

## County of Albany, New York American Rescue Plan Act (“ARPA”) Subrecipient, Beneficiary or Contractor Classification Form

Program/Project Name:	Small Business Grant Program and Program Administration
Classified Organization/Entity:	Community Loan Fund of the Capital Region

The Uniform Guidance includes definitions of Contractor and Subrecipient. With the American Rescue Plan Act (“ARPA”) funds, the need to distinguish between the definitions and roles of subrecipient, contractor, and beneficiary has become evident. Generally, determination of the relationship with an external entity is verified through review of the proposal, budget, and other related documents. When the relationship remains unclear, this form can be used to provide the County assistance in making an accurate determination and to provide documentation of the decision made.

### Definitions

**Subrecipient (2 CFR Part 200.1):** Subrecipient means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

**Beneficiary:** A beneficiary is traditionally an individual who is the end user of the assistance (the individual needing the benefit). (Examples include recipients of scholarships, Medicaid claims/medical benefits, or housing/food assistance.) With ARPA grants, small businesses, non-profits, and educational institutions may also be beneficiaries of assistance. The ARPA Compliance and Reporting Guidance indicates that “subrecipients do not include individuals and organizations that received ARPA funds as end users to respond to the negative economic impacts of COVID-19 on these organizations”. The organizations would be beneficiaries in this case. The Single Audit Act and 2 CFR Part 200, Subpart F regarding audit requirements do not apply to beneficiaries.

**Contractor (2 CFR Part 200.1):** Contractor means an entity that receives a contract. Contract means a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award.

*For additional information on subrecipient and contractor determinations, see 2 CFR 200.331.*

### Form Instructions

Complete sections one through three by marking all characteristics that apply to the outside entity receiving Federal funds.

The section below with the greatest number of marked characteristics indicates the likely type of relationship the County will have with the agency. On occasion there may be exceptions to the type of relationship indicated by the checklist. In these situations, the substance of the relationship should be given greater consideration than the form of agreement between the County and the outside entity.

### Section 1: Subrecipient

Mark all that apply:

X	1. Determines who is eligible to receive what Federal assistance.
X	2. Measures performance based on meeting objectives of Federal program.
X	3. Is responsible for programmatic decision making.
X	4. Is responsible for ensuring Federal requirements outlined in the award are followed.
X	5. Uses the Federal funds to carry out a program of the organization as opposed to providing goods or services.

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## Section 2: Beneficiary

Mark all that apply:

	1. The beneficiary is an individual (or organization for COVID-19 grants) receiving the funds as the end user/beneficiary of assistance.
	2. Does not determine eligibility or compliance.

## Section 3: Contractor

Mark all that apply:

	1. Provides the goods and services within normal business operations.
	2. Provides similar goods or services to many different purchasers.
	3. Normally operates in a competitive environment.
	4. Provides goods or services that are ancillary to the operation of the Federal program.
	5. Is not subject to compliance requirements of the Federal program as a result of the agreement.

## Section 4: Use of Judgment (Optional)

**Description:** In determining whether an agreement between the County and another nonFederal entity casts the latter as a subrecipient, beneficiary, or contractor, the substance of the relationship is more important than the form of the agreement. All of the characteristics above may not be present in all cases, and the County will use judgment in classifying each agreement as a subaward, assistance payment, or a procurement contract.

*If applicable, explanation of use of judgment determination:*

As part of the County's ARPA Investment Plan the County intends to dedicate \$1.0 million to help economically impacted small businesses in the County recover and grow. Such funds will be provided to small businesses in the form of grants and will require an application and approval process. The funds will be provided to the Community Loan Fund of the Capital Region who will oversee all related aspects of this grant program

## Final Determination:

Members of the American Rescue Plan Act Executive Committee convened on June 2, 2023 to discuss the proposed use of ARPA aid to fund the full administration of a grant program intending to assist small businesses deemed economically impacted by the COVID-19 pandemic. This program will be managed by the Community Loan Fund of the Capital Region. Based on the above review, the Executive Committee has elected to classify the Community Loan Fund of the Capital Region as:

\_\_\_ **Beneficiary**    \_\_\_ **Subrecipient**    \_\_\_ **Contractor**