**Federal Funds (Prime Award or Flow-through)**

**Contract**
- Required when the principal purpose is to acquire property or services for the direct benefit or use of the U.S. government.
  - 31 USC § 6303. [Specific SOW; RFP; deliverables]
- Governed primarily by Federal procurement statutes and the Federal Acquisition Regulation in 48 CFR Parts 1 – 51 & 52 – 53 (the "FAR").
  - Cost principles:
- Cost principles are in FAR Subpart 31.3, which incorporates the Uniform Guidance cost principles.
- However, administrative requirements are governed by the FAR and the agency FAR supplements.

**Financial Assistance**
- "New Funds" issued after 12/26/2014 are governed by the Uniform Guidance in 2 CFR Part 200. "Older Funds," including fully funded projects, are governed by the old OMB Circulars (e.g., A-21, A-110 and A-133).

**Grant**
- Required when the principal purpose is to acquire property, research and/or other services for the direct benefit of the U.S. government.
  - 31 USC § 6304.
  - Loosely defined SOWs.
  - Annual progress reports
  - Final reports / publications
  - Funding Opportunity Announcements

**Cooperative Agreement**
- Required when the principal purpose is to carry out a public purpose AND there is substantial involvement from the sponsor.
  - 31 USC § 6305.
  - Loosely defined SOWs.
  - Annual progress reports
  - Final reports / publications
  - Funding Opportunity Announcements

**Contract**
- When the principal purpose is to acquire property, research and/or other services
  - [Specific SOW; RFP; deliverables]
- May be called a contract, a cooperative agreement, service agreement, research agreement, grant, memorandum of understanding (MOU), memorandum of agreement (MOA), etc. The name is not determinative; rather, it’s the substance of the agreement.
- Governed primarily by:
  - (i) the explicit terms of the contract, including any terms and conditions incorporated therein;
  - (ii) Article 2 of the Uniform Commercial Code if goods are being sold.
  - If the contract is from a state, there are other state-specific statutes and/or regulations that could be applicable (e.g., purchasing procedures).

**Grant**
- When the principal purpose is to carry out a public purpose or another purpose of the sponsor.
  - [Loosely defined SOWs; annual progress reports; final reports / publications; Funding Opportunity Announcements]
- Governed primarily by:
  - (i) the explicit terms of the grant agreement, including any terms and conditions incorporated therein;
  - (ii) the “common law of contracts.”

**Important Notes for Subawards, Subcontracts and Contractor/Vendor Agreements:**
- If OSP awards a “Subaward” (i.e., under the Uniform Guidance) or a “Subcontract” (i.e., under the FAR), then the requirements above flow down to the Subrecipient or Subcontractor.
- If Boise State awards a “Contractor/Vendor” agreement (e.g., Contract for Services; purchase order; contractor/vendor’s contract), regardless of whether the funding is under the Uniform Guidance or the FAR, the terms and conditions of BSU’s award are not flowed down unless specifically required by the award or the applicable regulations (see, e.g., Append. II to UG).

**Important Notes for Subcontracts and Vendor Agreements:**
- If OSP awards a “Subcontract,” the requirements above flow down to the Subcontractor.
- If Boise State awards a “Vendor” agreement (e.g., Contract for Services; purchase order; contractor/vendor’s contract), the terms and conditions of BSU’s prime award are not flowed down unless specifically required by the prime award.