

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 SAIC-Frederick. Determining the appropriate federal employment tax status is important to both SAIC-Frederick and the individual or company. If there is a misclassification, SAIC-Frederick 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 SAIC-Frederick will be charged to the respective program area.

What is an independent contractor for SAIC-Frederick’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 SAIC-Frederick, 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 SAIC-Frederick’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 SAIC-Frederick, an individual or company must not require training by SAIC-Frederick (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 SAIC-Frederick or federal government employee.

To assist SAIC-Frederick 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 SAIC-Frederick 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 SAIC-Frederick 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 SAIC-Frederick 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 SAIC-Frederick certify that the individual or company will not be responsible for the following: <ul style="list-style-type: none"> • The performance of a material portion of SAIC-Frederick’s scope of work under the Operations and Technical Support contract; • The management or supervision of SAIC-Frederick personnel or efforts; and • The conduct of research and development (although support for the company’s research and development efforts, such as peer review, can be consulting)? 	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If the proposed agreement is between SAIC-Frederick 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 SAIC-Frederick 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 SAIC-Frederick or its customers?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9. Is the individual contracting to work at SAIC-Frederick 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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Frederick

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This section is for use by SAIC-Frederick, 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, SAIC-Frederick, or another SAIC-Frederick 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