



DEPARTMENT OF THE NAVY
 OFFICE OF NAVAL RESEARCH
 875 NORTH RANDOLPH STREET
 SUITE 1425
 ARLINGTON, VA 22203-1995

Agreement Date: February 29, 2016

NEGOTIATION AGREEMENT

**INSTITUTION: UNIVERSITY OF DENVER
 DENVER, COLORADO 80208**

The Facilities and Administrative (F&A) cost rates contained herein are for use on grants, contracts and/or other agreements issued or awarded to the University of Denver by all Federal Agencies of the United States of America, in accordance with the cost principles mandated by 2 CFR 200. These rates shall be used for forward pricing and billing purposes for the University of Denver Fiscal Year 2017 through 2018. This rate agreement supersedes all previous rate agreements/determinations for Fiscal Years 2017 through 2018.

Section I: RATES - TYPE: PREDETERMINED (PRED)

<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>RATE</u>	<u>BASE</u>	<u>APPLICABLE TO</u>	<u>LOCATION</u>
PRED.	7/1/16	6/30/18	50.7%	(a)	Organized Research (1) Academic Research Center	On Campus
PRED.	7/1/16	6/30/18	57.6%	(a)	Organized Research (2) Academic Research Center	On Campus
PRED.	7/1/16	6/30/18	26.0%	(a)	Organized Research Academic Research Center	Off Campus
PRED.	7/1/16	6/30/18	48.8%	(a)	Sponsored Instruction	On Campus
PRED.	7/1/16	6/30/18	32.8%	(a)	Other Sponsored Activities	On Campus

DISTRIBUTION BASES:

- (a) Modified Total Direct Cost (MTDC), as defined in 2 CFR Part 220 – formerly Office of Management and Budget (OMB) Circular A-21, consists of salaries and wages, fringe benefits, materials and supplies, services, travel and subgrants and subcontracts up to the first \$25,000 of each subgrant or subcontract (regardless of the period covered by the subgrant or subcontract). Equipment (defined as having an acquisition cost equal to or greater than \$5,000 and useful life of more than one year for acquisitions on or after 1 July 2002), capital expenditures, charges for patient care and tuition remission, rental costs, scholarships, and fellowships as well as the portion of each subgrant and subcontract in excess of \$25,000 is excluded.

APPLICABLE TO

- (1) Applies to DOD contracts awarded before November 30, 1993, all Non-DOD Instruments, and all DOD Grants (See Section II, Part E).

- (2) Applies to only DOD contracts awarded on or after November 30, 1993 in accordance with and under the authority of DFARS 231.303(1) (See Section II, Part E).

SECTION II: GENERAL TERMS AND CONDITIONS

A. LIMITATIONS: Use of the rates set forth under Section I is subject to any statutory or administrative limitations and is applicable to a given grant, contract or other agreement only to the extent that funds are available and consistent with any and all limitations of cost clauses or provisions, if any, contained therein. Acceptance of any or all of the rates agreed to herein is predicated upon all the following conditions: (1) that no costs other than those incurred by the grantee/contractor were included in its indirect cost pool as finally accepted and that all such costs are legal obligations of the grantee/contractor and allowable under governing cost principles; (2) that the same costs that have been treated as indirect costs are not claimed as direct costs; (3) that similar types of costs, in like circumstances, have been accorded consistent accounting treatment; (4) that the information provided by the contractor/grantee, which was used as the basis for the acceptance of the rates agreed to herein and expressly relied upon by the Government in negotiating the said rates, is not subsequently found to be materially incomplete or inaccurate.

B. ACCOUNTING CHANGES: The rates contained in Section I of this agreement are based on the accounting system in effect at the time this agreement was negotiated. Changes to the method(s) of accounting for costs, which affects the amount of reimbursement resulting from the use of these rates, require the written approval of the authorized representative of the cognizant negotiating agency for the Government prior to implementation of any such changes. Such changes include but are not limited to changes in the charging of a particular type of cost from indirect to direct. Failure to obtain such approval may result in subsequent cost disallowances.

C. PREDETERMINED RATES: The predetermined rates contained in this agreement are not subject to adjustment in accordance with the provisions of 2 CFR 200, subject to the limitations contained in Part A of this section.

D. USE BY OTHER FEDERAL AGENCIES: The rates set forth in Section I hereof were negotiated in accordance with and under the authority set forth in 2 CFR 200. Accordingly, such rates shall be applied to the extent provided in such regulations to grants, contracts and other transactions to which 2 CFR 200 is applicable, subject to any limitations in part A of this section. Copies of this document may be provided by either party to other Federal agencies which have or intend to issue or award grants and contracts using these rates or to otherwise provide such agencies with documentary notice of this agreement and its terms and conditions.

E. APPLICATION OF INDIRECT COST RATES TO DOD

CONTRACTS/SUBCONTRACTS: In accordance with DFARS 231.303, no limitation (unless waived by the institution) may be placed on the reimbursement of otherwise allowable indirect costs incurred by an institution of higher education under a DOD contract awarded on or after November 30, 1993, unless the same limitation is applied uniformly to all other organizations performing similar work. It has been determined by the Department of Defense that such limitation is not being uniformly applied. Accordingly, the rates cited (2) of Section I, as explained under the title, "APPLICABLE TO" do not reflect the application of the 26% limitation on administrative indirect costs imposed by 2 CFR 200, whereas (1) do so.

F. SPECIAL REMARKS:

APPLICATION OF FACILITY & ADMINISTRATIVE COST RATES TO DEPARTMENT OF DEFENSE (DoD) CONTRACTS/SUBCONTRACTS:

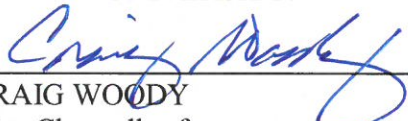
1. Signature of this agreement by the authorized representative of the University of Denver and the Government acknowledges and affirms the University's request to waive the prohibition contained in DFARS 231.303(1) except for the Academic Research Center On Campus Organized Research rates (see paragraph E.2. below) and the Government's exercise of its discretion contained in DFARS 231.303(2) to waive the prohibition in DFARS 231.303(1). The waiver request by the University of Denver is made to simplify the University's overall management of DoD cost reimbursements under DoD contracts.

2. In accordance with DFARS 231.303, no limitation (unless waived by the institution) may be placed on the reimbursement of otherwise allowable indirect costs incurred by an institution of higher education under a DoD contract awarded on or after November 30, 1993, unless the same limitation is applied uniformly to all other organizations performing similar work. It has been determined by DoD that such limitation is not being uniformly applied. Accordingly, the Academic Research Center On Campus Organized Research rates cited (2) of Section I, as explained under the title "APPLICABLE TO", do not reflect the application of the 26% limitation on administrative indirect costs imposed by 2 CFR 200 whereas (1) does.

3. In accordance with 2 CFR 200.414(g), the University of Scranton has requested an extension of its Fiscal Year 2016 rate. Therefore, the rate identified in Section I is an extension of the FY 2016 rate.

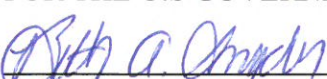
Acceptance:

FOR THE UNIVERSITY:


CRAIG WOODY
Vice Chancellor for
Business and Financial Affairs

March 1, 2014
Date

FOR THE U.S GOVERNMENT:


BETH A. SNYDER
Contracting Officer

March 1, 2014
Date

For information concerning this agreement contact:

Beth Snyder
Office of Naval Research

Phone: (703) 696-5755
E-mail: beth.snyder@navy.mil

INDIVIDUAL RATE COMPONENTS

Institution: University of Denver
 Type of Rate: Predetermined

FY Covered by Rate: 2017-2018
 Extension of FY 2016 Rates

Negotiation Base: MTDC

Organized Research		Instruction		Other Sponsored Activities	
FY 2017 - 2018		FY 2017 - 2018		FY 2017 - 2018	
	\$9,636,000		\$179,600		\$4,053,000

RATE COMPONENTS:

1. ADMINISTRATIVE

	On Campus	Off Campus	On Campus	On Campus
A. General Admin	10.0%	10.0%	10.0%	10.0%
B. Dept Admin	14.6%	14.6%	20.0%	24.2%
C. Sponsored Projects Admin	8.4%	8.4%	9.0%	8.6%
D. Student Services Admin	0.0%	0.0%	19.8%	0.0%
E. Admin Cap Adjustment	-7.0%	-7.0%	-32.8%	-16.8%
Subtotal	26.0%	26.0%	26.0%	26.0%

2. DEPRECIATION:

A. Buildings & Improvements	2.3%		1.6%	0.9%
B. Equipment	4.0%		2.0%	0.8%
3. Interest	0.6%		0.0%	0.0%
3. O&M	16.4%		6.0%	4.0%
4. Library	1.5%		13.2%	1.2%
Subtotal	24.8%		22.8%	6.9%
Rounding	-0.1%			-0.1%
TOTAL CAPPED	50.7%		48.8%	32.8%
TOTAL UNCAPPED	57.6%			

FOR THE INSTITUTION:

FOR THE GOVERNMENT:


 Craig Woody
 Vice Chancellor for
 Business and Financial Affairs


 Beth A. Snyder
 Contracting Officer

Date March 1, 2016

Date March 1, 2016