

	DEFINITION	DETERMINING FACTORS	CHARACTERISTICS
CONSORTIUM AGREEMENT (SUBCONTRACT)	<p>A formalized agreement whereby a research project is carried out by the grantee and one or more other organizations that are separate legal entities. Under the agreement, the grantee must perform a substantive role in the conduct of the planned research and not merely serve as a conduit of funds to another party or parties.</p> <p>These agreements typically involve a specific level of effort from the consortium organization's PD/PI and a categorical breakdown of costs, such as personnel, supplies, and other allowable expenses, including F&A costs. The relationship between the recipient and the collaborating organizations is considered a subaward relationship.¹</p>	<p>A subcontract will be led by an individual who will:</p> <ul style="list-style-type: none"> • Perform the work as part of their institutional appointment • Have programmatic decision-making responsibility • Manage technical and administrative aspects of a portion of the overall project statement of work • Use facilities and employees of the subcontracted organization 	<ul style="list-style-type: none"> • Must abide by the terms and conditions of the subcontract • Subcontract agreement includes full project costs proposed by the subcontracted organization, including their negotiated F&A rate • The terms and conditions of the prime award should flow through to the subcontracted organization • Work within the approved subcontract budget • Subcontracted organization owns all the data, reports, materials and inventions developed under the subcontract agreement
CONSULTING AGREEMENT (CONSULTANT)	<p>Consultants generally offer only advice or propose solutions to problems, but they do not direct, carry out, or implement solutions. UCSF cannot control either the result of the Consultant's service or the way it is performed. A Consultant requires little or no guidance in providing input.</p> <p><u>Caveat:</u> Though individuals or companies that provide professional services may refer to themselves as "Consultants," under University policy they may actually be "Contractors."²</p>	<p>Individuals under a consulting agreement:</p> <ul style="list-style-type: none"> • Are not involved in programmatic decisions • Do not direct, carry out, or implement solutions • Do not require use of the facilities and resources of an organization or institution • Will not perform work as part of their institutional appointment 	<ul style="list-style-type: none"> • Individual rendering services provides professional advice or recommends solutions for a fee • Facilities and resources of an organization or institution are not used • Consultant operates in a competitive environment, where similar services are also provided to other companies • May be considered contractors.
SERVICE AGREEMENT (CONTRACTOR)	<p>A Contractor relationship exists when UCSF has the right to control only the end result of a service, not the way it is performed. And, UCSF generally receives something, e.g., transcription services, programming services. So, though part of a Contractor's services may include advice, a Contractor is in the end a "doer."³</p>	<ul style="list-style-type: none"> • Provides services of a specialized nature which cannot be performed by an employee • Provides service for a fee • Does not involve programmatic decisions 	<ul style="list-style-type: none"> • Provides service for a fee • Defined duties to be performed or delivered • University has the right to control the end result of the service

¹ Consortium Agreement (Subcontractor) http://grants.nih.gov/grants/policy/nihgps_2012/nihgps_ch1.htm

² Consulting Agreement (Consultant): http://cpbc.ucsf.edu/do_business_with_ucsf/hire_an_independent_consultant/contractor_vs_consultant

³ Service Agreement (Contractor): http://cpbc.ucsf.edu/do_business_with_ucsf/hire_an_independent_consultant/contractor_vs_consultant