



Department of Energy

Golden Field Office
15013 Denver West Parkway
Golden, Colorado 80401

NEGOTIATED INDIRECT COST BILLING AGREEMENT

New York State
Energy Research & Development Authority
(NYSERDA)
17 Columbia Circle
Albany, NY 12203

Reference
Incurred Cost Proposal certified on 9/20/23
Rate Proposal emailed on 12/8/23

PREAMBLE

The purpose of this Agreement is to establish indirect cost rates for use in award and management of Federal contracts, grants, and other assistance arrangements to which Code of Federal Regulations (CFR) 2 C.F.R. 200 applies. It consists of four parts: I -Rates and Bases; II - Particulars; III -Special Remarks; and IV -Approvals. It has been negotiated by the Department of Energy on behalf of the Federal Government pursuant to the authority cited in Appendix V and VII of 2 C.F.R. 200.

SECTION I -RATES AND BASES

Indirect Expense Pool	FINAL 4/1/22 - 3/31/23	PROVISIONAL 4/1/23 – 3/31/25	Base
Fringe Benefits	39.59%	68.85%	(a)
Labor Overhead	41.65%	41.65%	(a)
G&A Expense	51.97%	51.97%	(a)
NY shared Services Cost Recovery Fee	1.01%	1.01%	(b)

Allocation Bases:

- (a) Total Direct Labor Dollars, exclusive of Market Engagement activities
- (b) Total Direct & Indirect Expenses, excluding Capital Projects

TREATMENT OF PAID ABSENCES:

Vacation, holiday, sick leave and other paid absences are charged against accrual balances as used throughout the fiscal year. Leave time earned is added to the accrual balances on a biweekly basis. The net increase or decrease in the value of the accrual balances is accounted for quarterly as a fringe benefit cost. This cost is charged to contracts, grants and other financial assistance agreements through the application of the entity-wide fringe benefit rate to direct labor costs incurred under those contractual instruments.

TREATMENT OF OTHER FRINGE BENEFITS:

This organization charges fringe benefits to contracts, grants, and other financial assistance agreements through the application of the entity-wide fringe benefit rate to direct labor costs incurred under those contractual instruments. The following are other fringe benefit costs: retirement plan, health and disability insurance, and worker's compensation.

SECTION II -PARTICULARS

SCOPE:

The indirect cost rates contained herein are for use with grants, cooperative agreements and contracts awarded by the Federal Government to the above department or agency and subject to the rules and regulations under 2 CFR 200.

LIMITATIONS:

Application of the rates contained in this agreement is subject to all statutory or administrative limitations on the use of funds, and payments of costs hereunder, are subject to the availability of appropriations applicable to a given grant or contract. Acceptance of the rates agreed to herein is predicated on the following conditions: (a) no costs other than those incurred by the Recipient were included in the entity's indirect cost pools as finally accepted, and that such costs are legal obligations of the Recipient and allowable under the governing cost principles; (b) the same costs that have been treated as indirect costs are not claimed as direct costs; (c) similar types of costs have been accorded consistent accounting treatment; and (d) the information which was provided by the agency, and which was used as a basis for acceptance of rates agreed to herein, is not subsequently found to be materially incomplete or inaccurate.

CHANGES:

Billing rates contained in this agreement are based on the accounting system in effect at the time the agreement was negotiated. When changes to the method of accounting for cost affect the amount of reimbursement resulting from the use of this rate, the change will require the prior approval of the authorized representative of the Cognizant negotiation agency. Such changes include, but are not limited to, changing a particular type of cost from an indirect to a direct charge. Failure to obtain such approval may result in subsequent cost disallowances. The Cognizant negotiating agency must also be notified of any changes to the State's or Locality's organizational structure, which affect the amount of reimbursement resulting from the use of the rates.

RATE(S):

FINAL: The Final rate(s) contained in this Agreement are based on the actual, allowable costs incurred for a preceding fiscal period. In accordance with applicable Federal regulations (2 CFR 200, Appendix IV) governing indirect cost rates for your award(s), provisional rates are not to be construed as determinative of the indirect costs to be distributed or of the bases of distribution to be used in the final settlement of your award(s).

PROVISIONAL: The provisional rates contained in this Agreement are based on the actual, allowable costs incurred for a preceding fiscal period. The methodology used to establish the billing rates for future fiscal years cannot be changed without the written consent from the Government's Contracting Officer.

NOTIFICATION TO OTHER FEDERAL AGENCIES:

Copies of this document may be provided to other Federal agencies as means of notifying them of the Agreement contained herein.

ADJUSTMENTS TO REIMBURSEMENTS:

Current reimbursements for indirect costs to the above department or agency by means other than the rates set forth in this agreement should be adjusted to reflect the use of these approved rates within 30 days of the effective date of this agreement, and within the Terms and Conditions of Federal Awards. These rates shall be applied to the appropriate base to identify the proper amount of indirect costs allocable to the Federal awards covered by this agreement.

SECTION III -SPECIAL REMARKS

1. This agreement is effective on the date of approval by the Federal Government.
2. Questions regarding this agreement should be directed to the Federal Government negotiator referenced in Section IV.

SECTION IV –APPROVALS

For the State or Local Department
**New York State Energy
Research and Development Authority**

For the Cognizant Negotiation Agency on
Behalf of the Federal Government
U.S. Department of Energy



Signature

Peter V. Mahar
Name

Controller and Assistant Treasurer
Title

December 12, 2023
Date



Signature

Pamela T. Lavergne
Name

Contracting Officer
Title

December 12, 2023
Date