



United States Department of the Interior

INTERIOR BUSINESS CENTER
Indirect Cost Services
650 Capitol Mall, Suite 7-400
Sacramento, CA 95814-4706



April 25, 2017

Ms. Janice Jones, Chairperson
No Name Tribe of Indians
P.O. Box 101
Any City, CA 95814-0101

Dear Ms. Jones:

Enclosed are two copies of the Indirect Cost Negotiation Agreement offered by the Interior Business Center (IBC). If you agree with the contents, **please sign and return two copies** of the agreement to IBC to complete the acceptance process. IBC will then sign and return one of the signed original agreements to you.

As a recipient of federal funds, the regulations require annual indirect cost rates. **Indirect cost rate proposals are due within six (6) months after the close of your fiscal year end** and are processed on a first-in, first-out basis.

Please visit our website for information and updates on filing indirect cost proposals. If you have any questions concerning the negotiation agreement or require additional information, please contact our office for assistance.

Sincerely,

Doris W. Jensen
Office Chief (A)

Enclosures: Supplements and Negotiation Agreement

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Phone: (916) 930-3803
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Website: <https://www.doi.gov/ibc/services/finance/Indirect-Cost-Services>

**No Name Tribe of Indians
FY 2015 Carryforward and FY 2017 Rate Computation**

Supplement 1

Program	FY 2015 Actual Direct Cost Base	% of Total	FY 2015 Indirect Cost Pool	Indirect Rate at 24.94%	Indirect Cost Collections	Underfunded Indirect	Overfunded Indirect	Carryforward
BIA (638)	\$1,223,463	10.37%	\$308,240	\$305,132	\$300,221	\$4,911	\$0	\$3,108
IHS (638)	349,493	2.96%	87,984	87,164	80,378	6,786	0	820
HHS (Non-638)	110,842	0.94%	27,941	27,644	25,915	1,729	0	297
Commerce	508,497	4.31%	128,112	126,819	43,414	83,405	0	1,293
Defense	89	0.00%	0	22	0	0	0	0
Education	351,765	2.98%	88,578	87,730	79,372	8,358	0	848
EPA	449,818	3.82%	113,547	112,185	125,261	0	11,714	0
HUD	115,721	0.98%	29,130	28,861	0	28,861	0	269
IMLS	6,928	0.06%	1,783	1,728	0	1,728	0	55
Labor	1,600	0.02%	594	399	0	399	0	195
Transportation	548,537	4.65%	138,218	136,805	153,409	0	15,191	0
State	206,309	1.75%	52,017	51,453	24,661	26,792	0	564
Tribal	7,920,685	67.16%	1,996,281	1,975,419				1/
Totals	\$11,793,747	100.00%	\$2,972,425	\$2,941,361	\$832,631	\$162,969	\$26,905	\$7,449
			2/		3/	4/	4/	

Accepted FY 2017 Indirect Costs	\$3,577,221
FY 2015 Underrecovery Carryforward to FY 2017	7,449
Accepted FY 2017 Indirect Cost Pool	<u>\$3,584,670</u>
Accepted FY 2017 Direct Cost Base	<u>\$12,309,000</u>
Accepted FY 2017 Indirect Cost Rate	<u>29.12%</u>

1/ Funding of indirect costs for tribal activities is an internal process and is not included in the carryforward computation.

2/ The FY 2015 indirect cost pool includes the previously negotiated FY 2013 overrecovery carryforward of \$24,771.

3/ The amount of "Indirect Cost Collections" need not include direct funds (including direct program funds, direct CSC, or indirect CSC funds lawfully redirected to pay for unfunded direct CSC), private funds, or tribal funds diverted to pay indirect costs in the pool, provided that the amount listed is consistent with the tribal contractors' audited financial statements or post-audit statements, pursuant to Section III.B.1 (a) and (b) of PSA III.

4/ Underfunded indirect should be reported to the respective granting agencies. Underfunded amounts may be, but are not necessarily, due to shortfalls in appropriations. The presence of an amount in either of these columns does not constitute a determination or admission that either the government or the contractor is liable to the other for any amount.

Note: The amount shown as Indirect Cost Collections is based on the Tribe's audited financial statements.

**No Name Tribe of Indians
FY 2017 Direct Cost Base**

Supplement 2

Programs	Amount
FEDERAL PROGRAMS	
Department of the Interior:	
Bureau of Indian Affairs (638)	\$1,500,000
Other (Non-638)	430,000
Department of Health and Human Services:	
Indian Health Service (638)	310,000
Other (Non-638)	432,000
Department of Commerce	555,000
Department of Housing and Urban Development	150,000
Department of Education	500,000
Environmental Protection Agency	495,000
Institute of Museum and Library Services	7,000
Department of Transportation	230,000
Subtotal Federal Programs	<u>4,609,000</u>
STATE AND OTHER PROGRAMS	1,460,000
TRIBAL PROGRAMS	6,240,000
Direct Cost Base	<u><u>\$12,309,000</u></u>

Note: The approved indirect cost rate will apply to any increase in the programs included in the above amounts and to programs that are received subsequently that benefit from the Tribe's administrative services.

**No Name Tribe of Indians
FY 2017 Indirect Costs**

Supplement 3

Title/Description	Amount
Salaries:	
Board of Directors (Tribal Council) (50%)	\$45,000
Assistant to the Board of Directors (50%)	19,810
Chief Executive Officer (80%)	100,929
Chief Operating Officer (80%)	94,813
Executive Assistant	54,355
Controller	109,998
General Ledger Accountant	89,782
Compliance Officer (Certified Accountant) (75%)	65,297
Payroll Accountant (50%)	20,703
A/P Accountant (50%)	34,090
Assistant Accounts Payable (50%)	20,430
Cash Receipts Clerk (25%)	15,351
Grants Writer	56,283
Planner	78,513
IT Director	103,528
IT Network Administrator (2)	145,966
IT Technician (4)	215,302
IT Office Manager	48,285
Human Resources Director	81,622
HR Assistant (4)	178,259
Facility Administrator	70,247
Receptionist/Secretary	54,355
Maintenance Staff (8)	293,099
Subtotal Salaries	1,996,017
Fringe Benefits on Above Salaries	656,267
Professional Fees/Contractual Services (Audit, Accounting Services, IT, ICP, etc.)	265,000
Equipment Rental	25,000
Property & Liability Insurance	200,000
Repairs & Maintenance	10,000
Other (Bank Fees & Staff Meetings)	30,000
Supplies & Postage	160,000
Telephone & Other Utilities	90,000
Travel & Training	50,000
Depreciation (Admin Building)	94,937
Subtotal Other	1,581,204
Total Indirect Costs	\$3,577,221

Note: Costs treated as indirect costs should not be allowed as direct charges to contracts and grants. All costs are either direct or indirect depending on whether they apply to direct or indirect activities.

**Indian Organizations
Indirect Cost Negotiation Agreement**

EIN: 01-2345678

Organization:

No Name Tribe of Indians
P.O. Box 101
Any City, CA 95815

Date: April 25, 2017

Report No(s) .: 17-A-0403(17C)

Filing Ref.:

Last Negotiation Agreement
dated April 14, 2016

The indirect cost rate contained herein is for use on grants, contracts, and other agreements with the Federal Government to which Public Law 93-638 and 2 CFR Part 200 apply for fiscal years beginning on or after December 26, 2014 subject to the limitations contained in 25 CFR 900 and Section II.A. of this agreement. Applicable OMB Circulars and the regulations at 2 CFR 225 will continue to apply to federal funds awarded prior to December 26, 2014. The rate was negotiated by the U.S. Department of the Interior, Interior Business Center, and the subject organization in accordance with the authority contained in applicable regulations.

Section I: Rate

Type	Effective Period		Rate*	Locations	Applicable To
	From	To			
Fixed Carryforward	10/01/16	09/30/17	29.12%	All	All Programs

***Base:** Modified total direct costs: Total direct costs, less capital expenditures and passthrough funds. Passthrough funds are normally defined as payments to participants, stipends to eligible recipients, or subawards, all of which normally require minimal administrative effort.

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.

Section II: General

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A. Limitations: Use of the rate contained in this agreement is subject to any applicable statutory limitations. Acceptance of the rate 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 that affect the amount of reimbursement resulting from use of the rate(s) in this agreement, require the prior approval of the cognizant 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 costs that will be incurred during the period for which the rate applies. When the actual costs for such period have been determined, an adjustment will be made to the rate for a future period, if necessary, to compensate for the difference between the costs used to establish the fixed rate and the actual costs.

2. **Provisional/Final Rate:** Within six (6) months after year end, a final indirect cost rate proposal 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:** A predetermined rate is an indirect cost rate applicable to a specified current or future period, usually the organization's fiscal year. The rate is based on an estimate of the costs to be incurred during the period. A predetermined rate is not subject to adjustment. (Because of legal constraints, predetermined rates are not permitted for Federal contracts; they may, however, be used for grants or cooperative agreements.)

E. Rate Extension: Only final and predetermined rates may be eligible for consideration of rate extensions. Requests for rate extensions of a current rate will be reviewed on a case-by-case basis. If an extension is granted, the non-Federal entity may not request a rate review until the extension period ends. In the last year of a rate extension period, the non-Federal entity must submit a new rate proposal for the next fiscal period.

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

G. 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.

H. **Reimbursement Ceilings:** Grantee/contractor program agreements providing for ceilings on indirect cost rates 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.

I. **Use of Other Rates:** 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(s) should be used to identify the maximum amount of indirect cost allocable to these programs.

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(s) 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. Each Indian tribal government desiring reimbursement of indirect costs must submit its indirect cost proposal to our office within six (6) months after the close of the Tribe's fiscal year, unless an exception is approved.

Section III: Acceptance

Listed below are the signatures of acceptance for this agreement:

By the Indian Organization:

By the Cognizant Federal Government Agency:

No Name Tribe of Indians
Tribal Government

U.S. Department of the Interior
Interior Business Center
Agency

_____/s/
Signature

_____/s/
Signature

Name (Type or Print)

Name

Title

Office Chief (A)
Office of Indirect Cost Services
Title

Date

Date
Negotiated by Mark W. Stout
Telephone (916) 930-3830