



26 Federal Plaza, Room 3412
New York, NY 10278
PHONE: (212) 264-2069
EMAIL: CAS-NY@psc.hhs.gov

October 18, 2022

Ms. Catherine Brennan
Senior Vice President for Finance & CFO
New Jersey Institute of Technology
University Heights
Newark, NJ 07102-1982

Dear Ms. Brennan:

A negotiation agreement is being sent to you for signature. This agreement reflects an understanding reached between your institution and a member of my staff concerning the rates or amounts that may be used to support your claim for indirect costs on grants and contracts with the Federal Government.

Please have the agreement signed by an authorized representative of your institution and returned to me by email, retaining the copy for your files. Our email address is CAS-NY@psc.hhs.gov. We will reproduce and distribute the agreement to the appropriate awarding organizations of the Federal Government for their use.

Requirements for adjustments to costs claimed under Federal Grants and Contracts resulting from this negotiation are dependent upon the type of rate contained in the negotiation agreement. Information relating to these requirements is enclosed.

The following schedule summarizes the carry-forwards resulting from the settlement of your fringe benefit rate for the various fiscal years referenced below. These amounts must be included in the calculation of the actual fringe benefit rates for the years cited.

CAS Letter Dated	Carry-forward from FYE	Consider with Actuals for FYE	Under (Over) Recovery
Full-Time Employee (General & Education):			
May 4, 2021	6/30/20	6/30/22	(\$6,053,644)
October 18, 2022	6/30/21	6/30/23	\$4,425,460
Part-Time Non-Summer Faculty Employee:			
May 4, 2021	6/30/20	6/30/22	\$28,237
October 18, 2022	6/30/21	6/30/23	(\$72,358)
Doctoral Students:			
May 4, 2021	6/30/20	6/30/22	(\$329,839)
October 18, 2022	6/30/21	6/30/23	(\$101,572)

Indirect cost and fringe benefit rate proposals, together with the supporting information, are required to substantiate your claim for indirect and fringe benefit costs under grants and contracts awarded by the Federal Government. Thus, your next indirect cost proposal based on actual costs for the fiscal year ending 06/30/2022 is due in our office by 12/31/2022; your next fringe benefit proposal based on actual costs for the fiscal year ending 06/30/2022 is due in our office by 12/31/2022. Please submit your next proposal electronically via email to CAS-NY@psc.hhs.gov.

In addition, please acknowledge your concurrence with the comments and conditions cited above by signing this letter in the space provided below and email it to me with the enclosed negotiation agreement.

Sincerely,

**Darryl W.
Mayes -S**

Digitally signed by Darryl W. Mayes -S
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ou=HHS, ou=PSC, ou=People,
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Date: 2022.11.07 10:36:08 -05'00'

Darryl W. Mayes
Deputy Director
Cost Allocation Services

Enclosures:

Concurrence:

Catherine Brennan

Name

Sr. VP for Finance & CFO

Title

11.7.22

Date

COLLEGES AND UNIVERSITIES RATE AGREEMENT

EIN: 1226000910A1

DATE:10/18/2022

ORGANIZATION:

FILING REF.: The preceding agreement was dated 05/04/2021

New Jersey Institute of Technology
University Heights
Newark, NJ 07102-1982

The rates approved in this agreement are for use on grants, contracts and other agreements with the Federal Government, subject to the conditions in Section III.

SECTION I: INDIRECT COST RATES

RATE TYPES: FIXED FINAL PROV. (PROVISIONAL) PRED. (PREDETERMINED)

EFFECTIVE PERIOD

<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>RATE (%)</u>	<u>LOCATION</u>	<u>APPLICABLE TO</u>
PROV.	07/01/2022	Until Amended	53.50	On-Campus NJIT	Research
PROV.	07/01/2022	Until Amended	26.00	Off-Campus NJIT	Research
PROV.	07/01/2022	Until Amended	53.70	On-Campus NJIT	Instruction & Training
PROV.	07/01/2022	Until Amended	26.00	Off-Campus NJIT	Instruction & Training

*BASE

ORGANIZATION: New Jersey Institute of Technology

AGREEMENT DATE: 10/18/2022

Modified total direct costs, consisting of all salaries and wages, fringe benefits, materials, supplies, services, travel and subgrants and subcontracts up to the first \$25,000 of each subgrant or subcontract (regardless of the period covered by the subgrant or subcontract). Modified total direct costs shall exclude equipment, capital expenditures, charges for patient care, student tuition remission, rental costs of off-site facilities, scholarships and fellowships, participant support costs, as well as the portion of each subgrant and subcontract in excess of \$25,000.

(1) The Foundation at New Jersey Institute of Technology and the New Jersey Institute of Technology - Combined Rate.

ORGANIZATION: New Jersey Institute of Technology

AGREEMENT DATE: 10/18/2022

SECTION I: FRINGE BENEFIT RATES**

<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>RATE (%)</u>	<u>LOCATION</u>	<u>APPLICABLE TO</u>
FIXED	7/1/2022	6/30/2023	52.70	All NJIT	Full-Time Employees (General & Education)
FIXED	7/1/2022	6/30/2023	35.10	All NJIT	Full-Time Employees (Sponsored Programs)
FIXED	7/1/2022	6/30/2023	7.90	All NJIT	Part-Time Non- Summer Faculty
FIXED	7/1/2022	6/30/2023	9.40	All NJIT	Doctoral Students
PROV.	7/1/2023	Until amended	49.00	ALL NJIT	Full-Time Employees (General & Education)
PROV.	7/1/2023	Until amended	35.10	ALL NJIT	Full-Time Employees (Sponsored Programs)
PROV.	7/1/2023	Until amended	8.30	All NJIT	Part-Time Non- Summer Faculty
PROV.	7/1/2023	Until amended	9.50	All NJIT	Doctoral Students

** DESCRIPTION OF FRINGE BENEFITS RATE BASE:

Salaries and wages.

ORGANIZATION: New Jersey Institute of Technology

AGREEMENT DATE: 10/18/2022

SECTION II: SPECIAL REMARKS

TREATMENT OF FRINGE BENEFITS:

The fringe benefits are charged using the rate(s) listed in the Fringe Benefits Section of this Agreement. The fringe benefits included in the rate(s) are listed below.

TREATMENT OF PAID ABSENCES

Vacation, holiday, sick leave pay and other paid absences are included in salaries and wages and are claimed on grants, contracts and other agreements as part of the normal cost for salaries and wages. Separate claims are not made for the cost of these paid absences.

(1) The combined indirect cost rates are joint rates and are based on the combined costs of the Foundation at New Jersey Institute of Technology and New Jersey Institute of Technology and should be used when awards are made jointly to these organizations.

(2) The fringe benefit costs for NJIT employees are charged utilizing the State of New Jersey fringe benefit rate for federal funds. This approved rate is contained in the New Jersey State-Wide Cost Allocation Plan. That rate includes the following costs: Pension, SUI, Health Benefits.

(3) The following additional benefits are covered by the rates listed in Section I of the rate agreement: Medicare, FICA, Tuition Remission, Vision Care, Workers Comp and Lump Sick.

(4) Your next indirect costs proposal based on actual costs for the fiscal year ending 6/30/2022 is due in our office by 12/31/2022.

(5) Your next fringe benefit proposal based on actual costs for the fiscal year ending 6/30/2022 is due in our office by 12/31/2022.

(6) This rate agreement updates fringe benefit rates only.

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds \$5,000.

SECTION III: GENERAL

A. LIMITATIONS:

The rates in this Agreement are subject to any statutory or administrative limitations and apply to a given grant, contract or other agreement only to the extent that funds are available. Acceptance of the rates is subject to the following conditions: (1) Only costs incurred by the organization were included in its facilities and administrative cost pools as finally accepted: such costs are legal obligations of the organization and are allowable under the governing cost principles; (2) The same costs that have been treated as facilities and administrative costs are not claimed as direct costs; (3) Similar types of costs have been accorded consistent accounting treatment; and (4) The information provided by the organization which was used to establish the rates is not later found to be materially incomplete or inaccurate by the Federal Government. In such situations the rate(s) would be subject to renegotiation at the discretion of the Federal Government.

B. ACCOUNTING CHANGES:

This Agreement is based on the accounting system purported by the organization to be in effect during the Agreement period. Changes to the method of accounting for costs which affect the amount of reimbursement resulting from the use of this Agreement require prior approval of the authorized representative of the cognizant agency. Such changes include, but are not limited to, changes in the charging of a particular type of cost from facilities and administrative to direct. Failure to obtain approval may result in cost disallowances.

C. FIXED RATES:

If a fixed rate is in this Agreement, it is based on an estimate of the costs for the period covered by the rate. When the actual costs for this period are determined, an adjustment will be made to a rate of a future year(s) to compensate for the difference between the costs used to establish the fixed rate and actual costs.

D. USE BY OTHER FEDERAL AGENCIES:

The rates in this Agreement were approved in accordance with the authority in Title 2 of the Code of Federal Regulations, Part 200 (2 CFR 200), and should be applied to grants, contracts and other agreements covered by 2 CFR 200, subject to any limitations in A above. The organization may provide copies of the Agreement to other Federal Agencies to give them early notification of the Agreement.

E. OTHER:

If any Federal contract, grant or other agreement is reimbursing facilities and administrative costs by a means other than the approved rate(s) in this Agreement, the organization should (1) credit such costs to the affected programs, and (2) apply the approved rate(s) to the appropriate base to identify the proper amount of facilities and administrative costs allocable to these programs.

BY THE INSTITUTION:

New Jersey Institute of Technology

(INSTITUTION)

Catherine Brennan

(SIGNATURE)

Catherine Brennan

(NAME)

Sr. VP for Finance & CFO

(TITLE)

11.7.22

(DATE)

ON BEHALF OF THE FEDERAL GOVERNMENT:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Darryl W. Mayes - S

Digitally signed by Darryl W. Mayes - S
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cn=Darryl W. Mayes - S
Date: 2022.11.07 10:34:58 -0500

(SIGNATURE)

Darryl W. Mayes

(NAME)

Deputy Director, Cost Allocation Services

(TITLE)

10/18/2022

(DATE) 4921

HHS REPRESENTATIVE: **Rebecca Kaplan**

Telephone: **(212) 264-2069**