

**State and Local Governments
Indirect Cost Negotiation Agreement**

EIN: 98-0018947

Organization:

Government of Guam
Bureau of Budget and Management Research
P.O. Box 2950
Hagatna, Guam 96932

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Last Negotiation Agreement
dated March 13, 2013

The indirect cost rates contained herein are for use on grants, contracts, and other agreements with the Federal Government to which 2 CFR 225 (OMB Circular A-87) applies, subject to the limitations in Section II.A. of this agreement. The rates were negotiated by the U.S. Department of the Interior, Interior Business Center, and the subject organization in accordance with the authority contained in 2 CFR 225.

Section I: Rates

Type	Effective Period		Rate*	Locations	Applicable To
	From	To			
Fixed Carryforward	10/01/13	09/30/14	0.00%	All	AHRD
Fixed Carryforward	10/01/13	09/30/14	16.32%	All	Stats/Plans
Fixed Carryforward	10/01/13	09/30/14	7.71%	All	Agr. (PR/DJ)
Fixed Carryforward	10/01/13	09/30/14	5.58%	All	DMHSA
Fixed Carryforward	10/01/13	09/30/14	3.69%	All	Mil Affairs
Fixed Carryforward	10/01/13	09/30/14	21.68%	All	Parks & Rec.
Fixed Carryforward	10/01/13	09/30/14	21.17%	All	DPHSS
Fixed Carryforward	10/01/13	09/30/14	31.36%	All	Public Works
Fixed Carryforward	10/01/13	09/30/14	2.68%	All	DISID
Fixed Carryforward	10/01/13	09/30/14	0.00%	All	Youth Affairs
Fixed Carryforward	10/01/13	09/30/14	16.01%	All	CAHA
Fixed Carryforward	10/01/13	09/30/14	46.85%	All	Energy
Fixed Carryforward	10/01/13	09/30/14	0.00%	All	GEPA
Fixed Carryforward	10/01/13	09/30/14	48.62%	All	Library
Fixed Carryforward	10/01/13	09/30/14	10.66%	All	Governor
Fixed Carryforward	10/01/13	09/30/14	1.37%	All	Child Support
Fixed Carryforward	10/01/13	09/30/14	11.58%	All	Crime Victims
Fixed Carryforward	10/01/13	09/30/14	0.00%	All	DRT
Fixed Carryforward	10/01/13	09/30/14	10.29%	All	Police
Fixed Carryforward	10/01/13	09/30/14	36.63%	All	Labor

***Base:** Total direct salaries and wages, excluding fringe benefits.

Treatment of fringe benefits: Fringe benefits applicable to direct salaries and wages are treated as direct costs; fringe benefits applicable to indirect salaries and wages are treated as indirect costs.

A. **Limitations:** Use of the rate(s) contained in this agreement is subject to any applicable statutory limitations. Acceptance of the rate(s) agreed to herein is predicated upon these conditions: (1) no costs other than those incurred by the subject organization were included in its indirect cost rate proposal, (2) all such costs are the legal obligations of the grantee/contractor, (3) similar types of costs have been accorded consistent treatment, and (4) the same costs that have been treated as indirect costs have not been claimed as direct costs (for example, supplies can be charged directly to a program or activity as long as these costs are not part of the supply costs included in the indirect cost pool for central administration).

B. **Audit:** All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the cost allocation plan or indirect cost rate proposal upon which the negotiation of this agreement was based will be compensated for in a subsequent negotiation.

C. **Changes:** The rate(s) contained in this agreement are based on the organizational structure and the accounting system in effect at the time the proposal was submitted. Changes in organizational structure, or changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rate(s) in this agreement, require the prior approval of the responsible negotiation agency. Failure to obtain such approval may result in subsequent audit disallowance.

D. **Rate Type:**

1. **Fixed Carryforward Rate:** The fixed carryforward rate is based on an estimate of the costs that will be incurred during the period for which the rate applies. When the actual costs for such periods have been determined, an adjustment will be made to the rate for future periods, if necessary, to compensate for the difference between the costs used to establish the fixed rate and the actual costs.

2. **Provisional/Final Rates:** Within 6 months after year end, the final rate must be submitted based on actual costs. Billings and charges to contracts and grants must be adjusted if the final rate varies from the provisional rate. If the final rate is greater than the provisional rate and there are no funds available to cover the additional indirect costs, the organization may not recover all indirect costs. Conversely, if the final rate is less than the provisional rate, the organization will be required to pay back the difference to the funding agency.

3. **Predetermined Rate:** The predetermined rate contained in this agreement is based on estimated costs which will be incurred during the period for which the rate applies and is normally not subject to subsequent carry-forward adjustments. However, if material changes occur in the grantee/contractor's cost structure, adjustments to the rate may be necessary to compensate for the effects of such changes.

E. **Agency Notification:** Copies of this document may be provided to other federal offices as a means of notifying them of the agreement contained herein.

F. **Record Keeping:** Organizations must maintain accounting records that demonstrate that each type of cost has been treated consistently either as a direct cost or an indirect cost. Records pertaining to the costs of program administration, such as salaries, travel, and related costs, should be kept on an annual basis.

G. Reimbursement Ceilings: Grantee/contractor program agreements providing for ceilings on indirect cost rate(s) or reimbursement amounts are subject to the ceilings stipulated in the contract or grant agreements. If the ceiling rate is higher than the negotiated rate in Section I of this agreement, the negotiated rate will be used to determine the maximum allowable indirect cost.

H. Use of Other Rate(s): If any federal programs are reimbursing indirect costs to this grantee/contractor by a measure other than the approved rate(s) in this agreement, the grantee/contractor should credit such costs to the affected programs, and the approved rate should be used to identify the maximum amount of indirect cost allocable to these programs.

I. Central Service Costs: Where central service costs are estimated for the calculation of indirect cost rate(s), adjustments will be made to reflect the difference between provisional and final amounts.

J. Other:

1. The purpose of an indirect cost rate is to facilitate the allocation and billing of indirect costs. Approval of the indirect cost rate does not mean that an organization can recover more than the actual costs of a particular program or activity.

2. Programs received or initiated by the organization subsequent to the negotiation of this agreement are subject to the approved indirect cost rate if the programs receive administrative support from the indirect cost pool. It should be noted that this could result in an adjustment to a future rate.

3. New indirect cost proposals are necessary to obtain approved indirect cost rate(s) for future fiscal or calendar years. The proposals are due in our office 6 months prior to the beginning of the year to which the proposed rate(s) will apply.

Section III: Acceptance

Listed below are the signatures of acceptance for this agreement:

By the State & Local Government:

By the Cognizant Federal Government
Agency:

Government of Guam
State/Local Government

U.S. Department of the Interior
Agency

 /s/ Signature

John A. Rios

Name (Type or Print)

Director

Bureau of Budget & Management Research
Title

April 17, 2014

Date

 /s/ Signature

Deborah A. Moberly

Name

Office Chief

Office of Indirect Cost Services
Title

U.S. Department of the Interior
Interior Business Center

Agency

APR 25 2014

Date

Negotiated by Sujoy Mukhopadhyay
Telephone (916) 566-7009