

Subawardee vs. Vendor vs. Professional Service (Consultant) Determination

Organization Name _____ Date _____

Use this checklist to determine what type of relationship is most appropriate for your project when working with an individual, company, or organization. It is important to consider the substance of the relationship when determining which type exists. OSP verifies the relationship during its review of your project. If the project is funded and the entity is a subawardee or consultant, an agreement will be established.

OMB Uniform Guidance Part 200, Subpart D, Post Federal Award Requirements, defines subawardee and vendor/professional service (consultant) relationships as follows:

Subawardee (Subrecipient/ Subcontractor) is defined as a non-federal entity that expends Federal/State awards received from a pass-through entity to carry out a Federal/State program, but does not include an individual that is a beneficiary of such a program. It may also be a recipient of other Federal/State awards directly from a Federal/State awarding agency.

Vendor/Professional Service (Consultant) is defined as a dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a Federal/State program. These goods or services may be for an organization's own use or for the use of beneficiaries of the Federal/State program. (*see checklist below for further clarification between the two types)

Use the CHECKLIST below to help with the determination:

Subawardee (Subrecipient/Subcontractor) = an organization or business receiving sponsored project award funds that:

- has an individual listed as a subaward PI, co-investigator, or as one of the multiple PI's on the application
- has its performance measured against whether the objectives of the Federal program are met
- has responsibility for programmatic decision making and for adherence to applicable Federal program compliance requirements such as IRB or IACUC approval
- uses funds to carry out the project at its institution rather than providing goods or services for a fee at the MBL
- has the right to publish project results and/or serve as co-author
- has the option to develop patentable technology and share in IP resulting from the project
- has programmatic involvement in the project identified by a separate statement of work (SOW), a separate budget and separate organization approval

**include subawardee's costs in the subaward section of your budget and use the MBL Subaward Commitment Form*

Vendor (Dealer, Distributor, Merchant) = individual or company receiving sponsored project award funds who:

- is paid a flat fee and provides similar goods/services to many different purchasers in a competitive environment
- provides goods or services that are ancillary to the operation of the Federal program
- is not considered to be engaged in research by a compliance committee nor is subject to compliance requirements of the Federal program (e.g., IRB, IACUC, etc.)
- is not responsible for the project design, conduct or reporting of research or educational activities and is not involved in programmatic work on the project including deliverables such as reports
- does not have the right to publish project results or serve as co-author
- has no intellectual property rights arising from work done for the project

**include vendor's costs in the other expenses/other direct costs section of your budget and prepare an MBL Purchase Order*

Professional Service (Consultant) = individual or company receiving sponsored project award funds who:

- provides professional advice or services
- is paid a set fee or based on a fee schedule for their work, which includes all expenses (travel, supplies, etc.)
- uses their own equipment and materials (not those from their own institution or de minimis use)
- acknowledges that any resulting IP is owned by the hiring institution
- pays their own taxes on earnings from the project and is not an employee of the MBL

**include consultant's costs in the consultants section of your budget; complete the independent contractor info on the MBL (HR) Independent Contractor Form*

Form completed by _____ Date _____