



Request to Hire Consultant & Independent Contractor Form

CONTRACTOR (<i>full legal name of person</i>):	Program Name:		
ADDRESS:	PI Name:		
	Project Number:	Award Number:	Task Number:
Citizenship Status (Refer to reverse side of form for applicable definitions.) :			
U.S. Citizen		Nonresident Alien	
Resident Alien		Visa/NAFTA status: _____	
		Country of citizenship: _____	
** W9 form must be completed by Contractor ** http://www.irs.gov/pub/irs-pdf/fw9.pdf **			

Fee:	per hour	Estimated Expenses:	Estimated Total:	Attach documentation of rate or basis of fee
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Details of Contractor Services	
If additional space is needed for the following section, please use separate sheets and attach them to this form.	
Scheduled Dates of Performance (dd-mmm-yy to dd-mmm-yy)	to
Name of country where services are to be performed	
Description of Services to be performed	
Need Access to Oswego Campus & Facilities	Yes If 'Yes' attach details No
Criteria for the classification of the person as an independent contractor (See reverse for the "Common Law Test" and IRS Categories of Evidence)	Individual or firm that offers services to the public The RF does not exercise control or direction as to the details or means by which a result is accomplished Not Currently an employee at SUNY or RF Other
Contractor Selection Criteria (See reverse for Qualifications of Contractor to perform scope of work)	

CERTIFICATION OF THE PROJECT DIRECTOR	
that the work to be performed is essential to the project,	
I certify : that the services cannot be provided by any other person receiving salary support under the grant,	
that I have read and understood the Common Law Test (see reverse)	
and that the rate is appropriate based on the qualifications of the selectee and the nature of the work to be done.	
_____ <i>Signature of the Project Director / Principal Investigator</i>	_____ Date

Approved:	
_____ <i>(Operations Manager)</i>	_____ Date

Citizens Status Definitions

Resident Alien	The term applied by the IRS to a noncitizen in the U.S. who either holds an Alien Registration Receipt Card (INS-551), commonly known as a "Green Card," representing approval from the U.S. Immigration and Naturalization Service to remain in the U.S. for an indefinite period of time, or meets the requirements of the substantial presence test for taxation and withholding purposes.
Nonresident Alien	The term applied by the IRS to a person in the U.S. who is neither an U.S. citizen nor a resident alien. <u>Visa Status</u> - Nonresident aliens who have a visa must indicate the type of visa that they hold. The visa type can be obtained from the visa or from the alien's Arrival/Departure Record (Form I-94). The visa type determines the type of payment the nonresident alien can receive. <u>NAFTA Status</u> - <i>Canadian</i> and <i>Mexican</i> business persons can enter the U.S. under one of four categories covered under the North American Free Trade Agreement. Only two of the four categories apply to Research Foundation business. The alien must indicate that they are either a B-1 Temporary Business Visitor or a TN Professional.

Twenty Factors of the "Common Law Test"

All of the following factors must be considered in determining whether an employment relationship exists:

Y N

- 1 Does an employer set instructions on when, where, and how work is performed?
- 2 Is training required?
- 3 Are services a vital part of daily operation?
- 4 Are services rendered personally (as opposed to delegated).
- 5 Does this person hire, supervise, and pay assistants?
- 6 Is there a continuing relationship after a specific job is completed?
- 7 Are hours of work set by the employer?
- 8 Does the individual work full-time for an employer?
- 9 Does the individual work on the employer's premise?
- 10 Is the individual told to perform work in a certain sequence?
- 11 Does the individual submit regular oral or written reports?
- 12 Are payments regular; by hour, week, month? (Contractors are compensated lump-sum based on deliverables.)
- 13 Does the individual receive payment of business and/or travel expenses?
- 14 Are supplies, tools, and materials provided by the employer?
- 15 Does the individual have a significant personal investment in the facilities they use for work?
- 16 Does the individual realize a profit or loss based on their success in performing a service?
- 17 Is the individual performing services for a number of employers concurrently?
- 18 Does the individual regularly make their services available to the general public?
- 19 Can the individual be discharged by the employer?
- 20 Can the individual terminate relationship without liability?

Since these tests are subjective, an individual need not meet all, or even most, of these tests to be classified as an employee, since the IRS may give more weight to a certain factor depending on the individual occupation or other facts and circumstances.

IRS Categories of Evidence

The IRS has categorized the facts that provide evidence of the degree of control and independence in the relationship between the worker and the business into the following three categories:

[Behavioral Control](#)

[Financial Control](#)

[Type of Relationship](#)

These "categories of evidence" can be used by locations when examining a work relationship to make an independent contractor - employee determination. All evidence of control and independence must be examined.

Qualifications of Contractor to perform scope of work

When selecting an independent contractor, consider and be prepared to document:

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

Please see front to add acknowledgement signature