

COLLEGES AND UNIVERSITIES RATE AGREEMENT

EIN: 1146013200H4

DATE:04/18/2011

ORGANIZATION:

RFSUNY and SUNY Upstate Medical
University
35 State Street
Albany, NY 12207-2826

FILING REF.: The preceding
agreement was dated
04/12/2010

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>
PRED.	07/01/2010	06/30/2011	58.00	On-Campus	Research
PRED.	07/01/2011	06/30/2013	59.50	On-Campus	Research
PRED.	07/01/2010	06/30/2013	26.00	Off-Campus	All Prog.ex.DOD Con
PRED.	07/01/2010	06/30/2011	61.00	On-Campus	Res.DOD Contract (B)
PRED.	07/01/2011	06/30/2013	62.50	On-Campus	Res.DOD Contract (B)
PRED.	07/01/2010	06/30/2013	29.00	Off-Campus	Res.DOD Contract (B)
PRED.	07/01/2010	06/30/2013	52.00	On-Campus	Instruction
PRED.	07/01/2010	06/30/2013	30.90	On-Campus	Oth.Spons.Progr
PRED.	07/01/2010	06/30/2013	10.00	All	IPA (A)

<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>RATE (%)</u>	<u>LOCATION</u>	<u>APPLICABLE TO</u>
PROV.	07/01/2013	Until Amended			Use the same rates and conditions as those cited for the fiscal year ending June 30, 2013.

*BASE

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 as well as the portion of each subgrant and subcontract in excess of \$25,000.

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- (A) See Special Remarks (7)
 - (B) See Special Remarks (8)

ORGANIZATION: RFSUNY and SUNY Upstate Medical University
 AGREEMENT DATE: 04/18/2011

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	7/1/2010	6/30/2011	39.00	All	Regular Employees
FIXED	7/1/2010	6/30/2011	17.00	All	Summer Employees
FIXED	7/1/2010	6/30/2011	13.00	All	Graduate Students
FIXED	7/1/2010	6/30/2011	5.00	All	Undergraduate Stud.
FIXED	7/1/2011	6/30/2012	41.50	All	Regular Employees
FIXED	7/1/2011	6/30/2012	17.00	All	Summer Employees
FIXED	7/1/2011	6/30/2012	13.00	All	Graduate Students
FIXED	7/1/2011	6/30/2012	5.00	All	Undergraduate Stud.
PROV.	7/1/2012	Until amended	45.00	All	Regular Employees
PROV.	7/1/2012	Until amended	17.00	All	Summer Employees
PROV.	7/1/2012	Until amended	13.00	All	Graduate Students
PROV.	7/1/2012	Until amended	5.00	All	Undergraduate Stud.

** DESCRIPTION OF FRINGE BENEFITS RATE BASE:
 Salaries and wages.

ORGANIZATION: RFSUNY and SUNY Upstate Medical University

AGREEMENT DATE: 04/18/2011

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.

1. The rates in this agreement have been negotiated to reflect the administrative cap provisions of the revision to OMB Circular A-21 published by the Office of Management and Budget on May 8, 1996. No rate affecting the institution's fiscal periods beginning on or after October 1, 1991 contains total administrative cost components in excess of that 26 percent cap.

2. These Facilities and Administrative cost rate apply when grants and contracts are awarded jointly to Research Foundation of SUNY and SUNY Upstate Medical University.

3. For all activities performed in facilities not owned or leased by the institution or to which rent is directly allocated to the project(s), the off-campus rate will apply. Grants or contracts will not be subject to more than one Facilities and Administrative cost rate. If more than 50% of a project is performed off-campus, the off-campus rate will apply to the entire project.

4. The fringe benefit costs listed below are reimbursed to the grantee through the direct fringe benefit rates applicable to Research Foundation employees:

- | | |
|-------------------------------|------------------------------|
| A. Retiree Health Insurance | G. Group Life Insurance |
| B. Retirement Expense | H. Long Term Disability Ins. |
| C. Social Security | I. Workers' Compensation |
| D. NYS Unemployment Insurance | J. Dental Insurance |
| E. NYS Disability Insurance | K. Vacation & Sick Leave* |
| F. Group Health Insurance | |

*This component consists of payments for accrued unused vacation

leave made in accordance with the Research Foundation Leave Policy to employees who have terminated, changed accruing status, or transferred. It also includes payments for absences over 30 calendar-days that are charged to sick leave.

The fringe benefit costs for State University of New York employees are charged utilizing the New York State fringe benefit rate for federal funds. This approved rate is contained in the New York State-Wide Cost Allocation Plan. This rate includes the following costs:

- | | |
|--------------------------|---------------------------|
| A. Social Security | E. Workers' Compensation |
| B. Retirement | F. Survivors' Benefits |
| C. Health Insurance | G. Dental Insurance |
| D. Unemployment Benefits | H. Employee Benefit Funds |

5. Equipment means an article of nonexpendable, tangible personal property having a useful life of more than one year, and an acquisition cost of \$5,000 or more per unit.

6. 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 for the cost of these paid absences are not made.

7. This rate applies to positions covered under the Intergovernmental Personnel Act (IPA) Mobility Program. This rate includes the applicable administrative costs only.

8. This rate is not subject to the 26 percent cap in #1 above.

This rate agreement updates fringe benefit rates only.

ORGANIZATION: RFSUNY and SUNY Upstate Medical University

AGREEMENT DATE: 04/18/2011

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 Office of Management and Budget Circular A-21 Circular, and should be applied to grants, contracts and other agreements covered by this Circular, 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:

RFSUNY and SUNY Upstate Medical University

(INSTITUTION)



(SIGNATURE)

Michelle Aguilar

(NAME)

Director Financial Campus Services

(TITLE)

April 19, 2011

(DATE)

ON BEHALF OF THE FEDERAL GOVERNMENT:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(AGENCY)



(SIGNATURE)

Robert I. Aaronson

(NAME)

Director, Northeastern Field Office

(TITLE)

4/18/2011

(DATE) 0115

HHS REPRESENTATIVE: Louis Martillotti

Telephone: (212) 264-2069

Components of Published Facilities and Administrative Cost Rate

Institution: RFSUNY and SUNY Upstate Medical University

FY Covered by Rate: Fiscal Years Ending 6/30/10 to 6/30/13

Predetermined Rates

<u>Rate Component</u>	<u>FY 10-11</u>	<u>FY 12-13</u>
1. a. Depreciation - Bldgs & Improvements	<u>4.60%</u>	<u>4.80%</u>
b. Depreciation - Equipment	<u>4.40%</u>	<u>4.60%</u>
2. Interest	<u>5.15%</u>	<u>5.40%</u>
3. Operation & Maintenance	<u>15.25%</u>	<u>16.00%</u>
4. General Administration	<u>0.00%</u>	<u>0.00%</u> *
5. Departmental Administration	<u>26.00%</u>	<u>26.00%</u> *
6. Sponsored Projects Administration	<u>0.00%</u>	<u>0.00%</u> *
7. Library	<u>2.60%</u>	<u>2.70%</u>
8. Other	<u>0.00%</u>	<u>0.00%</u>
Published Rate - Research (On-Campus)	<u>58.0%</u>	<u>59.5%</u>

* Reflects provisions of revised OMB Circular A-21, Sections G.8.a and G.10.
dated May 8, 1996.

Name : 

Title: Associate Director of Cost Accounting

Date: September 3, 2009

Components of Published Facilities and Administrative Cost Rate

Institution: RFSUNY and SUNY Upstate Medical University
FY Covered by Rate: Fiscal Years Ending 6/30/10 to 6/30/13
Predetermined Rates

<u>Rate Component</u>	<u>FY 10-13</u>
1. a. Depreciation - Bldgs & Improvements	<u>0.00%</u>
b. Depreciation - Equipment	<u>0.00%</u>
2. Interest	<u>0.00%</u>
3. Operation & Maintenance	<u>0.00%</u>
4. General Administration	<u>0.00%</u> *
5. Departmental Administration	<u>26.00%</u> *
6. Sponsored Projects Administration	<u>0.00%</u> *
7. Library	<u>0.00%</u>
8. Other	<u>0.00%</u>
Published Rate - All Prog. ex. DOD Contr.(Off-Campus)	<u>26.0%</u>

* Reflects provisions of revised OMB Circular A-21, Sections G.8.a and G.10.
dated May 8, 1996.

Name : 

Title: Associate Director of Cost Accounting

Date: September 3, 2009

Components of Published Facilities and Administrative Cost Rate

Institution: RFSUNY and SUNY Upstate Medical University
FY Covered by Rate: Fiscal Years Ending 6/30/10 to 6/30/13
Predetermined Rates

<u>Rate Component</u>	<u>FY 10-11</u>	<u>FY 12-13</u>
1. a. Depreciation - Bldgs & Improvements	<u>4.60%</u>	<u>4.80%</u>
b. Depreciation - Equipment	<u>4.40%</u>	<u>4.60%</u>
2. Interest	<u>5.15%</u>	<u>5.40%</u>
3. Operation & Maintenance	<u>15.25%</u>	<u>16.00%</u>
4. General Administration	<u>10.20%</u>	<u>10.20%</u>
5. Departmental Administration	<u>12.00%</u>	<u>12.00%</u>
6. Sponsored Projects Administration	<u>6.80%</u>	<u>6.80%</u>
7. Library	<u>2.60%</u>	<u>2.70%</u>
8. Other	<u>0.00%</u>	<u>0.00%</u>
Published Rate - Res. DOD Contract (On-Campus)	<u>61.0%</u>	<u>62.5%</u>

Name : Michelle Aguirre

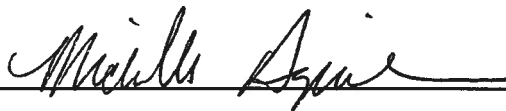
Title: Associate Director of Cost Accounting

Date: September 3, 2009

Components of Published Facilities and Administrative Cost Rate

Institution: RFSUNY and SUNY Upstate Medical University
FY Covered by Rate: Fiscal Years Ending 6/30/10 to 6/30/13
Predetermined Rates

<u>Rate Component</u>	<u>FY 10-13</u>
1. a. Depreciation - Bldgs & Improvements	<u>0.00%</u>
b. Depreciation - Equipment	<u>0.00%</u>
2. Interest	<u>0.00%</u>
3. Operation & Maintenance	<u>0.00%</u>
4. General Administration	<u>10.20%</u>
5. Departmental Administration	<u>12.00%</u>
6. Sponsored Projects Administration	<u>6.80%</u>
7. Library	<u>0.00%</u>
8. Other	<u>0.00%</u>
Published Rate - Res. DOD Contract (Off-Campus)	<u>29.0%</u>


Name : 
Title: Associate Director of Cost Accounting
Date: September 3, 2009

Components of Published Facilities and Administrative Cost Rate

Institution: RFSUNY and SUNY Upstate Medical University
FY Covered by Rate: Fiscal Years Ending 6/30/10 to 6/30/13
Predetermined Rates

<u>Rate Component</u>	<u>FY 10-13</u>
1. a. Depreciation - Bldgs & Improvements	<u>2.85%</u>
b. Depreciation - Equipment	<u>1.40%</u>
2. Interest	<u>3.35%</u>
3. Operation & Maintenance	<u>10.40%</u>
4. General Administration	<u>0.00% *</u>
5. Departmental Administration	<u>26.00% *</u>
6. Sponsored Projects Administration	<u>0.00% *</u>
7. Library	<u>8.00%</u>
8. Other	<u>0.00%</u>
Published Rate - Instruction (On-Campus)	<u>52.0%</u>

* Reflects provisions of revised OMB Circular A-21, Sections G.8.a and G.10.
dated May 8, 1996.

Name : 

Title: Associate Director of Cost Accounting

Date: September 3, 2009

Components of Published Facilities and Administrative Cost Rate

Institution: RFSUNY and SUNY Upstate Medical University
FY Covered by Rate: Fiscal Years Ending 6/30/10 to 6/30/13
Predetermined Rates

<u>Rate Component</u>	<u>FY 10-13</u>
1. a. Depreciation - Bldgs & Improvements	<u>0.32%</u>
b. Depreciation - Equipment	<u>0.12%</u>
2. Interest	<u>0.36%</u>
3. Operation & Maintenance	<u>1.20%</u>
4. General Administration	<u>0.00% *</u>
5. Departmental Administration	<u>26.00% *</u>
6. Sponsored Projects Administration	<u>0.00% *</u>
7. Library	<u>2.90%</u>
8. Other	<u>0.00%</u>
Published Rate - Oth. Spons. Progr. (On-Campus)	<u>30.9%</u>

* Reflects provisions of revised OMB Circular A-21, Sections G.8.a and G.10.
dated May 8, 1996.

Name : 

Title: Associate Director of Cost Accounting

Date: September 3, 2009

Components of Published Facilities and Administrative Cost Rate

Institution: RFSUNY and SUNY Upstate Medical University
FY Covered by Rate: Fiscal Years Ending 6/30/10 to 6/30/13
Predetermined Rates

<u>Rate Component</u>	<u>FY 10-13</u>
1. a. Depreciation - Bldgs & Improvements	<u>0.00%</u>
b. Depreciation - Equipment	<u>0.00%</u>
2. Interest	<u>0.00%</u>
3. Operation & Maintenance	<u>0.00%</u>
4. General Administration	<u>4.20%</u>
5. Departmental Administration	<u>0.00%</u>
6. Sponsored Projects Administration	<u>5.80%</u>
7. Library	<u>0.00%</u>
8. Other	<u>0.00%</u>
Published Rate - IPA	<u>10.0%</u>

Name :



Title: Associate Director of Cost Accounting

Date: September 3, 2009