or subcontract (with SPO) mechanism, are the sponsor's terms and conditions passed onto the subrecipient?

Probably not. SPOs only incorporate UCHSC Fiscal Policy, State of Colorado Fiscal Rules, and standard federal terms and conditions for grant or contract awards as applicable. No specific sponsor terms and conditions are made part of SPOs unless a subrecipient agreement is attached.

What PeopleSoft account codes should be used on the SPO for subrecipient agreements?

In the Chart of Accounts, Sponsored Programs Subcontract (i.e. Subrecipient) ranges from account codes 492600-492999. Refer to the Chart of Accounts Web site for a listing of specific accounts by subcontractor (Financial System Definitions, <https://www.cu.edu/controller/fin-system-values.html>). Within this range of account codes, there is the ability to distinguish between subrecipient amounts that are at or under \$25,000 and subrecipient amounts that are over \$25,000. This designation allows for appropriate F&A charging to a project or program. These account codes should be used for all subrecipient agreements (even those set-up with just an SPO).

Is it true that CU employees cannot receive consultant \$'s from another CU campus?

Yes. The IRS makes a distinction in the type of relationships an individual can have with an organization, either employee-to-employer or independent contractor-to-institution. An individual cannot be both to CU.

What happens if a collaborator is categorized wrong in the proposal budget?

If categorized incorrectly, the budget amount can be inadequate, special sponsor approvals may be needed, and delays getting the subcontract initiated can occur.

Do payments made to a subrecipient change the amount encumbered in the PeopleSoft Financial System?

It depends. If the subrecipient is paid using a check from UCD, the transaction does reduce the amount of the encumbrance. If the subrecipient is paid using a wire transfer, the transaction does not reduce the amount of the encumbrance.

How can I determine if the organization/individual we want to assist on a project should be categorized as a subrecipient, consultant, or as “other costs”?

Ask the following questions.

- | | |
|---|------------|
| 1. Will the organization/individual be working as an employee of a legal entity, such as a university (e.g. will the organization/individual be using the facilities of the university and be paid by the university)? If no, go to question 3. | Yes/
No |
| 2. Will the organization/individual be providing a substantive portion of the programmatic effort to the project? For example, will the organization/individual have responsibility for programmatic decision-making on their portion of the project and possibly to co-author publications? If no, go to question 6. | Yes/
No |

If you answered “Yes” to 1 and 2, the organization/individual may be best categorized as a subrecipient.

- | | |
|---|------------|
| 3. Is the organization/individual an individual working independently (or working with a consulting firm) that provides professional advice or services based on a written agreement for a fee? If no, go to question 6. | Yes/
No |
| 4. Is the organization/individual an individual who plans to contribute to the project as an independent contractor and whose expertise is required by the UCD PI to perform the project (paid or unpaid)? | Yes/
No |
| 5. Determine if the organization/individual is subject to the University of Colorado’s control with respect to the means and methods of accomplishing the work. A. Does the organization/individual: | |
| I. Have a place of business and a business listing in a directory where the services to be performed are offered to the public? If No, the organization/individual may need to be employed by UCD, rather than hired as a consultant. | Yes/
No |
| II. Select his/her own clients and is free to work for one or more during any given period? If No, the organization/individual may need to be employed by UCD, rather than hired as a consultant. | Yes/
No |
| III. Determine the time and place where work shall be performed? If No, the organization/individual may need to be employed by UCD, rather than hired as a consultant. | Yes/No |
| IV. Provide the tools and materials needed to perform the work. If No, the organization/individual may need to be employed by UCD, rather than hired as a consultant. | Yes/No |

- V. Participate directly or indirectly in fringe benefit programs of the University of Colorado? Yes/No
If Yes, the organization/individual may be employed by UCD and not be eligible to be a consultant.
- VI. Perform specific services for a fixed price (generally does not receive regular amounts at stated intervals)? If No, the organization/individual may need to be employed by UCD, rather than hired as a consultant. Yes/No

If you answered "Yes" to 3 and 4, and you answered "Yes" to 5A. I, II, III, IV, VI, and "No" to 5A.V, the organization/individual may be best categorized as a consultant.

6. Will the organization/individual be providing assistance such as technical assistance or goods and services, that fall within their normal business operations? Yes/No
7. Does the organization/individual provide similar goods or services to many different purchasers operating in a competitive environment? Yes/No

If you answered "Yes" to 6 and 7, the organization/individual may be best categorized under "other costs".