



## Ohio Administrative Code

### Rule 5101:9-4-88 Subrecipient management requirements for pass-through entities.

Effective: February 7, 2025

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(A) Each county family services agency (CFSA) and local workforce development board (LWDB), as a subrecipient of the Ohio department of job and family services (ODJFS), are required to manage and monitor their subrecipients as stated in the most recent version of 2 C.F.R. part 200, subpart D, "Subrecipient Monitoring and Management." All of the processes in this rule are to be documented and supported by the CFSA and LWDB:

[https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)

#### (B) Definitions:

(1) Subrecipient: an entity that receives a subaward from a pass-through entity to carry out part of a federal award. CFSAs and LWDBs are subrecipients and they can also pass-through federal funds to organizations which become their subrecipients.

(2) Pass-through entity (PTE): an entity that provides a subaward to a subrecipient to carry out part of a federal program.

(3) Subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to contribute to the goals and objectives of the project by carrying out part of a federal award received by the pass-through entity. It does not include payments to a contractor, beneficiary, or participant. A subaward may be provided through any form of legal agreement consistent with criteria in 2 C.F.R. part 200.331, including an agreement that the pass-through entity considers a contract.

#### (C) A PTE shall:

(1) Determine if a subrecipient or a contractor relationship exists as stated in 2 C.F.R. part 200.331 "Subrecipient and contractor determinations."



- (a) The association of government accountants (AGA) published a subrecipient vs. contractor checklist at <https://www.agacgfm.org/Resources/Intergov/More-Tools/Subrecipient-vs-Contractor> and could be used in conjunction with the CFSA and LWBD tools already in place.
- (b) Subaward agreements funded in whole or in part with federal funds do not represent acquisitions and therefore the procurement standards do not apply, as outlined in paragraph (A)(2) of rule 5101:9-4-07 of the Administrative Code, unless procurement is mandated by another federal, state, or local rule.
- (2) Verify that the subrecipient is not excluded or disqualified in accordance with C.F.R. part 200.332. Verification methods are provided and include confirming in SAM.gov that a potential subrecipient is not suspended, debarred, or otherwise excluded from receiving federal funds.
- (3) Ensure that the subaward is clearly identified as stated in 2 C.F.R. part 200.332(b) "Requirements for pass-through entities."

When some of the listed information in 2 C.F.R. part 200.332 "Requirements for pass-through entities" is not available, the PTE must provide the best information available to describe the federal subaward.

- (4) Evaluate the subrecipient's risk of noncompliance, as described in 2 C.F.R. part 200.332 "Requirements for pass-through entities."

The AGA published a risk assessment tool at <https://www.agacgfm.org/Resources/intergov/RiskAssessmentMonitoring.aspx>.

- (5) The risk assessment in paragraph (C)(3) of this rule will help to determine the scope that the CFSA and LWDB use for the required monitoring of the subrecipient as outlined in 2 C.F.R. part 200.332(e) to (i).