

Subrecipient vs. Consultant vs. Vendor Determination

OBJECTIVE: Generally, the determination of the relationship with an entity is verified through the institutional review of the proposal narrative, budget justification, and other related proposal documents, as well as through discussions with key personnel prior to proposal submission. When the relationship remains unclear, this form may provide assistance in making an accurate determination. None of these classifications apply to ELON employees.

ELON PI: _____ Department : _____

Subrecipient Legal Name: _____

Prime Award Proposal Title: _____

ELON Sponsor (e.g. federal agency, non-profit organization etc.): _____

SUBRECIPIENT: A subrecipient is a third-party entity (not an individual or sole proprietor) carrying out a portion of the scope of work under an ELON prime award. Subrecipients are responsible for adherence to applicable program and compliance requirements specified in the Award. Indicators of a subrecipient include:

- ☐ An identified principal investigator who creatively designs and conducts an intellectually significant portion of the overall programmatic effort, and has a high degree of independent programmatic decision making authority related to their work scope;
- ☐ There is an expectation that the entity will retain ownership rights in potentially patentable or copyrightable technology or products that it produces in the course of fulfilling its scope of work;
- ☐ Authors or co-authors publications on the results of program/project work and contributes to sponsor required technical reports;
- ☐ Work that requires animal and/or human subject approval; Drafted a programmatic scope of work and budget that is included as part of the proposal and a letter of commitment is provided by the appropriate institutional official;
- ☐ Uses the funds to carry out a program for a public purpose, as opposed to providing goods or services for the benefit of the pass-through entity (i.e. ELON).

CONSULTANT: An individual or business with that:

- ☐ Provides professional advice and expertise required to perform a portion of the project;
- ☐ Paid a set fee or a fixed/hourly rate;
- ☐ Provides commercially available specialized, technical services;
- ☐ Not involved in programmatic work on the project (ex. the generation of project reports);
- ☐ Uses their own facilities, supplies and equipment to perform the services rather than that of
- ☐ another entity pays own taxes on earnings from the project. Is not an ELON employee, including adjunct faculty*.

Consultant costs should be included in the Consultants section of your budget.

VENDOR: A vendor contract is used to obtain goods and services for ELON's own use. Vendors are not subject to program compliance requirements (though similar requirements may apply for procurement reasons). Indicators of a procurement relationship include:

- ☐ No potential for patentable or copyrightable technology resulting from activities of Contractor (Vendor);
- ☐ No expectation of authorship or co-authorship of publications on the results of program/project work;
- ☐ Has not significantly participated in the creative design of the research project but is implementing the project activities in accordance with instruction from ELON PI;
- ☐ Does not have a stake in the research, or any decision-making responsibilities;
- ☐ Provides similar goods or services commercially.

Description: *All of the characteristics listed above may not be present in all cases. Therefore, judgment must be used in classifying the agreement as either a subaward or a consultant or vendor contract. In determining whether an agreement constitutes a subaward or a consultant or vendor contract, the substance of the relationship is more important than the form of the agreement. Contact OSP if assistance is required into make the appropriate determination.*

Determination: ☐ Subrecipient ☐ Consultant ☐ Vendor

Form completed by: _____