

Contract Information Sheet - Supplemental Guide for Subrecipient/Contractor Determination

Subrecipient/Contractor (Vendor) Determination Information:

For each procurement action DHSS is required to determine whether the relationship between DHSS and the entity we are contracting with is Subrecipient or Contractor in nature. The information should be used to assist in the responding of questions on the Contract Information Sheet, Determination Information section.

TIP: Contractor: A non-federal entity that receives a contract for the purpose of providing goods and/or services for the awarding non-federal entity's own use. The contract creates a procurement relationship. The Uniform Guidance replaced the term "Vendor" with "Contractor." (See 2 CFR 200.1 & .331 (b) of the Uniform Guidance.)

TIP: Subrecipient: A non-federal entity that receives a subaward (or contract) for the purpose of carrying out part of a federal award. The subaward (or contract) creates a federal assistance relationship with the subrecipient. (See 2 CFR 200.1 & 200.331 (a) of the [Uniform Guidance](#).)

The questions below represent characteristics of Subrecipients and/or Contractors. Each question is based on the relationship being created by this contract action to help make the Subrecipient or Contractor (Vendor) determination. Answers should be recorded on the Contract Information Sheet, in the Determination Information section:

1. Does the entity DHSS is contracting with determine whether or not participants are eligible to receive the federal financial assistance or take part in the federal program related to this contract?

Yes example:

- a) The entity determines whether a participant meets a federal program's eligibility requirements for assistance.

No example:

- b) The entity provides services to program clients after eligibility has been determined by DHSS.

2. Will the entity DHSS is contracting with have their performance measured in relation to whether the objectives of the federal program are met?

Yes examples:

- a) The scope of work and terms and conditions of this agreement are the same as they are for DHSS.

- b) The entity is performing activities to complete the goal (or a goal) of the federal grant as stated in the federal award.

No example:

- a) The entity is providing a service so DHSS can meet the goal(s) of the grant.

3. Will the entity DHSS is contracting with have responsibility for making programmatic decisions?

Contract Information Sheet - Supplemental Guide for Subrecipient/Contractor Determination

Yes example:

- a) The entity has the authority to make decisions regarding the delivery of service, operations, or types of assistance provided within the terms of the agreement.

No example:

- b) The entity provides goods or services directly to the recipient or to program participants at the direction of the DHSS and does not make programmatic decisions or need to adhere to federal program requirements.

4. Will the entity DHSS is contracting with be responsible for adherence to the federal program requirements (as set out in the [Compliance Supplement](#), federal award requirements or federal regulations)?

TIP: This does not include standard federal contract requirements that are not specifically related to the federal program this contract is associated with.

Yes examples:

- a) The scope of the agreement is per the federal program terms/guidance.
- b) The entity will be required to provide programmatic or progress reports to ensure compliance with federal program requirements.

No examples:

- a) The scope of the contract is determined by DHSS and not federal program guidance.
- b) DHSS oversight is governed only by the contract terms and conditions.

5. Will the entity DHSS is contracting with use the funds to carry out the federal program or part of the federal program related to this contract?

Yes examples:

- a) The entity is running a federal program for DHSS.
- b) The entity demonstrates a financial or public need for funding to carry out a project or provide a service.
- c) The entity may contribute match or other non-federal funding in support of the award.
- d) The entity will be reimbursed for only actual costs incurred unless awarded on a fixed amount subaward.
- e) The entity will submit a budget, financial reports, etc. to document activity.

No examples:

Contract Information Sheet - Supplemental Guide for Subrecipient/Contractor Determination

- a) The entity is simply providing supplies, equipment, training, etc.
 - b) The entity was chosen because it has the best price for the good or services being purchased.
 - c) The entity may make a profit by providing this good or service.
6. Is it the entity's normal business to provide the goods or services in this contract with DHSS?

Yes example:

- a) This is not a unique or exceptional commodity or service to be provided to DHSS.
 - b) This is not a new program or function to be developed on DHSS' behalf by the entity.
7. Does the entity DHSS is contracting with provide the same or similar goods or services to other organizations?

Yes example:

- a) A commodity is routinely sold to a variety of customers.
 - b) An off-the-shelf training is regularly offered to any entity, including DHSS.
8. Does the entity DHSS is contracting with normally operate in a competitive environment?

Yes examples:

- a) The entity responded to a Request for Proposals (RFP), or a bid for goods or services.
- b) The proposed price was a factor in the selection process.
- c) The entity could make a profit from the agreement.
- d) The entity could compete with similar entities to provide the good(s) or service(s) to DHSS.

No examples:

- a) The entity DHSS is contracting with is a:
 - i. State agency
 - ii. State university
 - iii. Other governmental entity
 - iv. Sole source