

## Subrecipient vs. Contractor

The criteria for determining whether an entity is considered a subrecipient or a contractor/consultant is defined in 2 CFR 200.330 and requires evaluation based on a number of characteristics listed below. Not all characteristics must be present; however, if in doubt please contact ORA for review and disposition. You can reach ORA via an email to [mra@med.miami.edu](mailto:mra@med.miami.edu).



	Subrecipient	Contractor/Consultant
<b>Scope of Work</b>	<ul style="list-style-type: none"> <li>Has their performance measured in relation to whether objectives of the Federal program were met.</li> <li>Has responsibility for programmatic decision making.</li> <li>Uses the Federal funds to carry out a program for a public purpose specified by authorizing statute.</li> </ul>	<ul style="list-style-type: none"> <li>Provides goods and services within normal business operations.</li> <li>Provides similar goods or services to many different purchasers.</li> <li>Normally operates in a competitive environment.</li> <li>Provides goods and services that are ancillary to the operation of the Federal program.</li> </ul>
<b>Terms and Conditions</b>	<ul style="list-style-type: none"> <li>Bound by terms and conditions contained within the prime award.</li> </ul>	<ul style="list-style-type: none"> <li>Not bound by terms and conditions of the prime award.</li> </ul>
<b>Financials</b>	<ul style="list-style-type: none"> <li>Provides a detailed budget which must abide by cost principles (2 CFR 200 Subpart E).</li> </ul>	<ul style="list-style-type: none"> <li>Provides an hourly, daily or deliverable rate plus travel costs (if applicable).</li> <li>Typically, contracted based upon milestones or deliverables.</li> </ul>
<b>F&amp;A</b>	<ul style="list-style-type: none"> <li>Incorporates Facilities &amp; Administrative Costs consistent with their federally negotiated Facilities &amp; Administrative Rate Agreement.</li> <li>If they do not have a federally negotiated rate, may incorporate a de minimis rate of 10% as defined in 2 CFR 200.414.</li> </ul>	<ul style="list-style-type: none"> <li>Facilities &amp; Administrative rates are not applicable. Incorporates all costs within their hourly, daily or deliverable rate.</li> </ul>
<b>Salary Limitations</b>	<ul style="list-style-type: none"> <li>Adheres to salary limitations contained within prime award and flowed down.</li> </ul>	<ul style="list-style-type: none"> <li>Not bound by salary limitations contained within the prime award.</li> </ul>
<b>Compliance Requirements</b>	<ul style="list-style-type: none"> <li>Adheres to compliance requirements contained within prime award and flowed down.</li> </ul>	<ul style="list-style-type: none"> <li>Not bound by compliance requirements contained within the prime award.</li> </ul>
<b>Intellectual Property</b>	<ul style="list-style-type: none"> <li>Actively engaged in the science; therefore, may be co-author on publications or may seek protection from inventions.</li> </ul>	<ul style="list-style-type: none"> <li>Not entitled to publication and intellectual property rights.</li> </ul>
<b>Handled by</b>	<ul style="list-style-type: none"> <li>The Office of Research Administration. Please see the <a href="#">Subcontracting to Another Entity</a> page.</li> </ul>	<ul style="list-style-type: none"> <li>Supply Chain Services. Please see their <a href="#">forms</a> page.</li> </ul>