

APPENDIX A

ILLUSTRATIONS OF AN ACCEPTABLE METHODOLOGY FOR CALCULATING SPECIAL RATES

- I. This Appendix A provides a simplified description of the step-by-step process that an ISDA contractor may use to implement the “Special Rates” described in Section III.A of the PSA III. As noted in PSA III, an ISDA contractor is not required to use the Special Rate options, but instead may continue to use a single rate. Although the illustrations below show different methods of calculating special rates, a tribal contractor must still follow all usual and ordinary procedures for documenting its indirect cost rate proposal. This Appendix A also illustrates application of the carryforward calculation changes made applicable to all fixed with carryforward indirect cost rates which involve ISDA programs as shown in Appendix B, when special rates are negotiated.
- II. Exhibits 1 and 2 to this Appendix A illustrate Special Rates, including acceptable variations, and the steps to produce them.
 - A. Exhibit 1 illustrates a two-rate option: an ISDA-only rate and a non-ISDA rate (which includes all other programs). (An Excel spreadsheet containing the formulas underlying this template will be filed separately as part of this PSA III.)
 - B. Exhibit 2 illustrates a three-rate option: *e.g.*, a BIA-ISDA-only rate, an IHS-ISDA-only rate, and a non-ISDA rate (which includes all other programs). (An Excel spreadsheet containing the formulas underlying this template will be filed separately as part of this PSA III.)

Upon approval of this PSA III, these templates will be posted on NBC’s website to aid the ISDA contractors that wish to use one of these options.

III. ILLUSTRATION OF THE PROCESS FOR CALCULATING SPECIAL RATES USING THE TWO-RATE OPTION (AS SHOWN IN EXHIBIT 1)

- A. Prepare an indirect cost pool budget and an estimated direct cost base for a given year according to the applicable OMB circular as published in the Code of Federal Regulations. See Exhibit 1, pages 1 and 2.
- B. Divide the direct cost base into two special rate bases: ISDA-only programs and Non-ISDA programs (which will include all other programs). Calculate the percentage that each sub-base represents of the direct cost base. See Exhibit 1, page 3.

- C. Apply those percentages to allocate the indirect cost pool to each special rate base from Step B, above. The contractor should now have two different proposed pools and two different direct cost bases. See Exhibit 1, page 3.
- D. Calculate the carryforward adjustments from the prior period using the modified carryforward template for Special Rates. There should be two separate carryforward amounts – one for each of the two indirect costs pools: ISDA-only programs, and Non-ISDA programs. See Exhibit 1, page 4.
- E. Calculate the indirect cost rates for the two separate direct cost bases. For each pool: (1) calculate the adjusted pool by adding or subtracting the carryforward adjustment to the pool; and (2) divide the adjusted pool by the appropriate direct cost base, ISDA-only programs or Non-ISDA programs. The resulting ratio, represented as a percentage, is the indirect cost rate for that base. Upon completion, there will be two separate indirect cost pools, two carryforward adjustments, and two direct cost bases, resulting in two separate rates, one for ISDA-only programs and the other for Non-ISDA programs. See Exhibit 1, page 3.
- F. The Special Rate carry forward calculations from FY 2010 used in FY 2012 are illustrated in Exhibit 1, pages 5 and 6.

IV. ILLUSTRATION OF THE PROCESS FOR CALCULATING SPECIAL RATES USING THREE-RATE OPTION (AS SHOWN IN EXHIBIT 2)

- A. Prepare an indirect cost pool budget and an estimated direct cost base for a given year according to the applicable OMB circular. See Exhibit 2, pages 1 and 2.
- B. Divide the direct cost base into three special rate bases: *e.g.*, BIA ISDA-only programs, IHS ISDA-only programs, and Non-ISDA programs (which will include all other programs). Calculate the percentage that each special rate base represents of the total direct cost base. See Exhibit 2, page 3.
- C. Apply those percentages to allocate the indirect cost pool to each special rate base from Step B, above. See Exhibit 2, page 3. The contractor should now have three different proposed pools and three different direct cost bases. See Exhibit 2, page 3.
- D. Calculate the carryforward adjustments using the modified carryforward template for Special Rates. There should be three separate carryforward amounts – one for each of the three indirect costs pools: *e.g.*, BIA ISDA-only programs, IHS ISDA-only programs, and Non-ISDA programs. See Exhibit 2, page 4.
- E. Calculate the indirect cost rates for the three separate direct cost bases. For each pool: (1) calculate the adjusted pool by adding or subtracting the carryforward

adjustment to the pool; and (2) divide the adjusted pool by the appropriate direct cost base, *e.g.*, BIA ISDA-only programs, IHS ISDA-only programs, and Non-ISDA programs.

- F. The resulting amount, represented as a percentage, is the indirect cost rate for that base.

On completion, there will be three separate indirect cost pools, three carryforward adjustments, and three direct cost bases, resulting in three separate rates, *e.g.*, one for BIA ISDA-only programs, one for IHS ISDA-only programs, and one for Non-ISDA programs. See Exhibit 2, page 3.

NOTE: 1 For contractors electing the Special Rates option, the template for calculating carryforwards for the Special Rate for non-ISDA funding will differ from the template used to calculate carryforwards for the ISDA Special Rate(s). The Special Rate carryforward template for non-ISDA funding will compare only the indirect costs incurred allocated to each awarding agency against the indirect cost need estimate (Rate x Base) as applied to that agency's funds in calculating carryforward adjustments. The amount paid by the agency will not be considered in calculating those adjustments. Thus, this template for the non-ISDA Special Rate will generate theoretical over-recoveries as permitted by OMB Circular A-87 for such funds. Over-recovery carryforwards will only be generated on this template for non-ISDA Special Rates when the Rate x Base amount exceeds the indirect costs incurred; under-recovery carryforwards will only be generated when the indirect costs incurred exceed the Rate x Base amount.

NOTE: 2 The process described above for calculating Special Rates is for illustration purposes only. Tribal Contractors may present their indirect cost proposals in a variety of ways. For example, if a tribal contractor can (1) identify a type of an otherwise allowable indirect cost that is chargeable to a particular special rate base(s) (*i.e.*, an ISDA-only special rate base), but not the other special rate bases, and (2) that identified cost is not funded as Direct CSC, the tribal contractor may choose to add the identified indirect cost to the indirect cost pool for that particular special rate base only. If the contractor wishes to pursue this option, the identified indirect cost would be added to the applicable special rate pool prior to calculating the rate for that applicable special rate base. These indirect costs must be identified and described in the indirect cost proposal submitted to NBC.

Sample Indirect Cost Pool

Note: This document illustrates an indirect cost pool which may be used for a Special Rate proposal. It is for illustrative purposes only. Actual indirect cost proposals require more detailed information than shown here.

Title/Description of Costs	Actual FY 2008	Proposed FY 2010
Salaries:		
Administrator	47,600	49,266
Accountant	38,655	40,008
Bookkeeper	16,651	17,234
Purchasing Agent	35,254	36,488
Human Resource Director	36,012	37,272
Human Resource Clerk	18,289	18,929
Receptionist/File Clerk	15,882	16,438
Maintenance	15,142	15,672
Employee Assistance Director	29,370	30,398
Information Specialist	30,020	31,071
Subtotal Salaries 1/	<u>282,875</u>	<u>292,776</u>
Fringe Benefits on Above Salaries 1/	70,719	73,194
Travel	5,600	5,824
Training	3,200	3,328
Telephone	15,600	16,224
Office Supplies	14,500	15,080
Postage	3,700	3,848
Utilities	7,589	7,893
Equipment Repair/Maintenance	4,000	4,160
Bldg/Grds Repair/Maintenance	3,200	3,328
Indirect Costs	<u>410,983</u>	<u>425,654</u>
FY 2006 Underrecovery Carryforward to FY 2008	8,457	
FY 2008 Indirect Cost Pool	<u>\$419,440</u>	
Shared FY 2010 Indirect Cost Pool		<u><u>\$425,654</u></u>
(without the FY2008 Carryforward Included)		

Illustration of a 2 Rate Base Summary Proposal

Note: This document illustrates direct cost bases which may be used for a Special Rate proposal. It is for illustrative purposes only. Actual indirect cost proposals require more detailed information than shown here.

Total Direct Cost Bases	Actual FY08	Proposed FY10
FEDERAL PROGRAMS		
ISDA Programs (638)		
Department of the Interior:		
Bureau of Indian Affairs	\$585,369	\$608,784
Department of Health and Human Services:		
Indian Health Service	487,955	507,473
ISDA (638) Subtotal (Base 1)	<u>1,073,324</u>	<u>1,116,257</u>
Department of Interior BIA (100-297)	228,320	237,453
Department of Health and Human Services (Non-638)	218,744	227,494
Environmental Protection Agency	202,847	210,961
Department of Agriculture	86,185	89,632
Department of Education	4,000	4,160
Department of Justice	46,425	48,282
Department of Commerce	83,740	87,090
Subtotal Federal Programs	<u>1,943,585</u>	<u>2,021,328</u>
STATE PROGRAMS	65,845	68,479
TRIBAL PROGRAMS	2,581,948	2,685,226
All Other Subtotal (Base 2)	<u>3,518,054</u>	<u>3,658,776</u>
Total Direct Costs	<u><u>\$4,591,378</u></u>	<u><u>\$4,775,033</u></u>

Sample Indirect Cost Base and Pool Allocation Computation - 2 Rate Proposal

Note: This document illustrates base and pool allocation computation methodologies which may be used for Special Rates.

For The Year Ending September 30, 2008
 FY 2010 Rate Computation

Base Allocation Computation		
Allocate Separate Bases As A Percentage of Total Base Amount		
	Base	%
ISDA Rate (from page 2 - 2 Rate Base Proposal)	1,116,257	23.38%
All Other Rate (from page 2 - 2 Rate Base Proposal)	3,658,776	76.62%
Total	4,775,033	100%

Pool Allocation Computation			
FY 2010 Indirect Cost Pool--Shared Pool BEFORE FY 2008 Carryforward is Included (from page 1)			425,654
	Pool	% of Base	ISDA Pool
Rate 1			
ISDA Rate Computation			
	ISDAPOOL	425,654	23.38%
			99,505
FY 2008 Carryforward to FY 2010 (from page 4-FY2008 CF)			-2,131
	1/Additional Costs If Any		
	Total pool\		97,374
	ISDA Base		1,116,257
	FY 2010 ISDA Indirect Cost Rate		8.72%
Rate 2			
ALL OTHER Rate Computation			
	OTHER POOL	425,654	76.62%
			326,149
FY 2008 Carryforward to FY 2010 (from page 4-FY2008 CF)			-1,036
	1/Additional Costs If Any		
	Total pool\		325,113
	ALL OTHER		3,658,776
	FY 2010 ALL OTHER Indirect Cost Rate		8.89%

1/NOTE: Special Rate with Allowable Indirect Costs Chargeable to a Specific Special Rate Base

If a tribal contractor can (1) identify a type of an otherwise allowable indirect cost that is chargeable to particular special rate bases (e.g., an ISDA-only special rate base), but not to the other special rate bases, and (2) that identified cost is not funded as Direct CSC, the tribal contractor may choose to add the identified indirect cost to the indirect cost pool for that special rate base only. If the contractor wishes to pursue this option, the identified indirect cost would be added to the applicable special rate pool before calculating the rate for that applicable special rate base. These indirect costs must be identified and described in the indirect cost proposal submitted to NBC.

Fixed with Carryforward Template for use with 2-Rate Proposal

Note: This template is to be used for the first and second year of a Special Rate proposal.

For The Year Ending September 30, 2008

Agreed Upon Changes to the 'Fixed with Carryforward' Schedule

FY 2008 Carryforward Computation

Program	FY 2008		FY 2008		Indirect	Indirect	Underfunded	Overfunded	Carryforward
	Actual	% of	Indirect	Rate at	Costs	Recovered/Collected			
	Direct Costs	Total	Cost Pool	9.50%			Indirect	Indirect	
BIA (638)	\$585,369	12.75%	\$53,479	\$55,610	\$58,845		\$0	3,235	-2,131
IHS (638)	487,955	10.63%	\$44,586	\$46,356	40,288		\$4,298	0	0
Subtotal ISDA (638)									-2,131
HHS (Non-638)	218,744	4.76%	\$19,965	\$20,781	15,877		\$4,088	0	0
EPA	202,847	4.42%	\$18,539	\$19,270	19,270		\$0	0	-731
Agriculture	86,185	1.88%	\$7,885	\$8,188	8,188		\$0	0	-303
Education	4,000	0.09%	\$377	\$380	380		\$0	0	-3
Justice	46,425	1.01%	\$4,236	\$4,410	0		\$4,236	0	0
Commerce	83,740	1.82%	\$7,634	\$7,955	7,250		\$384	0	0
State	65,845	1.43%	\$5,998	\$6,255	5,789		\$209	0	0
Subtotal									-1,036
Tribal	2,581,948	56.23%	\$235,851	\$245,285	1/				
BIA (100-297)	228,320	4.97%	\$20,846	\$21,690	2/				
Totals	<u>\$4,591,378</u>	100.00%	<u>\$419,440</u>	<u>\$436,180</u>	<u>\$155,887</u>		<u>\$13,216</u>	<u>\$3,235</u>	<u>-\$3,167</u>
			3/		4/		5/		

1/ Over or underrecovery from Tribal accounts is internal and therefore not included in the carryforward computation.

2/Over or underrecovery from BIA is not included in the carryforward computation according to Public Law 100-297 Section 1128A, (d) (3): "Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived."

3/ The reported FY 2008 indirect costs of \$419,440 were adjusted to include the previously negotiated FY 2006 underrecovery carryforward to FY 2008 of \$8,457.

4/The amount of "Indirect Cost Collection" 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.

5/ Underfunded indirect costs 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 amounts shown as Indirect Costs Collections are based on the Tribe's audited financial statements.

Illustration of the FY 2010 Rate Computation (Estimated and Actual)- 2 Rate Proposal

Note: This document illustrates the rate computations (estimated and actual) which may be used for Special Rate proposals. It is for illustrative purposes only. Actual indirect cost proposals require more detailed information than shown here.

For The Year Ending September 30, 2010

	FY 2010 Negotiated Indirect Cost Rate Based on FY 2010 Agreement		
	ISDA	Other	Total
Fixed Carryforward Rate Computation	<u>8.72%</u>	<u>8.89%</u>	
FY 2010 Estimates			
<u>1. Indirect Cost Pool:</u>			
Indirect Costs	99,505	326,149	425,654
FY 2008 Over-recovery Carryforward to FY 2010	-2,131	-1,036	
FY 2008 Under-recovery Carryforward to FY 2010			
Adjusted Indirect Cost Pool	<u>97,374</u>	<u>325,113</u>	
<u>2. Direct Cost Base:</u>	<u>1,116,257</u>	<u>3,658,776</u>	<u>4,775,033</u>
Percentage of Direct Costs	23.38%	76.62%	
<u>3. FY 2010 Actual Costs Incurred:</u>			
(FY 2010 Actual Costs Reconcilable to FY 2010 Audited Financial Statements)			
FY 2010 Actual Direct Cost Base	1,138,582	3,731,952	4,870,534
Percentage of Direct	<u>23.38%</u>	<u>76.62%</u>	<u>100.00%</u>
Actual Indirect Costs (Based on Percentage of Direct)	101,851	333,837	435,688
FY 2008 Over/Under-recovery Carryforward to FY 2010 (above)	-2,131	-1,036	
Actual Indirect Cost Pool	<u>99,720</u>	<u>332,801</u>	
Actual Rate (For Comparison with Negotiated Rate)	<u>8.76%</u>	<u>8.92%</u>	

Future Year - Fixed with Carryforward Template for use with 2 Rate Proposal

Note: This template is to be used by Tribal Organizations submitting a proposal for a Special Rate for the 3rd year and after. For example, first year Special Rate proposal is submitted for FY2010, second year for FY 2011, third year is for FY 2012. In this scenario this carryforward template would be used for FY 2012 and after.)

For The Year Ending September 30, 2010

FY 2008 Carryforward Adjustment Computation					
	AA	BB	CC	DD	EE
	Actual FY 2010 Direct Cost	% of Total	Actual FY 2010 I/C	+under// -over RECOVERY FY 2008 Carryfwd	FY 2010 I/C Pool
BIA (638)	\$620,959	54.54%	55,550	-\$2,131	\$53,419
IHS (638)	517,623	45.46%	46,301	0	46,301
Subtotal ISDA (638)	1,138,582	100.00%	101,851	-2,131	99,720
HHS (Non-638)	232,044	6.22%	20,765		
EPA	215,180	5.77%	25,139		
Agriculture	91,425	2.45%	10,674		
Education	4,243	0.11%	479		
Justice	49,248	1.32%	5,751		
Commerce	88,831	2.38%	10,369		
State	69,848	1.87%	8,147		
Tribal	2,738,930	73.39%	319,751		
BIA (100-297)	242,202	6.49%	28,276		
Other Total	3,731,951	100.00%	333,837	-\$1,036	\$332,801
Totals	\$4,870,533		\$435,688	-\$3,167	\$432,521

A	B	C	D	E	F	G	H	I	K
FY 2010 Carryforward Computation to Calculate FY 2012 Rate									
Adjusted for 2008 Carryforward									
Program	FY 2010 Actual Direct Costs	% of Total	FY 2010 Indirect Cost Pool	FY 2010 Indirect Rate	Indirect Costs at FY 2010 Rate	Indirect Costs Recovered/Collected	Underfunded Indirect	Overfunded Indirect	Carryforward
BIA (638)	\$620,959	54.54%	\$53,419	8.72%	\$54,148	\$58,702	\$0	4,554	-729
IHS (638)	517,623	45.46%	46,301	8.72%	45,137	41,110	\$4,027	0	1,164
Subtotal ISDA (638)	1,138,582	100%	99,720		99,285	99,812	4,027	4,554	435
HHS (Non-638)	232,044	6.22%	20,700	8.89%	20,629				
EPA	215,180	5.77%	19,203	8.89%	19,130				
Agriculture	91,425	2.45%	8,154	8.89%	8,128				
Education	4,243	0.11%	366	8.89%	377				
Justice	49,248	1.32%	4,393	8.89%	4,378				
Commerce	88,831	2.38%	7,921	8.89%	7,897				
State	69,848	1.87%	6,223	8.89%	6,209				
Subtotal Other	750,819	20.12%	66,960		66,748				212
Tribal	2,738,930	73.39%	244,243	8.89%	243,491				1/
BIA (100-297)	242,202	6.49%	21,599	8.89%	21,532				2/
Subtotal Other, Tribal & BIA (100-297)	3,731,951	100.00%	\$332,801		331,771				
Totals	\$4,870,533		\$432,521		\$431,056			\$4,554	
			3/			4/		5/	

1/ Over or underrecovery from Tribal accounts is internal and therefore not included in the carryforward computation.

2/Over or underrecovery from BIA is not included in the carryforward computation according to Public Law 100-297 Section 1128A, (d) (3): "Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived."

3/ The reported FY 2008 indirect costs of \$432,521 were adjusted to include the previously negotiated FY 2008 carryforwards as displayed in the FY 2008 Carryforward Adjustment Computation above.

4/The amount of "Indirect Cost Collection" 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.

5/ Underfunded indirect costs 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 amounts shown as Indirect Costs Collections are based on the Tribe's audited financial statements.

Electronic Version of Exhibit 1 to Appendix A

Future Year - Fixed with Carryforward Template for use with 2 Rate Proposal

The electronic form of the document appended as Exhibit 1 to Appendix A to the Third Partial Settlement Agreement Settling all Claims for Equitable Relief is an Excel spreadsheet containing the underlying formulas which generate the hard copy of Exhibit 1 as attached to Appendix A. That electronic version of Exhibit 1 is on a CD-ROM which has been filed with the Clerk. That spreadsheet illustrates a two-rate option: an ISDA-only rate and a non-ISDA rate (which includes all other programs).

Sample Indirect Cost Pool

Note: This document illustrates an indirect cost pool which may be used for a Special Rate proposal. It is for illustrative purposes only. Actual indirect cost proposals require more detailed information than shown here.

Title/Description of Costs	Actual FY 2008	Proposed FY 2010
Salaries:		
Administrator	47,600	49,266
Accountant	38,655	40,008
Bookkeeper	16,651	17,234
Purchasing Agent	35,254	36,488
Human Resource Director	36,012	37,272
Human Resource Clerk	18,289	18,929
Receptionist/File Clerk	15,882	16,438
Maintenance	15,142	15,672
Employee Assistance Director	29,370	30,398
Information Specialist	30,020	31,071
Subtotal Salaries 1/	<u>282,875</u>	<u>292,776</u>
Fringe Benefits on Above Salaries 1/	70,719	73,194
Travel	5,600	5,824
Training	3,200	3,328
Telephone	15,600	16,224
Office Supplies	14,500	15,080
Postage	3,700	3,848
Utilities	7,589	7,893
Equipment Repair/Maintenance	4,000	4,160
Bldg/Grds Repair/Maintenance	3,200	3,328
Indirect Costs	<u>410,983</u>	<u>425,654</u>
FY 2006 Underrecovery Carryforward to FY 2008	8,457	
FY 2008 Indirect Cost Pool	<u><u>\$419,440</u></u>	
Shared FY 2010 Indirect Cost Pool (without the FY2008 Carryforward Included)		<u><u>\$425,654</u></u>

Illustration of a 3 Rate Base Summary Proposal

Note: This document illustrates direct cost bases which may be used for a Special Rate proposal. It is for illustrative purposes only. Actual indirect cost proposals require more detailed information than shown here.

Total Direct Costs	Actual FY08	Proposed FY10
FEDERAL PROGRAMS		
BIA Programs (638)		
Department of the Interior:		
Bureau of Indian Affairs (Base 1)	\$585,369	\$608,784
IHS Programs (638)		
Department of Health and Human Services:		
Indian Health Service (Base 2)	487,955	507,473
Department of Interior BIA (100-297)	228,320	237,453
Department of Health and Human Services (Non-638)	218,744	227,494
Environmental Protection Agency	202,847	210,961
Department of Agriculture	86,185	89,632
Department of Education	4,000	4,160
Department of Justice	46,425	48,282
Department of Commerce	83,740	87,090
Subtotal Federal Programs	1,943,585	2,021,328
STATE PROGRAMS	65,845	68,479
TRIBAL PROGRAMS	2,581,948	2,685,226
All Other Subtotal (Base 3)	3,518,054	3,658,776
Total Direct Costs	\$4,591,378	4,775,033

Sample Indirect Cost Base and Pool Allocation Computation - 3 Rate Proposal

Note: This document illustrates base and pool allocation computation methodologies which may be used for Special Rates.

For The Year Ending September 30, 2008
 FY 2010 Rate Computation

Base Allocation Computation		
Allocate Separate Bases As A Percentage of Total Base Amount		
	<u>Base</u>	<u>%</u>
BIA ISDA (from page 2 - 3 Rate Base Proposal)	608,784	12.75%
IHS ISDA (from page 2 - 3 Rate Base Proposal)	507,473	10.63%
OTHER (from page 2 - 3 Rate Base Proposal)	3,658,776	76.62%
Total	4,775,033	100%

Pool Allocation Computation			
FY 2010 Indirect Cost Pool--Shared Pool BEFORE FY 2008 Carryforward is Included (from page 1)			425,654
	Pool	% of Base	ISDA Pool
Rate 1			
BIA ISDA Rate Computation			
BIA ISDAPOOL	425,654	12.75%	54,268
FY 2008 Carryforward to FY 2010 (from page 4-FY2008 CF)			-2,131
1/Additional Costs If Any Total pool\			52,137
BIA ISDA Base			608,784
FY 2010 BIA ISDA Indirect Cost Rate			8.56%
Rate 2			
IHS ISDA Rate Computation			
IHS ISDA POOL	425,654	10.63%	45,237
FY 2008 Carryforward to FY 2010 (from page 4-FY2008 CF)			0
1/Additional Cost If Any Total pool\			45,237
IHS ISDA Base			507,473
FY 2010 IHS ISDA Indirect Cost Rate			8.91%
Rate 3			
OTHER Rate Computation			
OTHER POOL	425,654	76.62%	326,149
FY 2008 Carryforward to FY 2010 (from page 4-FY2008 CF)			-1,036
1/Additional Costs If Any Total pool\			325,113
OTHER BASE			3,658,776
FY 2010 ALL OTHER Indirect Cost Rate			8.89%

1/NOTE: Special Rate with Allowable Indirect Costs Chargeable to a Specific Special Rate Base

If a tribal contractor can (1) identify a type of an otherwise allowable indirect cost that is chargeable to particular special rate bases (e.g., an ISDA-only special rate base), but not to the other special rate bases, and (2) that identified cost is not funded as Direct CSC, the tribal contractor may choose to add the identified indirect cost to the indirect cost pool for that special rate base only. If the contractor wishes to pursue this option, the identified indirect cost would be added to the applicable special rate pool before calculating the rate for that applicable special rate base. These indirect costs must be identified and described in the indirect cost proposal submitted to NBC.

Fixed with Carryforward Template for use with 3-Rate Proposal

Note: This template is to be used for the first and second year of a Special Rate proposal.

For The Year Ending September 30, 2008

Agreed Upon Changes to the 'Fixed with Carryforward' Schedule

FY 2008 Carryforward Computation

Program	FY 2008 Actual Direct Costs	% of Total	FY 2008 Indirect Cost Pool	Indirect Rate at 9.50%	Indirect Costs Recovered/Collected	Underfunded Indirect	Overfunded Indirect	Carryforward
BIA (638)	\$585,369	12.75%	\$53,479	\$55,610	\$58,845	\$0	3,235	-2,131
IHS (638)	487,955	10.63%	\$44,586	\$46,356	40,288	\$4,298	0	0
HHS (Non-638)	218,744	4.76%	\$19,965	\$20,781	15,877	4,088		0
EPA	202,847	4.42%	\$18,539	\$19,270	19,270	0		-731
Agriculture	86,185	1.88%	\$7,885	\$8,188	8,188	0		-303
Education	4,000	0.09%	\$377	\$380	380	0		-3
Justice	46,425	1.01%	\$4,236	\$4,410	0	4,236		0
Commerce	83,740	1.82%	\$7,634	\$7,955	7,250	384		0
State	65,845	1.43%	\$5,998	\$6,255	5,789	209		0
Subtotal								-1,036
Tribal	2,581,948	56.23%	\$235,851	\$245,285	1/			
BIA (100-297)	228,320	4.97%	\$20,846	\$21,690	2/			
Totals	<u>\$4,591,378</u>	100.00%	<u>\$419,440</u>	<u>\$436,180</u>	<u>\$155,887</u>	<u>\$13,216</u>	<u>\$3,235</u>	<u>-\$4,203</u>
			3/		4/	5/		

1/ Over or underrecovery from Tribal accounts is internal and therefore not included in the carryforward computation.

2/Over or underrecovery from BIA is not included in the carryforward computation according to Public Law 100-297 Section 1128A, (d) (3): "Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived."

3/ The reported FY 2008 indirect costs of \$419,440 were adjusted to include the previously negotiated FY 2006 overrecovery carryforward to FY 2008 of \$8,457.

4/The amount of "Indirect Cost Collection" 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.

5/ Underfunded indirect costs 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 amounts shown as Indirect Costs Collections are based on the Tribe's audited financial statements.

Illustration of the FY 2010 Rate Computation (Estimated and Actual)- 3 Rate Proposal

Note: This document illustrates the rate computations (estimated and actual) which may be used for Special Rate proposals. It is for illustrative purposes only. Actual indirect cost proposals require more detailed information than shown here.

For The Year Ending September 30, 2010

	FY 2010 Negotiated Indirect Cost Rate Based on FY 2010 Agreement			Total
	BIA	IHS	Other	
Fixed Carryforward Rate Computation	8.56%	8.91%	8.89%	
FY 2010 Estimates				
1. Indirect Cost Pool:				
Indirect Costs	54,268	45,237	326,149	425,654
FY 2008 Over-recovery Carryforward to FY 2010	-2,131	0	-1,036	
FY 2008 Under-recovery Carryforward to FY 2010				
Adjusted Indirect Cost Pool	52,137	45,237	325,113	
2. Direct Cost Base:				
Percentage of Direct Costs	12.75%	10.63%	76.62%	4,775,033
3. FY 2010 Actual Costs Incurred:				
(FY 2010 Actual Costs Reconcilable to FY 2010 Audited Financial Statements)				
FY 2010 Actual Direct Cost Base	620,959	517,623	3,731,952	4,870,534
Percentage of Direct	12.75%	10.63%	76.62%	100.00%
Actual Indirect Costs (Based on Percentage of Direct)	55,547	46,303	333,837	435,688
FY 2008 Over/Under-recovery Carryforward to FY 2010 (above)	-2,131	0	-1,036	
Actual Indirect Cost Pool	53,416	46,303	332,801	
Actual Rate (For Comparison with Negotiated Rate)	8.60%	8.95%	8.92%	

Future Year - Fixed with Carryforward Template for use with 3 Rate Proposal

Note: This template is to be used by Tribal Organizations submitting a proposal for a Special Rate for the 3rd year and after. For example, first year Special Rate proposal is submitted for FY2010, second year for FY 2011, third year is for FY 2012. In this scenario this carryforward template would be used for FY 2012 and after.

For The Year Ending September 30, 2010

FY 2008 Carryforward Adjustment Computation					
	AA	BB	CC	DD	EE
	Actual FY 2010 Direct Cost	% of Total	Actual FY 2010 IC	+under/ over RECOVERY FY 2008 Carryfwd	FY 2010 IC Pool
BIA (638)	\$620,959	100.00%	55,547	\$ (2,131)	\$ 53,416
Subtotal BIA	620,959	100.00%	55,547		
IHS (638)	517,623	100.00%	46,303	\$ -	\$ 46,303
Subtotal IHS	517,623	100.00%	46,303		
HHS (Non-638)	232,044	6.22%	27,100		
EPA	215,180	5.77%	25,139		
Agriculture	91,425	2.45%	10,674		
Education	4,243	0.11%	479		
Justice	49,248	1.32%	5,751		
Commerce	88,831	2.38%	10,369		
State	69,848	1.87%	8,147		
Tribal	2,738,930	73.39%	319,751		
BIA (100-297)	242,202	6.49%	28,276		
Other Total	3,731,951	100.00%	333,837	\$ (1,036)	\$ 332,801
Totals	\$4,870,533		\$435,688	\$ (3,167)	\$432,520

FY 2010 Carryforward Computation to Calculate FY 2012 Rate

A	B	C	D		E	F	G	H	I	K
Program	FY 2010 Actual Direct Costs	% of Total	FY 2010 Indirect Cost Pool	FY 2010 Indirect Rate	Indirect Costs at FY 2010 Rate	Indirect Costs Recovered/Collected	Underfunded Indirect	Overfunded Indirect	Carryforward	
			Adjusted for 2008 Carryforward							
BIA (638)	\$620,959	100.00%	\$53,416	8.56%	\$53,154	\$58,702	\$0	\$5,286	\$0	
Subtotal BIA	620,959	100.00%	53,416		53,154	58,702	0	5286	0	
IHS (638)	517,623	100.00%	46,303	8.91%	\$46,120	41,110	5,010	0	183	
Subtotal IHS	517,623	100.00%	46,303		46,120	41,110	5,010	0	183	
HHS (Non-638)	232,044	6.22%	20,700	8.89%	20,629					
EPA	215,180	5.77%	19,203	8.89%	19,130					
Agriculture	91,425	2.45%	8,154	8.89%	8,128					
Education	4,243	0.11%	366	8.89%	377					
Justice	49,248	1.32%	4,393	8.89%	4,378					
Commerce	88,831	2.38%	7,921	8.89%	7,897					
State	69,848	1.87%	6,223	8.89%	6,209					
Subtotal Other	750,819	20.12%	66,960		66,748				212	
Tribal	2,738,930	73.39%	\$244,243	8.89%	\$243,491				1/	
BIA (100-297)	242,202	6.49%	\$15,851	8.89%	\$21,532				2/	
Subtotal Other, Tribal & BIA (100-297)	3,731,951	100.00%	\$332,801		331,771					
Totals	\$4,870,533		\$432,520		\$431,045	\$99,812	\$5,010	\$5,286		
			3/			4/	5/			

1/ Over or underrecovery from Tribal accounts is internal and therefore not included in the carryforward computation.

2/Over or underrecovery from BIA is not included in the carryforward computation according to Public Law 100-297 Section 1128A, (d) (3): "Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived."

3/ The reported FY 2010 indirect costs of \$432,520 were adjusted to include the previously negotiated FY 2008 carryforwards as displayed in the FY 2008 Carryforward Adjustment Computation above.

4/The amount of "Indirect Cost Collection" 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.

5/ Underfunded indirect costs 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 amounts shown as Indirect Costs Collections are based on the Tribe's audited financial statements.

Electronic Version of Exhibit 2 to Appendix A

Future Year - Fixed with Carryforward Template for use with 3 Rate Proposal

The electronic form of the document appended as Exhibit 2 to Appendix A to the Third Partial Settlement Agreement Settling all Claims for Equitable Relief is an Excel spreadsheet containing the underlying formulas which generate the hard copy of Exhibit 2 as attached to Appendix A. That electronic version of Exhibit 1 is on a CD-ROM which has been filed with the Clerk. That spreadsheet illustrates a three-rate option: *e.g.*, a BIA-ISDA-only rate, an IHS-ISDA-only rate, and a non-ISDA rate (which includes all other programs).