



**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 26, 2023

**NEGOTIATION AGREEMENT**

INSTITUTION: **COLORADO SCHOOL OF MINES  
GOLDEN, COLORADO 80401**

The Fringe Benefits rates contained herein are for use on grants, contracts and/or other agreements issued or awarded to the Colorado School of Mines 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 Colorado School of Mines 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)**

**Fringe Benefits Rates:**

<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>RATE</u>	<u>BASE</u>	<u>APPLICABLE TO</u>	<u>LOCATION</u>
Fixed	7/1/23	6/30/24	37.7%	(a)	Research Faculty- PERA	All
Fixed	7/1/23	6/30/24	30.3%	(b)	Research Faculty-MDCP	All
Fixed	7/1/23	6/30/24	39.9%	(c)	Research Faculty- Converted	All
Fixed	7/1/23	6/30/24	38.7%	(a)	Admin Faculty- PERA	All
Fixed	7/1/23	6/30/24	29.7%	(b)	Admin Faculty - MDCP	All
Fixed	7/1/23	6/30/24	40.0%	(c)	Admin Faculty - Converted	All
Fixed	7/1/23	6/30/24	37.0%	(a)	Academic Faculty- PERA	All
Fixed	7/1/23	6/30/24	30.2%	(b)	Academic Faculty - MDCP	All
Fixed	7/1/23	6/30/24	38.6%	(c)	Academic Faculty - Converted	All
Fixed	7/1/23	6/30/24	40.7%	(a)	Classified Staff	All
Fixed	7/1/23	6/30/24	24.1%	(a)	Benefit Ineligible- PERA	All
Fixed	7/1/23	6/30/24	14.0%	(b)	Benefit Ineligible- MDCP	All
Fixed	7/1/23	6/30/24	23.8%	(c)	Benefit Ineligible- Converted	All

## DISTRIBUTION BASES

- (a) Salaries and Wages of Employees with PERA retirement plan.
- (b) Salaries and Wages of Employees with MDCP retirement plan.
- (c) Salaries and Wages of Employees Converted from PERA to MDCP retirement

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## **SECTION II - GENERAL TERMS AND CONDITIONS**

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**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. FIXED RATES WITH CARRY-FORWARD PROVISIONS:** The fixed rates contained in this agreement are 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 rates and the negotiated actual FY 2024 costs.

**D. CARRY FORWARD AMOUNTS:** The Office of Naval Research Negotiation Agreement signed June 26, 2023 established final carry-forward amounts for the Colorado School of Mines' fiscal year ended June 30, 2022. The fixed Fringe Benefits rates set forth in SECTION I are inclusive of the final carry-forward amounts shown below, which are liquidated in their entirety.

( ) represents over-recovery

Fringe Rate Category	FY22 Final CFW Amount	Liquidated in FY 2024	Remaining CFW to be Liquidated
Research Faculty-PERA	(\$32,692)	(\$32,692)	\$0
Research Faculty-MDCP	\$127,713	\$127,713	\$0
Research Faculty-Converted	(\$7,311)	(\$7,311)	\$0
Admin Faculty-PERA	\$77,950	\$77,950	\$0
Admin Faculty-MDCP	\$396,511	\$396,511	\$0
Admin Faculty-Converted	\$16,408	\$16,408	\$0
Academic Faculty-PERA	\$15,195	\$15,195	\$0
Academic Faculty-MDCP	\$511,208	\$511,208	\$0
Academic Faculty-Converted	\$31,227	\$31,227	\$0
Classified Faculty	(\$3,488)	(\$3,488)	\$0
Benefit Ineligible-PERA	\$3,863	\$3,863	\$0
Benefit Ineligible-MDCP	(\$8,548)	(\$8,548)	\$0
Benefit Ineligible-Converted	(\$2,335)	(\$2,335)	\$0

**E. 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.

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

Accepted:  
FOR THE COLORADO SCHOOL  
OF MINES:

Noelle Sanchez Digitally signed by Noelle Sanchez  
Date: 2023.06.28 11:14:32  
-06'00'

NOELLE SANCHEZ  
Controller

FOR THE U.S. GOVERNMENT:

BETH A. SNYDER  
Contracting Officer

Date

6/28/2023  
Date

*For information concerning this agreement contact:*

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