



Consultant/Contractor Checklist

290 North D Street Suite 600
San Bernardino, CA 92415
Phone: 909-387-9859

Individual/Business Name: _____ Date: _____

Workforce Development Department (WDD) staff must determine if an individual or business entity is identified as a consultant providing consultant services, subject to Consultant Fee Limitations or a contractor.

Consultant – A consultant is an individual with specialized skills who, although not on the subrecipient's payroll as an employee, provides personal services to the subrecipient under an agreement which establishes an employer-employee relationship between the subrecipient and the individual providing the services. Consultants are typically individuals who are experts with excellent qualifications and are usually regarded as authorities or practitioners of unusual competence and skill by other individuals engaged in the same profession. An employer-employee relationship may be found to exist when the subrecipient selects the individual based on expertise in a particular field, directs the individual's work, and exercises day-to-day control of the individual's activities.

Contractor – An entity that receives a contract as defined above. The Uniform Guidance replaced the word "vendor" with the word "contractor." Contractors are governed by Uniform Guidance Section 200.319 (Competition) and follow procurement requirements.

Consultant		Contractor
<input type="checkbox"/> Salary or wage based and/or fee based on hours spent which is provided and outlined in a consultant rate proposal	OR	<input type="checkbox"/> Fee is based on market value of goods and services provided.
<input type="checkbox"/> Provision of guidance, support, or completion of work items.	OR	<input type="checkbox"/> Fee based.
<input type="checkbox"/> May be a subject matter expert that provides guidance on the direction of projects/programs or helps to lead a project/program.	OR	<input type="checkbox"/> Provision of goods and/or services to multiple customers as part of their routine business operations.
<input type="checkbox"/> May fill a staff-like role on an as needed or intermittent basis.	OR	<input type="checkbox"/> Provides a pre-determined good or service for a pre-determined time period.
<input type="checkbox"/> May have a defined and ongoing role in a project/program or in support of the Local Area.	OR	<input type="checkbox"/> Not necessarily engaged in the implementation of a project or Local Area services, provides the good or service needed.
<input type="checkbox"/> Often an individual, rather than a business entity (although the individual may be a representative from a business entity).	OR	<input type="checkbox"/> More likely a business entity, rather than an individual (though may be structured as a sole proprietorship).

Determination: ☐ Consultant ☐ Contractor

Justification: _____

Staff Analyst Name: _____ Signature: _____

Supervisor/Manager Name/Signature: _____