

Instructions for completion of Independent Contractor/Professional Services Worksheet

Form to be completed and submitted with the requisition to the Purchasing Department for all contractual services with an individual, sole proprietorship, or non-resident alien.

An independent contractor under F.S. 440:

- a. Maintains a separate business with his own work facility, truck, equipment, materials, or similar accommodations;
- b. Holds or has applied for a federal employer identification number, unless the independent contractor is a sole proprietor who is not required to obtain a federal employer identification number under state or federal requirements;
- c. Performs or agrees to perform specific services or work for specific amounts of money and controls the means of performing the services or work;
- d. Incurs the principal expenses related to the service or work that he performs or agrees to perform;
- e. Is responsible for the satisfactory completion of work or services that he performs or agrees to perform and is or could be held liable for failure to complete the work or services;
- f. Receives compensation for work or services performed for a commission or on a per-job or competitive-bid basis;
- g. May realize a profit or suffer a loss in connection with performing work or services;
- h. Has continuing or recurring business liabilities or obligations; and
- i. Is successful in his/her business when his/her business has receipts greater than expenses.

Florida Gulf Coast University

INDEPENDENT CONTRACTOR/PROFESSIONAL SERVICES WORKSHEET

INSTRUCTIONS:

If you are hiring an individual or sole proprietorship, it is important that the nature of the service does not constitute an employee/employer relationship. The independent contractor questions are important to both FGCU and the prospective payee to enable proper tax withholding and reporting in accordance with IRS regulations. Please complete them carefully with the prospective payee's cooperation and understanding.

This form should accompany a requisition to the Purchasing Department.

STATUS:

Individual Sole Proprietor* Corporation/Government or Partnership**

Payee Name:

Social Security No., Federal Employers Identification No. or Taxpayer Identification No.:

Payee Address:

NOTE: Address cannot be a FGCU Department.

City:

State:

Zip Code:

Province/Country/Postal Code:

Payee is a U.S. Citizen or Permanent Resident Payee is a Non-Resident Alien***

* A Federal Employer Identification Number is also appropriate.

** If Corporation/Government or Partnership is checked, then you do not need to complete the form.

*** **Payee must also complete the Foreign National Information Form.**

INDEPENDENT CONTRACTOR QUESTIONS (Response required for individual or Sole Proprietor only)

If you are unsure as to the answer of any question, contact the Purchasing Department for assistance (590-1130).

- Yes No Is the payee a University employee? (**STOP!** Contact HR for the appropriate forms to complete.)
- Yes No Is the individual working exclusively for the University?
- Yes No Are the services of the individual integrated into your department? For example, are you hiring someone to teach a credit course?
- Yes No Is the University department providing long-term assistance to the individual, i.e., additional personnel assistance and support, computer supplies, equipment, etc.?
- Yes No Is the University department providing on-going training and direction concerning how to complete the task? That is, are you getting more than general directions and the objectives of the task?
- Yes No Does the prospective payee/independent contractor report to a University staff member who has the right to change HOW the individual does their work? (An independent contractor normally must meet standards defined in a contract and is not directly supervised by a University employee.)
- Yes No Is there a regular or on-going relationship with the prospective payee/independent contractor? For example, are you hiring the individual for more than a one-time task?

- Yes No Is the prospective payee/independent contractor using experience or expertise gained as a current or former employee of the University to provide the independent contractor service?
- Yes No Can the independent contractor quit prior to completion of the project without incurring any legal liability? NOTE: A Yes for research participants is an acceptable answer for payment as an independent contractor.

Read the following statements, check the applicable box, then sign and date below:

U.S. Citizen or Permanent Resident (includes Sole Proprietor):

I agree with the statements made above. Furthermore, I understand that as an independent contractor, I am not covered under the State of Florida Worker's Compensation Law (F.S. 440) and that I meet the independent contractor definition also defined in F.S. 440. Furthermore, I am a nonresident alien and the address and the Social Security Number above is correct. I understand that this is taxable income to me and that I am required to report this income on my U.S. tax return annually.

Non-Resident Alien (taxable income):

I agree with the statements made above by the approving department at Florida Gulf Coast University. Furthermore, I understand that as an independent contractor, I am not covered under the State of Florida Worker's Compensation Law (F.S. 440) and that I meet the independent contractor definition also defined in F.S. 440. Furthermore, I am a non-resident alien and the address and the Social Security Number or TIN above is correct. I understand that this is taxable income to me and that the appropriate amount of tax will be withheld.

Non-Resident Alien (exempt income):

I agree with the statements made above by the approving department at Florida Gulf Coast University. Furthermore, I understand that as an independent contractor, I am not covered under the State of Florida Worker's Compensation Law (F.S. 440) and that I meet the independent contractor definition also defined in F.S. 440. Furthermore, I am a non-resident alien and the address and the Social Security Number or TIN above is correct. I understand that this is non-taxable or exempt income to me.

Foreign National:

I certify that all services will be performed in the payee's home country.

Payee Signature

Phone

Date