

# Independent Contractor vs. Employee Questionnaire

Please type or print information clearly

First Name	Last Name	Company
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**Purpose of this form**

The purpose of this questionnaire is to determine if the individual or company may be considered an independent contractor at Leidos Biomedical Research, Inc. (Leidos Biomed). Determining the appropriate federal employment tax status is important to both Leidos Biomed and the individual or company. If there is a misclassification, Leidos Biomed may be liable for taxes (state and federal income taxes and FICA), interest, and penalties. If the individual or company is reclassified as an employee based on an audit, the IRS (as well as state tax authorities) may disallow deductions taken by the individual or company for business and home office expenses, as well as contributions to pension plans and fringe benefit programs, which can result in additional tax liabilities, penalties, and interest. Penalties and interest assessed by the IRS and state and local tax authorities against Leidos Biomed will be charged to the respective program area.

**What is an independent contractor for Leidos Biomed’s purposes?**

Independent contractors are typically persons (an individual or company) who render services for specified recompense or for a particular result under the control of their principal as to work product only and not to the means by which the result is accomplished. Accordingly, to be considered an independent contractor at Leidos Biomed, the individual or company, while performing the work for which it has been engaged, must control the manner and means in which the work is performed. This requires the individual or company to determine for itself such things as how the work should be performed (how the result should be accomplished), how much work or effort should be performed, and where the work must be performed (what can be done on Leidos Biomed’s premises and what must be done on the individual’s or company’s own business premises). Additionally, to be considered an independent contractor for Leidos Biomed, an individual or company must not require training by Leidos Biomed (other than simply being briefed on the task to be accomplished) or have been retained in a capacity similar to what the individual or company may have held as a former Leidos Biomed or federal government employee.

**To assist Leidos Biomed in determining the appropriate agreement type, please provide responses to the following questions.**

1. Does the individual or company meet the requirements to be an independent contractor as discussed above?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Is the individual or company claiming to be an independent contractor?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Does the individual or company make their professional services available to the general public on a regular basis?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Does Leidos Biomed agree that by the terms of the agreement the individual or company may not be terminated at will, but that such termination is governed strictly by the terms and conditions of the agreement?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Does Leidos Biomed agree that it does not exercise control or supervision of the individual or company, except as to the result of the work only?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. Does Leidos Biomed agree that it does not control the manner and means in which the work of the individual or company is performed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7. Does Leidos Biomed certify that the individual or company will not be responsible for the following: <ul style="list-style-type: none"> <li>• The performance of a material portion of Leidos Biomed’s scope of work under the Operations and Technical Support contract;</li> <li>• The management or supervision of Leidos Biomed personnel or efforts; and</li> <li>• The conduct of research and development (although support for the company’s research and development efforts, such as peer review, can be consulting)?</li> </ul>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**If the proposed agreement is between Leidos Biomed and an “individual,” please complete Questions 8 and 9 and then proceed to the Requester Certification and Confirmation section. If the proposed agreement is between Leidos Biomed and a “company,” please proceed to the Requester Certification and Confirmation section.**

8. Will the individual be exclusively responsible for providing advice, views, opinions, alternatives, conclusions, recommendations, or direct assistance, such as with studies, analyses, and evaluations, on an intermittent basis regarding issues, problems, or questions presented by Leidos Biomed or its customers?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9. Is the individual contracting to work at Leidos Biomed as an independent contractor for more than 180 days (or 1,440 hours) in a single calendar year?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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*This section is for use by Leidos Biomedical, Inc., Contracts and Acquisitions*

## Requester Certification and Confirmation

First Name	Last Name	Title
Signature		Date

## Research Contracts Certification and Confirmation

Does the individual have a TIN, which is an SSN?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has the individual worked for the U.S. government, Leidos Biomed, or another Leidos Biomed support contractor as an employee during the previous 24 months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
First Name	Last Name	Title
Signature		Date