



Subrecipient vs. Contractor Determination Checklist

Upon completion, mail email a copy of this form to: criminaljustice@fdle.state.fl.us

Applicant Name:

Application #:

Third Party Name:

In accordance with 2 C.F.R. 200.330, a pass-through entity must make a case-by-case determination whether each contractual agreement it makes under a federal award classifies the third party as subrecipient or contractor. There are certain requirements which must be met depending on the relationship between a pass-through entity and its third party.

Florida Department of Law Enforcement, Office of Criminal Justice Grants (OCJG) is ultimately responsible for ensuring a correct determination is made under the federal program. In the event of a dispute regarding the determination, OCJG may seek final determination from the U.S. Department of Justice, Office of Justice Programs.

Please answer the following questions in relation to the contractual service proposed in your grant application/award:

- | | | |
|---|-----|----|
| 1. Will the third party provide goods/services related to crime and criminal justice to the public? | Yes | No |
| 2. Will the third party provide crime or criminal justice services to individual members of the public? | Yes | No |
| 3. Will the third party develop, adapt, or otherwise improve training and technical assistance materials to meet the needs of entities or individuals working to address crime, improve criminal justice, or assist victims of crime? | Yes | No |
| 4. Will the third party provide training or technical assistance to entities or individuals working to address crime, improve criminal justice, or assist victims of crime? | Yes | No |
| 5. Will the third party develop, or improve, technology useful in addressing crime, improving criminal justice, or assisting victims of crime? | Yes | No |
| 6. Will the third party collect and analyze data, or conduct research and evaluation, on issues related to crime, criminal justice, and victimization? | Yes | No |
| 7. Will the third party provide services which are designed, modified, or adapted to meet particular needs? | Yes | No |
| 8. Will the third party make determinations as to who may be eligible for the services proposed in the application? | Yes | No |
| 9. Will the third party make determinations (or evaluate) regarding the quantity and types services a program participant will receive? | Yes | No |
| 10. Will the third party be required to submit data which is necessary to complete the performance reporting under the proposed application? | Yes | No |

If **any** of 1-10 is **yes**, the contractual relationship is a **subrecipient**. Otherwise the contractual relationship is a contractor. Please see page two for important information regarding your determination.

DETERMINATION:

Subrecipient

Contractor



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Compliance Requirements Based on the Relationship Determination

Failure to address or provide documentation of compliance with the appropriate requirements as listed below may result in a withholding of funds condition being placed on the award. This type of condition will prevent the review and approval of any reimbursement requests ultimately delaying payment.

For a subrecipient determination:

- ☐ Third party has a UEI number AND active SAM.gov registration.
- ☐ Contractual agreement addresses all required elements in 2 CFR 200.331(a).
- ☐ A risk assessment has been developed to evaluate the third party's level of risk. (OCJG Example)
- ☐ A monitoring tool has been developed to monitor the third party's compliance with all applicable federal award conditions, rules, regulations, etc. (OCJG Example)
- ☐ Written policies and procedures exist to document the award, management, and monitoring of any third party subrecipient.

For a contractor determination:

- ☐ Third party is not on the excluded parties (suspended/debarred) list in SAM.gov
- ☐ Contractual agreement addresses all required elements in 2 CFR 200 Appendix II.
- ☐ Selection of the third party is in accordance the federal procurement standards identified in 2 CFR 200.318-326.
- ☐ Selection of the third party is free from any direct or perceived conflict of interest.
- ☐ If the selection of the third party is by non-competitive procurement methods, a sole source justification form has been submitted to OCJG.
- ☐ Documentation related to the method of procurement, selection of the contract type, contractor selection/rejection, and the basis for the contract price is available upon request.
- ☐ A documented cost analysis has been completed and all elements are allowable, reasonable, necessary and allocable to the proposed project.

***** For FDLE Use Only *****

Agree with the determination made by the OCJG applicant

Disagree with the determination made by the OCJG applicant; the relationship appears to be that of a:

Subrecipient

Contractor

Justification/Comments:

Approved By:

Date: