

2 CFR §200.331 Subrecipient vs. Contractor

Determination Worksheet & Compliance Checklist

Prepared by Fadi Opgenorth, CPA/MBA · fadiopgenorth.com · Template Version: February 2026

This guide was produced with the assistance of Anthropic AI. All regulatory content has been reviewed for accuracy by the author. Final compliance determinations remain the sole responsibility of the user's organization.

ENTITY & AWARD INFORMATION

Entity Being

Evaluated:

Federal Award #:

Pass-Through Entity:

CFDA / ALN #:

Evaluator Name / Title:

Date of
Determination:

Federal Awarding

Agency:

Agreement Amount:

Brief description of scope of work:

SUBRECIPIENT INDICATORS — §200.331(a)

A subaward carries out a portion of the Federal award and creates a Federal financial assistance relationship. Check each indicator that applies:

§200.331(a)(1)

Determines who is eligible to receive what Federal assistance

The entity decides who qualifies for program benefits (e.g., selecting service recipients based on federal criteria).

§200.331(a)(2)

Performance measured against Federal program objectives

Success is judged by programmatic outcomes (people served, goals achieved)—not just delivery of goods.

§200.331(a)(3)

Has responsibility for programmatic decision-making

The entity exercises independent judgment about program design, delivery, or implementation.

§200.331(a)(4)

Responsible for adherence to Federal program requirements

Federal terms and conditions (2 CFR 200, program-specific requirements, reporting) flow down to this entity.

§200.331(a)(5)

Implements a program for a public purpose specified in authorizing statute

Carries out the federal mission for public benefit—not providing goods/services for the pass-through entity's use.

Subrecipient indicators checked: _____ / 5

CONTRACTOR INDICATORS — §200.331(b)

A contract obtains goods and services for the recipient's or subrecipient's use and creates a procurement relationship. Check each indicator that applies:

■ **§200.331(b)(1)**

Provides goods and services within normal business operations

The entity would do this work regardless of your federal award—it's their standard commercial offering.

■ **§200.331(b)(2)**

Provides similar goods or services to many different purchasers

Broad customer base; you are one of many clients purchasing essentially the same thing.

■ **§200.331(b)(3)**

Normally operates in a competitive environment

Could have been selected through competitive procurement; competes in the open market.

■ **§200.331(b)(4)**

Provides goods or services ancillary to Federal program implementation

Supports your program but isn't the program itself—enabling infrastructure, not the core mission.

■ **§200.331(b)(5)**

Not subject to Federal program compliance requirements from this agreement

You are not flowing down 2 CFR 200 or program-specific terms. Similar requirements may apply for other reasons.

Contractor indicators checked: _____ / 5

DETERMINATION

Based on the analysis above, considering the substance of the relationship over the form of the agreement (per §200.331), this entity is classified as:

■ **SUBRECIPIENT** — Federal financial assistance relationship (subaward)

■ **CONTRACTOR** — Procurement relationship (contract)

Per §200.331: "No single factor or any combination of factors is necessarily determinative. The pass-through entity must use judgment in classifying each agreement. The substance of the relationship is more important than the form of the agreement."

RATIONALE & SUPPORTING DOCUMENTATION

Document the basis for your determination. Include specific facts, how conflicting indicators were weighed, agency-specific guidance consulted, and agreement terms that informed classification.

REVIEW & APPROVAL

Prepared By:

Date:

Reviewed By:

Date:

Approved By:

Date:

Regulatory Reference

2 CFR §200.331 — Subrecipient and contractor determinations

<https://www.ecfr.gov/current/title-2 subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR031321e29ac5bbd/section-200.331>

Full Uniform Guidance: 2 CFR Part 200

<https://www.ecfr.gov/current/title-2 subtitle-A/chapter-II/part-200?toc=1>

PROFESSIONAL DISCLAIMER & TERMS OF USE

IMPORTANT PROFESSIONAL DISCLAIMER

This worksheet is provided by Fadi Opgenorth, CPA/MBA, strictly as an **educational and informational resource**. It is designed to assist grants management professionals in understanding and applying the framework established by 2 CFR §200.331. Distribution or use of this document does **not** create, establish, or imply any of the following:

- A client-practitioner, advisory, or professional services relationship of any kind;
- An engagement for accounting, auditing, consulting, attestation, or tax services;
- A transfer, assumption, or sharing of liability, fiduciary duty, or legal responsibility;
- Professional assurance, certification, or opinion on any compliance determination; or
- A guarantee of accuracy, completeness, or applicability to your specific circumstances.

The content herein reflects the author's interpretation of federal regulations as of the publication date and may not account for subsequent amendments, agency-specific guidance, or your organization's unique facts and circumstances. **All subrecipient and contractor determinations must be made by the responsible pass-through entity** based on the specific terms and substance of each agreement, in consultation with qualified legal counsel and your organization's grants management and compliance personnel.

This document is not a substitute for professional advice. Fadi Opgenorth, CPA/MBA, expressly disclaims all liability arising from or related to reliance on this worksheet, any determination made using it, or any omission of relevant regulatory requirements. Users assume full responsibility for the application of this tool to their own compliance decisions. By using this worksheet, you acknowledge and accept these terms.

Consistent with standards promulgated by the American Institute of Certified Public Accountants (AICPA) and applicable state boards of accountancy, nothing in this document constitutes the practice of public accounting or the rendering of a professional opinion.

AI Disclosure

This guide was produced with the assistance of Anthropic AI (Claude). All regulatory content, interpretive commentary, and practical recommendations have been reviewed for accuracy by the author, Fadi Opgenorth, CPA/MBA. The use of AI tools does not alter the educational and informational nature of this document, nor does it create any additional warranties or professional obligations. Final compliance determinations remain the sole responsibility of the user's organization.

© 2026 Fadi Opgenorth, CPA/MBA · fadiopgenorth.com

This document may be reproduced for internal organizational use. Redistribution for commercial purposes requires written permission from the author.