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

Agreement Date: June 21, 2018

NEGOTIATION AGREEMENT

INSTITUTION: **THE UNIVERSITY OF DELAWARE**
NEWARK, DELAWARE 19716-4005

The Fringe Benefits rates contained herein are for use on grants, contracts and/or other agreements issued or awarded to the University of Delaware by all Federal Agencies of the United States of America, in accordance with the cost principles mandated by 2 CFR Part 200. These rates shall be used for forward pricing and billing purposes for the University of Delaware Fiscal Year 2019. This rate agreement supersedes all previous rate agreements/determinations for Fiscal Year 2019

Section I: RATES - TYPE: FIXED (FIXED)

Fringe Benefits Rates:

Type	From	To	Rate	Base	Applicable To	Location
Fixed	7/1/18	6/30/19	40.8%	(a)	Faculty/Prof. Employees	All
Fixed	7/1/18	6/30/19	65.2%	(a)	Staff Employees	All
Fixed	7/1/18	6/30/19	5.9%	(a)	Graduate Students	All
Fixed	7/1/18	6/30/19	7.0%	(a)	Other*	All

*Excludes student wages exempt from FICA.

DISTRIBUTION BASE

(a) Salaries and Wages

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 recipient/contractor were included in its indirect cost pool as finally accepted and that all such costs are legal obligations of the recipient/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 recipient/contractor, 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. **FIXED RATES WITH CARRY-FORWARD PROVISIONS**: The fixed rates contained in this agreement are based on estimates of the costs for FY 2019. When actual costs for this fiscal year are determined, adjustments will be applied to the next subsequent rate negotiation to recognize the difference between the FY 2019 estimated costs used to establish the fixed rates and the negotiated actual FY 2019 costs.

D. **CARRY-FORWARD AMOUNTS**:

1. The Office of Naval Research Negotiation Agreement dated July 20, 2016 established Fixed rates with carry-forward provisions for Staff Benefits rates for the University of Delaware's fiscal year ending June 30, 2017. This negotiation agreement records agreement on the final carry-forward amounts resulting from determination of actual costs for FY 2017. These costs have been determined in accordance with the provisions of 2 CFR Part 200.

Benefit Category	FY 2017 CFW Amount	Liquidated in FY 2019 Rate	CFW Balance
Faculty/Prof. Employees	$2,380,879	$2,380,879	$0
Staff Employees	($219,016)	($219,016)	$0
Graduate Students	$264,349	$264,349	$0
Other	($340,864)	($340,864)	$0

( ) Denotes over-recovery.

2. The Fixed Staff Benefits rates set forth in Section I are inclusive of the Final 2017 carry-forward amounts shown above, which are liquidated in their entirety.

E. **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 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 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 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 University of Delaware's accounting practices or methodologies. Any reliance by the Government on cost data or methodologies submitted by the University of Delaware is on a non-precedence-setting basis and does not imply Government acceptance.

Accepted:

FOR THE UNIVERSITY OF DELAWARE:	FOR THE U.S. GOVERNMENT:
Gregory S. Oler Vice President and Deputy Treasurer	Betty J. Tingle Contracting Officer
6/21/2018 Date	6-21-2018 Date

For information concerning this agreement contact:

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