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

***Note that all relationships created for the conduct of sponsored projects require a fully executed agreement prior to onset. Please work with SPA to get documentation in place.***

Use the checklist below 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.  SPA 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. Please reach out to ResearchSPA@gillettechildrens.com if you need help determining a role.

*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. These individuals are often asked to provide Letters of Support for proposal applications. These letters of support should be carefully worded so as not to commit institutional resources.*
* ***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 above for further clarification between the two types)*
	+ ***NOTE*** *you may be asked to consult on a project where your activities are completely independent of your role/daily activities at Gillette. In these instances the following MUST be true for you to act as a paid consultant (funds come directly to you and not through Gillette):*
		- All of your consultive activities will be conducted outside of your normal working hours
		- No Gillette resources (data, computing devices, space, etc) will be utilized in your consultation activities
		- You must report these activities during your annual COI disclosure (and during the year if new relationships are developed)

**Letters of support:**

* + Professional to professional – With NO Gillette resources to be contributed may be submitted without SPA/Research Leadership input
	+ Site PI to Lead PI – please allow SPA to review, as Legal has asked that specific language be inserted in these Letters of Support!
	+ Letter of Intent – these MUST be submitted through SPA/Research Leadership as they commit organizational resources and specific language must be included per Legal

**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. SPA verifies the relationship during its review of your project. If the project is funded and the entity is a sub awardee or consultant, an agreement will be established.

**CHECKLIST**

**Sub-awardee (Subrecipient) = 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 PIs on the application
* Has its performance measured against whether the objectives of the Federal (external sponsor) program are met
* Has a 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
* Has the right to publish project results and/or serve as a co-author on disseminated materials
* 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 organizational approval
	+ DOCUMENTS NEEDED:
		- Subrecipient Commitment Form (use template)
			* Include budget and justification, SoW

**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 a Federal program
* Is not considered to be engaged in research by a compliance committee nor is subject to compliance requirements by the Federal program
* 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 such as deliverables or reports
* Does not have the right to publish project results or serve as a co-author
* Has no intellectual property rights arising from work done for the project
	+ DOCUMENTS NEEDED:
		- Service Agreement – Legal has general services agreement
			* Include deliverables, milestones, SoW
		- W-9 (IRS site)
		- Diverse supplier form (obtain from Supply Chain site)

**Professional Service (Consultant, Patient Partner) = an 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 minimus 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 Gillette Children's Specialty Healthcare
	+ DOCUMENTS NEEDED:
		- Research Partner Agreement (use template)
			* BAA if PHI
		- W-9 (IRS site)
		- Diverse Supplier Form (Supply Chain site)

Form Completed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Finance – verifies debarment/suspension vetting