

SUNY Oswego ORSP “HOW-TO DOCUMENT”

My research/creative/scholarly project involves independent contractors. What is the process for getting them paid and for acquiring access to campus facilities and equipment?

Summary

There are times when a Principal Investigator (PI) requires the services of an independent contractor (IC; non-SUNY Oswego employee) in the execution of activities proposed in a particular grant/contract. ICs include consultants, lecturers, and persons providing technical services. A process exists by which the IC is officially signed on to a project/event and is remunerated. Additionally, there may be instances whereby the IC(s) requires access to campus facilities and equipment while completing the activities ascribed to the PI’s project.

ICs are subject to the control and direction of the organization for which services are performed only as to the result of the work and not as to the means. An IC supplies his/her own equipment, materials, tools and sets own hours. An IC is compensated based upon an established fee plus travel costs, if applicable. .

NOTE: Research Foundation (RF) employees, SUNY employees (system-wide), and student workers cannot be classified as independent contractors.

When selecting independent contractor, consider and document:

- Expertise
- Credibility
- Open and free competition
- Conflict of interest
- Price and cost analysis
- Single/sole source procurements
- Export Controls & Federal Acquisition Regulations (FAR), if applicable

Process

Process		Responsible Party		
#	Tasks	PI	ORSP	IC
1	PI and ORSP review sponsor guidelines and award documents, scope of work, project timeline, original budget, and funds available. Confirms whether the classification of work as described is that of sub-award, independent contractor, or employee. Note: If the scope of work indicates that there will be a need for access to campus or affiliated property or facilities, locations, dates and times and purpose should be indicated during this meeting.	X	X	-
2	PI will meet with ORSP to review the information above and determine how best to proceed.	X	-	-
3	PI drafts a scope of work and solicits quotes from prospective ICs.	X	-	-

Process		Responsible Party		
#	Tasks	PI	ORSP	IC
4	PI submits to ORSP for review a “Request to Hire Consultants / Independent Contractor” form indicating preferred consultant, to include: Scope of Work Budget Quote from independent contractor Deliverable and Payment Schedule Copies of quotes from other independent contractors to document competitive solicitation. A CV to substantiate stated qualifications Twenty Factors of “The Common Law Test” completed by the PI	X	-	X
5	ORSP reviews the above for required documentation and circulates for necessary approvals.	-	X	-
6	ORSP, in conjunction with RF central office, drafts an agreement (contract) that encompasses the above items.	-	X	-
7	ORSP forwards the agreement to PI and IC for review, comment and approval.	-	X	-
8	ORSP requests from the IC a W9 form (and IRS form 8233, if IC is a non-citizen or foreign company).	-	X	X
9	When PI and IC have signed the contract agreement and returned documentation to ORSP, it is circulated for RF/campus signatures by ORSP.	X	X	X
10	ORSP forwards copies of executed contract to PI and IC.	-	X	-
11	ORSP drafts and sends a “Working Relationship Letter” to IC.	-	X	-
12	If access to campus facilities has been requested, ORSP obtains authorization for temporary access from University Police, including issuance of a temporary campus ID, as appropriate.	-	X	-
13	As the work proceeds and the deliverables are met, the IC is to send invoices to both the PI and ORSP.	-	-	X
14	PI confirms the invoice is accurate, represents the work completed to date, and communicates to ORSP that the invoice is acceptable to pay by a completed requisition.	X	-	-
15	ORSP then processes a Research Foundation vendor payment from the designated grant/contract fund account to remunerate the IC.	-	X	-

Contact Information

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