



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

IN REPLY REFER TO:

Agreement Date: June 20, 2023

NEGOTIATION AGREEMENT

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

The Fringe Benefits and Animal Care 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 provisions and cost principles mandated by 2 CFR Part 200. These rates shall be used for forward pricing and billing purposes for the University of Denver Fiscal Year 2024. This rate agreement supersedes all previous rate agreements/determinations related to these rates for Fiscal Year 2024.

**Section I: RATES - TYPE: FIXED (FIXED)
 PREDETERMINED (PRED)**

<u>Type</u>	<u>From</u>	<u>To</u>	<u>Rate</u>	<u>Base</u>	<u>Applicable To</u>	<u>Location</u>
Fringe Benefits Rates:						
Fixed	7/1/23	6/30/24	26.5%	(a)	Appointed	All
Pred.	7/1/23	6/30/24	7.3%	(a)	Non-Appointed	All
Pred.	7/1/23	6/30/24	1.4%	(a)	Students	All
ERI Animal Care Facility:						
Pred.	7/1/23	6/30/24	\$1.25	(b)	ERI Animal Care Facility	On Campus

DISTRIBUTION BASES

- (a) Total Salaries and Wages.
- (b) Per diem charge per cage used.

SECTION II - GENERAL TERMS AND CONDITIONS

A. **LIMITATIONS:** Use of the rates set forth under Section I is subject to availability of funds and to any other statutory or administrative limitations. The rates are 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 the following conditions: (1) that no costs other than those incurred by the institution were included in this indirect cost pool as finally accepted and that such costs are legal obligations of the institution 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 have been accorded consistent accounting treatment; and (4) that the information provided by the institution which was used as a basis for acceptance of the rates agreed to herein, and expressly relied upon by the Government in negotiating and accepting 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 the agreement was negotiated. Changes to the method(s) of accounting for costs, which affect the amount of reimbursement resulting from the use of these rates require the prior written approval of the authorized representative of the cognizant agency for indirect costs. 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 Part 200, subject to the limitations contained in Part A of this section.

D. **FIXED RATES WITH CARRY-FORWARD PROVISIONS:** The fixed rate contained in this agreement is based on estimates of the costs for FY 2024. When actual costs for this fiscal year are determined, adjustments will be applied to a rate negotiation for a subsequent fiscal year to recognize the difference between the FY 2024 estimated costs used to establish the fixed rate and the negotiated actual FY 2024 costs.

E. **CARRY FORWARD AMOUNTS:** The Office of Naval Research Negotiation Agreement dated June 17, 2021 established a Fixed with carry-forward provisions Appointed Fringe Benefits Rate for the University of Denver's fiscal year ended June 30, 2022. This negotiation agreement records agreement on the final carry-forward amount resulting from determination of actual costs for FY 2022. These costs have been determined in accordance with the provisions of 2 CFR Part 200. The Fiscal Year 2024 Fixed Appointed Fringe Benefits rate set forth in SECTION I is inclusive of the final FY 2022 carry-forward amount shown below, which is liquidated in its entirety.

() Denotes over-recovery

Appointed Fringe Benefit Rate

FY 2022 Final Carry-Forward
\$88,760

F. USE BY OTHER FEDERAL AGENCIES: The rates set forth in Section I are negotiated in accordance with and under the authority set forth in 2 CFR Part 200. Accordingly, such rates shall be applied to the extent provided in such regulations to grants, contracts, and other agreements to which 2 CFR Part 200 applies, subject to any limitations in part A of this section. Copies of this document may be provided by either party to other federal agencies to provide such agencies with documentary notice of this agreement and its terms and conditions.

G. SPECIAL REMARKS: The Government's agreement with the rates set forth in Section I is not an acceptance of the University of Denver's accounting practices or methodologies. Any reliance by the Government on cost data or methodologies submitted by University of Denver is on a non-precedence-setting basis and does not imply Government acceptance.

Accepted:

FOR THE UNIVERSITY OF DENVER:

FOR THE U.S. GOVERNMENT:



Corinne Lengsfeld
Senior Vice Provost for Research and
Graduate Education

Linda Morgan Wood
Contracting Officer

6/21/2023

6/22/23

Date

Date

For information concerning this agreement contact:

Linda Morgan Wood
Office of Naval Research

Phone: (571) 416-9016
E-mail: linda.m.wood31.civ@us.navy.mil