| **Determination Guide**  **for Agreements with External Entities/Individuals** | | |
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| **Subrecipient (aka subaward/ subcontract)** | **Contractor/Vendor** | **External Consultant** |
| Below are a range of characteristics that may aid in distinguishing among the types of external entities/individuals that perform work for the University. The Defining Characteristicshould be given the most weight in the decision-making process. The Other Characteristics can lend further support to the decision. Not all of the other characteristics will be present or identifiable in any given situation. | | |
| **Defining Characteristic:** | | |
| **An entity that has agreed to work in collaboration with the UT PI to perform a substantive portion of the programmatic effort on a sponsored project.** | **An individual or entity that supplies products or services to the University.** | **An individual or entity whose expertise is required to perform University project. Services are temporary and special or highly technical.** |
| **Other Characteristics:** | | |
| Has authority to make administrative and programmatic decisions and control the method and results of work  Uses funds to carry out a program rather than provide a good or a service  Has responsibility for a portion of the end results of the overall research/sponsored project effort | Does not make program decisions or take actions that impact a program's overall success or failure  Is not responsible for results of the overall project | Does not develop the objectives of the project  May provide recommendations, but is not responsible for designing, developing, or reporting results or progress of the overall project |
| Has performance measured against meeting the program objectives | Goods and services provided by the contractor/vendor are ancillary to the program | Is not responsible for the overall outcome of the project  Is not essential to the shape, direction, and completion of the project |
| Has responsibility to meet all applicable sponsor requirements | Sponsor compliance regulations are not incorporated into agreement | Sponsor compliance regulations are not incorporated into agreement |
| The entity’s PI works collaboratively with the UT PI at the entity’s location | UT specifies the goods or services it requires in support of the project | UT defines scope of work; Consultant determines how to accomplish the service being provided |
| Services are complex and require a scope of work budget, billing requirements, and a deliverable schedule (reports, etc.) in the proposal application.  The entity’s statement of work may represent an intellectually significant portion of the programmatic decision making  May need animal and/or human subjects approvals for its independent portion of the work | Description of the services is limited to the work provided by this company or individual  May provide similar goods or services to different organizations as part of their normal business operations.  May compete with comparable entities to provide the same goods and/or services | May provide similar services to other organizations  Generally does not use university resources.   Provides his/her own expertise, work area, tools, materials, and supplies |
| The entity’s work results may involve intellectual property and/or may lead to publications | Typically no potential for patentable or copyrightable technology to be created through project from activities of the entity or individual | Usually “work for hire”; intellectual property, if any, belongs to University |
| The entity’s personnel are designated senior/key personnel in the proposal-may be a Co-PI, MPI, or Co-Investigator | Specific individuals providing goods and services may not be identified in the proposal or contract | Generally does not serve as senior personnel – e.g., Co-Investigator, Principal Investigator, etc |
| Typically is reimbursed for costs similar to those in UT’s proposal budget, e.g. time committed by Subaward P.I., other research/program personnel, or students; fringe benefits; research/project-specific supplies and equipment; travel; F&A | Goods and services are billed according to the vendor’s established rates | Receives a fee for their services, not a salary.  Payment is based upon completion of specific work, rather than time worked (although hourly payment may be specified) |