

COLLEGES AND UNIVERSITIES RATE AGREEMENT

EIN #: 1946002123A1

DATE: July 27, 2007

INSTITUTION:
University of California (UCB)
Berkeley Campus

FILING REF.: The preceding
Agreement was dated
August 16, 2006

CA

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: FACILITIES AND ADMINISTRATIVE COST RATES*

RATE TYPES: FIXED						FINAL	PROV. (PROVISIONAL)	PRED. (PREDETERMINED)
TYPE	EFFECTIVE PERIOD		RATE (%)	LOCATIONS	APPLICABLE TO			
	FROM	TO						
PRED.	07/01/06	06/30/07	52.0	On-Campus	Organized Research			
PRED.	07/01/06	06/30/07	26.0	Off-Campus	Organized Research			
PRED.	07/01/06	06/30/07	50.0	On-Campus	Instruction			
PRED.	07/01/06	06/30/07	26.0	Off-Campus	Instruction			
PRED.	07/01/06	06/30/07	30.0	On-Campus	Other Sponsored Act.			
PRED.	07/01/06	06/30/07	17.0	Off-Campus	Other Sponsored Act.			
PRED.	07/01/06	06/30/07	38.0	On-Campus	Space Sci Lab (Res)			
PRED.	07/01/06	06/30/07	17.0	Off-Campus	Space Sci Lab (Res)			
PRED.	07/01/07	06/30/09	53.0	On-Campus	Organized Research			
PRED.	07/01/09	06/30/11	53.5	On-Campus	Organized Research			
PRED.	07/01/07	06/30/11	26.0	Off-Campus	Organized Research			
PRED.	07/01/07	06/30/09	56.0	On-Campus	Instruction			
PRED.	07/01/09	06/30/11	56.5	On-Campus	Instruction			
PRED.	07/01/07	06/30/11	26.0	Off-Campus	Instruction			
PRED.	07/01/07	06/30/09	33.0	On-Campus	Other Sponsored Act.			
PRED.	07/01/09	06/30/11	33.5	On-Campus	Other Sponsored Act.			
PRED.	07/01/07	06/30/11	19.0	Off-Campus	Other Sponsored Act.			
PRED.	07/01/07	06/30/11	29.0	On-Campus	Space Sci Lab (Res)			
PRED.	07/01/07	06/30/11	16.6	Off-Campus	Space Sci Lab (Res)			
PROV.	07/01/11	UNTIL AMENDED	Use same rates and conditions as those cited for fiscal year ending June 30, 2011.					

***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, 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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SECTION II: SPECIAL REMARKS

TREATMENT OF FRINGE BENEFITS:

This organization charges the actual cost of each fringe benefit direct to Federal projects. However, it uses a fringe benefit rate which is applied to salaries and wages in budgeting fringe benefit costs under project proposals. The fringe benefits listed below are treated as direct costs.

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 costs of these paid absences are not made.

DEFINITION OF EQUIPMENT

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

DEFINITION OF ON-CAMPUS, OFF-CAMPUS AND SPECIAL RATES**DEFINITION OF OFF-CAMPUS RATE**

The off-campus rate is applicable to those projects conducted at facilities not owned or leased by the University. However, if the project is conducted in leased space and lease costs are directly charged to the project, then the off-campus rate must be used.

PROJECTS CONDUCTED ENTIRELY ON-CAMPUS OR ENTIRELY OFF-CAMPUS:

Projects conducted entirely on-campus or entirely off-campus will be applied the on-campus or off-campus rate respectively.

PROJECTS CONDUCTED PARTIALLY OFF-CAMPUS AND PARTIALLY ON-CAMPUS:

If the project involves work at both on-campus and off-campus sites, either the on-campus or off-campus rate generally should be applied, consistent with where the majority of the work is to be performed. Salary cost is generally accepted as a measure of work performed in terms of the total project.

USE OF BOTH ON-CAMPUS AND OFF-CAMPUS RATES

The use of both on-campus and off-campus rates for a given project may be justified if both of the respective rates can clearly be identified with a significant portion of salaries and wages of the project. For purposes of this provision, significant is defined as approximately 25% or more of the total costs and a project's total salary and wage costs exceed \$250,000.

OTHER SPECIAL RATES

These rates apply only to the facility or program to which they are identified. If any additional special rates become necessary the establishment of such rates should be coordinated through the cognizant negotiation agency.

The following fringe benefits are treated as direct costs:

OASDI, WORKERS COMPENSATION, HEALTH/DENTAL PLAN CONTRIBUTION, LIFE INSURANCE, MEDICARE, DISABILITY INSURANCE, UNEMPLOYMENT INSURANCE, INCENTIVE AWARD PROGRAM, AND RETIREMENT SYSTEM CONTRIBUTION.

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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:

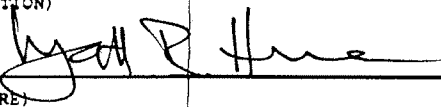
If a fixed rate is in this Agreement, it is based on an estimate of the costs for the period covered by the rate. When the actual costs for this period are determined, an adjustment will be made to a rate of a future year(s) to compensate for the difference between the costs used to establish the fixed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

BY THE INSTITUTION:
University of California (UCB)
Berkeley Campus

(INSTITUTION)



(SIGNATURE)

Wyatt R. Hume

(NAME)

Provost and Executive Vice President - Academic and Health Affairs

(TITLE)

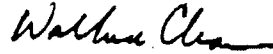
8/21/07

(DATE)

ON BEHALF OF THE FEDERAL GOVERNMENT:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(AGENCY)



(SIGNATURE)

Wallace Chan

(NAME)

DIRECTOR, DIVISION OF COST ALLOCATION

(TITLE)

July 27, 2007

(DATE) 0212

HHS REPRESENTATIVE: Patrick Smith

Telephone: (415) 437-7820

University of California - Berkeley

EXHIBIT A

INDIRECT COST RATES FOR THE PERIOD
JULY 1, 2006 THROUGH JUNE 30, 2011:

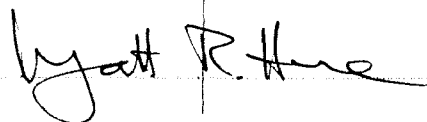
	ORGANIZED RESEARCH 7/1/06 to 6/30/07		INSTRUCTION 7/1/06 to 6/30/07		OTHER SPONSORED ACTIVITIES 7/1/06 to 6/30/07		SPACE SCIENCE LAB 7/1/06 to 6/30/07	
	ON-CAMPUS	OFF-CAMPUS	ON-CAMPUS	OFF-CAMPUS	ON-CAMPUS	OFF-CAMPUS	ON-CAMPUS	OFF-CAMPUS
BUILDING	8.7		2.3		1.4		3.9	
EQUIPMENT	4.0		2.0		1.0		2.3	
O&M	11.2		8.0		3.6		9.0	
INTEREST	2.9		0.7		0.3		4.0	
LIBRARY	1.5		11.0		6.7		1.8	
STUDENT SVS.	0.0		3.0		0.6		0.0	
GEN. ADMIN.	6.3		3.0		7.0		7.0	
DEPT. ADMIN.	18.1		16.7		7.0		7.0	
SPON PROJ ADMIN	2.8		3.3		2.5		3.0	
ADMIN COMPONENTS	26.0	26.0	26.0	26.0	17.0	17.0	17.0	17.0
TOTAL		52.0		50.0		30.0		38.0

	ORGANIZED RESEARCH 7/1/07 to 6/30/09		INSTRUCTION 7/1/07 to 6/30/09		OTHER SPONSORED ACTIVITIES 7/1/07 to 6/30/09		SPACE SCIENCE LAB 7/1/07 to 6/30/09	
	ON-CAMPUS	OFF-CAMPUS	ON-CAMPUS	OFF-CAMPUS	ON-CAMPUS	OFF-CAMPUS	ON-CAMPUS	OFF-CAMPUS
BUILDING	8.0		4.7		2.5		2.4	
EQUIPMENT	3.6		1.4		1.1		0.3	
O&M	12.0		8.1		8.2		5.0	
INTEREST	3.7		1.2		1.1		3.6	
LIBRARY	1.8		14.6		1.1		1.1	
STUDENT SVS.	1.2		11.0		1.5		0.6	
GEN. ADMIN.	8.1		5.0		7.0		7.5	
DEPT. ADMIN.	17.0		9.0		8.5		6.6	
SPON PROJ ADMIN	1.7		1.0		2.0		2.0	
ADMIN COMPONENTS	26.0	26.0	26.0	26.0	19.0	19.0	16.6	16.6
TOTAL		63.0		66.0		33.0		29.0

	ORGANIZED RESEARCH 7/1/09 to 6/30/11		INSTRUCTION 7/1/09 to 6/30/11		OTHER SPONSORED ACTIVITIES 7/1/09 to 6/30/11		SPACE SCIENCE LAB 7/1/09 to 6/30/11	
	ON-CAMPUS	OFF-CAMPUS	ON-CAMPUS	OFF-CAMPUS	ON-CAMPUS	OFF-CAMPUS	ON-CAMPUS	OFF-CAMPUS
BUILDING	8.0		4.8		2.8		2.4	
EQUIPMENT	3.6		1.4		1.1		0.3	
O&M	12.6		8.2		8.5		6.0	
INTEREST	3.7		1.2		1.1		3.6	
LIBRARY	1.8		14.9		1.2		1.1	
STUDENT SVS.	1.2		11.0		1.5		0.6	
GEN. ADMIN.	8.1		5.0		7.0		7.5	
DEPT. ADMIN.	17.0		9.0		8.5		6.5	
SPON PROJ ADMIN	1.7		1.0		2.0		2.0	
ADMIN COMPONENTS	26.0	26.0	26.0	26.0	19.0	19.0	16.6	16.6
TOTAL		53.5		66.5		33.5		29.0

CONCUR:

SIGNATURE



Provost and Executive Vice President - Academic and Health Affairs

TITLE

DATE

8/21/07