



## Purpose

The Independent Contractor Request (ICR) form in CSUBuy is used to initiate review and approval for services provided by an **individual** (not a corporation) who may qualify as an independent contractor.

This process ensures compliance with:

- CSU Independent Contractor policies
- HR classification requirements
- IRS and labor regulations
- CSU HR Technical Letter HR/Salary 2021-07

## When to Use the ICR Form in CSUBuy

Examples of Suppliers Requiring an Independent Contractor Request (ICR)

An ICR is typically required when paying an individual for specialized services performed independently and not as a CSU employee.

## Common Examples of when an ICR is Required

### Academic & Instructional Services

- Curriculum consultants
- External subject matter experts
- Guest lecturers
- Guest speakers
- Panelists
- Workshop facilitators

### Artistic & Performance Services

- Choreographers
- Comedians
- Conductors
- DJs
- Guest artists
- Musicians (solo performers or individual band members paid directly)
- Performers for campus events
- Poets
- Singer/Vocalist

(Note: If contracting with a corporation such as “ABC Entertainment, Inc.” an ICR is generally not required.)



## Common Examples of when an ICR is Required continued

### Professional & Consulting Services

- Executive coaches
- Independent consultants
- Independent IT consultants (non-corporate)
- Marketing consultants (operating as sole proprietors)
- Strategic planning facilitators
- Trainers

### Event & Specialized Services

- Emcees
- Guest moderators
- Independent evaluators or reviewers
- Independent photographers/videographers (if sole proprietor)
- Judges for competitions
- Translators/interpreters (independent)
- Food Vendor/Party Rental—(if sole proprietor)

**Special Note:** If this also requires a hospitality form, this will need to be completed outside of CSUBuy for now. Contact Procurement for assistance.

### Research & Specialized Expertise

- Data analysts (independent contractor)
- External reviewers for academic programs
- Grant proposal writers (sole proprietor)
- Independent research consultants

### Independent Contractor Reviews & Blanket POs

CSUBuy is designed to require an Independent Contractor review **each time** a requisition is submitted.

For recurring services within the same fiscal year and for the same scope of work, departments may request a **Blanket Purchase Order (BPO)**. A BPO allows additional funding to be added to the existing purchase order without submitting a new ICR/requisition for each occurrence.

Independent Contractor approvals are valid only through the applicable fiscal year and expire on June 30. If services continue into the next fiscal year, a new ICR must be completed prior to issuing additional payments.

## Situations That Typically Do Not Require an ICR

These usually go through different processes:

- Corporations or incorporated businesses (Inc., Corp., LLC taxed as corporation)
- Temporary staffing agencies
- Employee Payments (contact Payroll)
- Reimbursements (travel only, no service provided)
- Student services paid through Financial Aid or Student Financial Services



**Key Determining Factor: Legal Structure of the Supplier**

The most important factor in determining whether an Independent Contractor Request (ICR) is required is the legal structure of the supplier.

| Supplier Legal Structure  | Likely Requires ICR? | Notes   |
|---|----------------------|---|
| Individual (paid under social security number (SSN))                  | <b>YES</b>           | Most common scenario requiring HR review                                |
| Sole Proprietor   | <b>YES</b>           | Even if operating under a business name "Doing Business As" name or DBA |
| Single-Member LLC   | <b>YES</b>           | Often treated as an individual for classification review                |
| Corporation (Inc., Corp., or multi-member LLC taxed as a corporation) | <b>NO</b>            | Generally processed as a standard service supplier, no ICR required.    |

**How to Complete an Independent Contractor Request in CSUBuy**

ICR Process Overview of Steps:

- **Verify Supplier Registration:** Confirm whether the Independent Contractor (IC) is already registered in CSUBuy.
- **Invite Supplier (if needed):** If the IC is not registered, initiate a supplier invitation so they can register in the CSUBuy Supplier Portal.
- **Complete the ICR Form:** Enter all required information on the ICR form within CSUBuy and generate the requisition as part of this process.
- **Submit for Approval and ICR Review:** Route the request through the required approval workflow and ICR review.
- **Purchase Order Issuance:** Once fully approved, Procurement will issue the Purchase Order.

**Step-by-Step Instructions**

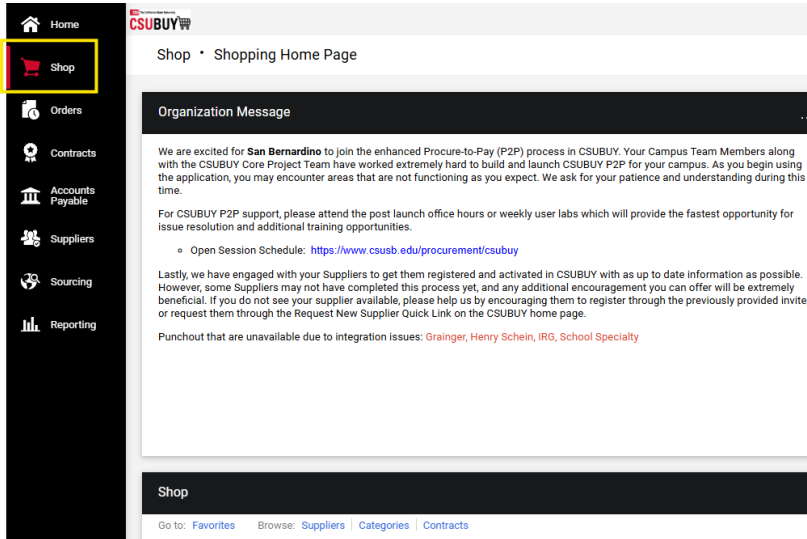
**Step 1 – Verify Supplier Registration (Profiled)**

- Search for the supplier in CSUBuy. You may follow the supplier quick reference guide which can be found at the link below.
- The supplier will need to be profiled in the supplier master before you can issue an ICR for review. Please plan ahead to allow for enough time to register the supplier and proceed with the ICR review process.
- If found, confirm their legal structure (outlined above) and that the supplier is extended to the appropriate business unit
  - If the supplier is found but **not extended** to the required business unit, submit an extension request.
- If the supplier cannot be not found and needs to be added, follow the supplier quick reference guide.
- Follow the supplier quick reference guide located at <https://www.csusb.edu/procurement/csubuy>

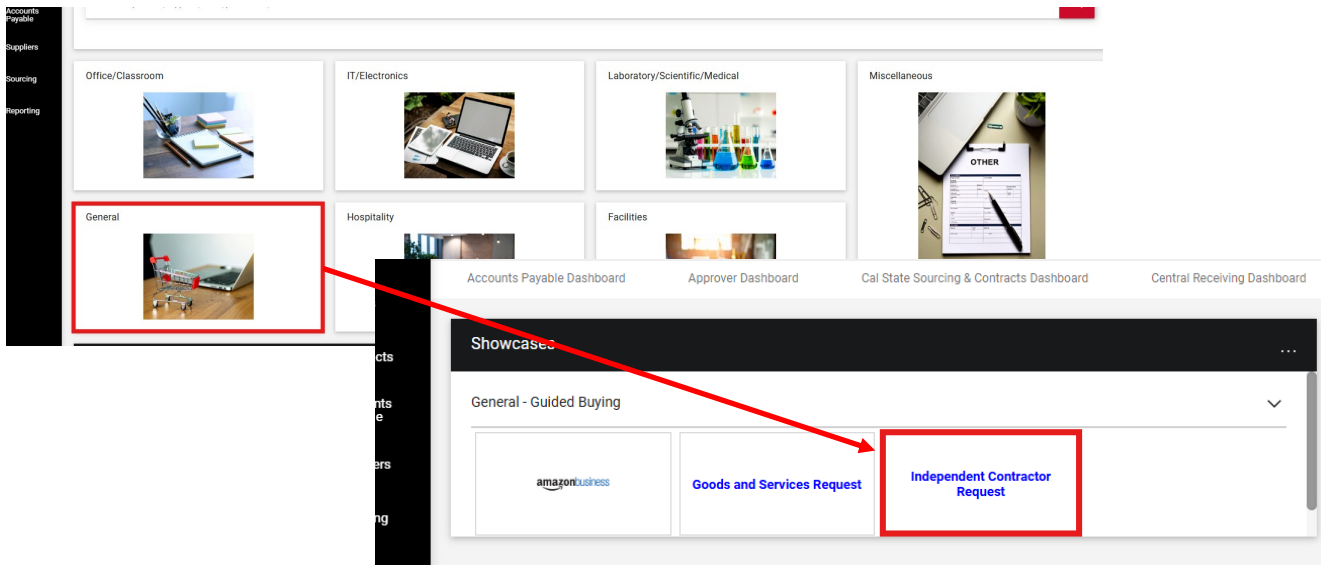


### Step 2 – Complete the Independent Contractor Request Form

- From the **Shop** page in CSUBuy, scroll down to find the various forms and options.



- Choose **General** from the showcase, then choose **Independent Contractor Request**



In the following steps, you will complete the ICR form and add it to your cart. Proceed to checkout to submit the ICR request and simultaneously generate the requisition.



**Complete the Request Information Section**

- Select the Independent Contractor type
- Service start and end dates
- If the services are sole source or sole brand, check the appropriate button
  - **Note that a sole source or sole brand is not typical and should be generally marked “No”. Contact Procurement if you need assistance**

Request Information    Questionnaire    Cost Details

Request Details

Select one of the following Independent Contractor type. "Guest Speaker or Lecturer" can be selected for any Official CSU Guest.

Service Start Date ★ 🔍

Service End Date ★ 🔍

Are you requesting the goods or services from a SOLE SOURCE or SOLE BRAND? ★

★  Guest Speaker or Lecturer

Guest Speaker or Lecturer - Related Travel

Individual Providing Service to the Campus and/or Auxiliary

Individual - Related Travel

mm/dd/yyyy

mm/dd/yyyy

★  No

Yes, Sole Source

Yes, Sole Brand

- The questionnaire that follows will vary based on your selection of either “**Guest Speaker or Lecturer**” or “**Individual Providing Service to the Campus and/or Auxiliary.**”
- Please note that the subsequent questions displayed in this guide may differ depending on the option selected.

## Quick Reference Guide

### CSUSB Independent Contractor Request (ICR) Guide



- Complete the questionnaire that corresponds to your selected classification (*Guest Speaker or Lecturer Details, or Independent Contractor Details*)

#### Guest Speaker Or Lecturer Details

Is the engagement with the Guest Speaker or Lecturer a one time engagement? ★  Yes  No

Provide the details and/or justification of the request. If the justification is greater than 2,000 characters, enter "See Attached" and upload your justification as an internal attachment on the Requisition. ★ ⓘ

2000 characters remaining

Or

#### Independent Contractor Details

Provide details of proposed services including: detailed scope, deliverables, travel (if any), and purpose of the service (Who, what, when, where, how and why). If the details are greater than 2,000 characters, enter "See Attached" and upload your justification as an internal attachment on the Requisition. ★ ⓘ

2000 characters remaining

Is the engagement with the Contractor a one time engagement?  Yes  No

Does the contractor primarily engage in an independently establish trade, occupation, profession or business? ★  Yes  No

Will work be performed on University property? ★  Yes  No

- Please be advised that your responses to the questions on these pages may trigger additional required questions. All items marked with an asterisk (\*) must be completed.



- Complete the general **Questionnaire**. This will be used by Human Resources to determine IC status.

Questionnaire

The questionnaire section is to be completed and will be used by Human Resources and/or Procurement to determine Independent Contractor status. If we contractor status the alternative may be hiring the worker as an employee (Special Consultant).

Is the contractor currently employed by another State agency or CSU? ★  Yes  No

Did the contractor retire/separate from the CSU fewer than 2 (two) years ago? ★  Yes  No

Was contractor previously employed by CSU in a policy making position or an MPP? ★  Yes  No

Will the contractor participate in the process of planning, negotiations, transaction, or any part of the decision making process? ★  Yes  No

Will the contractor be hiring or supervising university / auxiliary employees? ★  Yes  No

Will the contractor have responsibility for the care, safety, and security of people (including children and minors) or animals? ★  Yes  No

Will the contractor have access to and responsibility for detailed ★  Yes  No

- Please note that some questions in this questionnaire may require information that is not readily available within the department. In such cases, the required information must be obtained directly from the Independent Contractor.
- To facilitate this process, Procurement and Contracts has provided a the online questions which may be sent to the Independent Contractor to help you in answering these questions in CSUBuy. The questions are located at the end of this instruction.

**Important:** The version of the questionnaire may not be submitted in place of the CSUBuy online form. The questionnaire must be completed directly within CSUBuy in order for the approval workflow to process correctly.



- Complete the **Quotes & Other Attachments** and the **Independent Contractor Cost Details** sections.

Quotes & Other Attachments

Do you have documentation to attach? ★ ⓘ  Yes  No

Please review your campus Procurement policy for any required quotes or documentation to accompany this Requisition.

Independent Contractor Cost Details

Independent Contractor Cost Details

Unit Price ★

USD

Quantity ★

Total

**Step 3 – Attach Required Documentation**

Incomplete documentation will delay approval.

**Documentation Required**

- Detailed Scope of Work
- Quote or Agreement
- Certificate of Insurance or Insurance Waiver from Risk Management <https://www.csusb.edu/risk-management/risk-management-forms>

**Important:** It is no longer necessary to obtain a 204 form/W-9. These are collected directly from the IC during their registration in the supplier portal.

**Where to Attach Documents in CSUBuy**

You typically have two attachment locations:

**1. Line-Level Attachments**

- While completing the ICR form and generating the requisition
- Open the requisition line
- Look for **“Internal Attachments”** above the line level
- Upload required supporting documentation

**2. Header-Level Attachments**

- In the main requisition screen
- Select the **Attachments** tab at the requisition header
- Upload required supporting documentation



#### Step 4 – Submit the Requisition

- Review all fields for accuracy
- Confirm attachments are included
- Submit for approval

The requisition will route through:

- Department DOA Approval/Budget/Fiscal Approval
- General Accounting for Foreign Supplier Tax Analysis
- Independent Contractor Review (HR or a designee for auxiliary requests)
- Procurement

**Important:** Please do not modify the commodity code. It has been automatically assigned by the system. Changing the commodity or account code may cause your request to fail or be returned.

#### What Happens During ICR Review by Human Resources

HR will evaluate:

- Nature of the work
- Degree of control
- Employment relationship factors
- Conflict with CSU employment
- Compliance with classification rules and California Assembly Bill 5

They may:

- **Approve**—Workflow process continues
- **Return to Requestor**—Clarification needed
- **Reject**—Services performed must be processed through Payroll or are not allowable as an Independent Contractor

#### Common Reasons for Return / Delay

- Scope of work is too vague
- Missing deliverables
- No timeline provided
- Incomplete questionnaire responses
- Supplier already has CSU employment relationship
- Insufficient justification for contractor classification



## Tips for Success – Independent Contractor Requests (ICR)

To ensure timely review and payment, and to protect both the department and the independent contractor, please follow these important requirements.

### 1. Submit Early — Very Early

Independent Contractor Requests require multiple levels of review:

- Supplier Registration
- Department DOA Approval/Budget/Fiscal Approval
- General Accounting for Foreign Supplier Tax Analysis
- Independent Contractor classification review
- Procurement review
- Purchase Order issuance

This process takes time, please plan accordingly. Submitting early protects everyone, including the department, the university and the independent contractor.

#### **Best Practice:**

Submit your ICR at least **6 weeks before the service date**. For major events, conferences, or high-profile speakers, submit even earlier.

**Important:** Requests should be submitted well in advance of the event date. Submissions made only a few days prior to the event may not allow sufficient time for review and approval.

Please note that the Independent Contractor may need to register in the CSUBuy Supplier Portal before the request can proceed. Registration timing depends on how quickly the contractor completes the process and is outside the University's control. Once submitted, Chancellor's Office Supplier Management review generally takes 3–7 business days.

### 2. No Work May Begin Until a PO is Issued

Services **may not** begin until:

- The Independent Contractor Request is approved, and
- A Purchase Order has been issued

Contractors must not begin work prior to receiving required approvals. Doing so creates compliance and payment risks and may result in delays in payment to the Independent Contractor.

### 3. Avoid Unauthorized Purchasing Explanation Certification (UPEC) Situations

Departments must not:

- Promise payment before a PO is generated
- Sign agreements; Procurement review and signature is required
- Allow the contractor to begin work prior to approval
- Submit a requisition after services have already been performed



When services are engaged before proper approval, the department must complete an **Unauthorized Purchase Explanation/Certification (UPEC) form**.

**UPEC situations:**

- Are violations of CSU Procurement policy and are directly reportable to the Chancellor’s Compliance Office
- Require additional documentation and review
- Are not prioritized for processing
- Often result in significant payment delays
- May require escalation to management

Noncompliance with required procurement procedures may result in personal financial responsibility for the employee, may adversely affect the University’s credit, and will delay payment to the Independent Contractor.

Departments are responsible for ensuring full compliance with CSU procurement requirements.

**4. Departments May Not Commit the University**

Only authorized Procurement personnel may obligate the university. Faculty, staff, and event organizers do not have authority to:

- Enter into contracts
- Sign service agreements
- Commit CSU funds

Even verbal or email confirmations may constitute an unauthorized commitment.

Below is a visual of the typical workflow:





## CSUBuy Independent Contractor Request Questionnaire

### Purpose of this Questionnaire

The text version of the CSUBuy Independent Contractor Request questionnaire below is a reference tool for campus departments. It is designed to help departments gather the information required to determine whether an individual qualifies to be paid as an Independent Contractor under CSU and applicable regulatory requirements.

This document contains **all questions included in the CSUBuy workflow for departmental reference**. However, **only certain questions require a response directly from the proposed Independent Contractor**.

- The questions that require Independent Contractor input are listed separately below (in blue).
- Campus departments should copy and paste only those designated questions into an email to the Independent Contractor for completion.

The full list of questions (shown in gray at the end of this document) is provided for departmental review and context.

**This document is not the official Independent Contractor Determination form and cannot be used in place of completing the CSUBuy workflow.**

### Important Instructions for Campus Departments

This document is a working aid only to help gather necessary information.

- You must complete the official Independent Contractor Request in CSUBuy
- All information collected using the questions below must be entered into CSUBuy by the campus department.
- Do not upload or submit this document as a substitute for completing the CSUBuy form.
- Do not send this instruction to the Independent Contractor.

Copy and paste the following text (in blue below) into an email for your Independent Contractor to respond to:

## Quick Reference Guide

### CSUSB Independent Contractor Request (ICR) Guide



Thank you for your interest in providing services to California State University. You are asked to provide information to help the University determine your eligibility to be paid as an Independent Contractor.

- Please review and respond to all questions below
- Your answers should reflect how you typically conduct business and perform services for clients, not just this engagement
- Complete and accurate responses will help prevent delays in payment processing
- This questionnaire is not a contract and does not guarantee Independent Contractor approval
- If you are unsure how to answer a question, provide your best response and explain your situation clearly
- Do not begin work until you receive a university purchase order (PO). Starting work without a PO may result in delayed or non-payment

### After you submit your responses:

- The campus department will enter the information into our system for review
- A final determination will be made regarding Independent Contractor eligibility
- If approved, the department will contact you and provide a university PO number before you may begin work. Once you receive the PO, you may begin your engagement
- After completing your services, submit an invoice to receive payment

For help creating an invoice and where to submit it for payment, please refer to the following helpful publication:

<https://www.csusb.edu/sites/default/files/upload/file/2020/Vendor%20Guide%20to%20Invoicing.pdf>

### CSUBuy Questionnaire – Independent Contractor Determination

- **Are you currently employed by another State of California agency or California State University (CSU)?** Yes or No
- **Did you retire/separate from the CSU fewer than 2 (two) years ago?** Yes or No
- **Were you previously employed by CSU in a policy making position or an MPP (management) position?** Yes or No
- **Do you represent yourself as an independent contractor (advertising, website, business cards, etc.)?** Yes or No
- **Do you have an immediate family member employed by California State University or the campus?** Yes or No. If yes, please provide the name and the relationship of the individual(s)

Thank you!



## Full Questionnaire – Department Reference Use Only

*Do not send this section to the Independent Contractor.* The purpose of providing the full questionnaire to campus departments is to:

- Provide visibility into all questions included in the determination process; and
- Assist departments in obtaining accurate responses to items they may not be able to answer on behalf of the Independent Contractor.

## Guest Speaker or Lecturer Section

**Question 1: Is the engagement with the Guest Speaker or Lecturer a one-time engagement?**

YES – Department provides a campus business justification in the text box.

NO – Department provides the number of engagements (required) and a campus business justification.

## CSUBuy Questionnaire – Independent Contractor Determination

**Question 1: Is the contractor currently employed by another State agency or CSU?**

YES – Independent Contractor provides response.

NO – Independent Contractor provides response.

**Question 2: Did the contractor retire/separate from the CSU fewer than two (2) years ago?**

YES – Independent Contractor provides response.

NO – Independent Contractor provides response.

**Question 3: Was the contractor previously employed by CSU in a policy-making position or an MPP?**

YES – Independent Contractor provides response.

NO – Independent Contractor provides response.

**Question 4: Will the contractor participate in planning, negotiations, transactions, or any part of the decision-making process?**

YES – Department provides response. Description field required.

NO – Nothing further required from the department.

**Question 5: Will the contractor hire or supervise university/auxiliary employees?**

YES – Department provides response. Description field required.

NO – Nothing further required from the department.

**Question 6: Will the contractor have responsibility for the care, safety, or security of people (including minors) or animals?**

YES – Department provides response. LiveScan background check required. HR involvement triggered.

NO – Nothing further required from the department.



**Question 7: Will the contractor have access to detailed personally identifiable information about students, faculty, staff, or alumni?**

YES – Department provides response. LiveScan background check required. HR involvement triggered.

NO – Nothing further required from the department.

**Question 8: Does the contractor represent themselves as an independent contractor (advertising, website, business cards, etc.)?**

YES – Independent Contractor provides response.

NO – Independent Contractor provides response.

**Question 9: Will the contractor be required to comply with university/auxiliary instructions about when, where, and how to work?**

YES – Department provides response

NO – Nothing further required from the department.

**Question 10: Is the work to be performed a regular part of university/auxiliary business?**

YES – Department provides response

NO – Nothing further required from the department.

**Question 11: Does the department (or another campus department) have employees performing the same or similar functions?**

YES – Department provides response. Justification field required.

NO – Nothing further required from the department.

**Question 12: Can the contractor terminate the relationship without incurring liability for failure to complete the job?**

YES – Department provides response.

NO – Nothing further required from the department.

**Question 13: Can the contractor hire and pay their own assistants?**

YES – Department provides response.

NO – Nothing further required from the department.

**Question 14: Can the contractor work concurrently for other organizations or clients while working for the university/auxiliary?**

YES – Department provides response.

NO – Nothing further required from the department.

**Question 15: Can the contractor determine their own hours and priorities?**

YES – Department provides response.

NO – Nothing further required from the department.