

## COLLEGES AND UNIVERSITIES RATE AGREEMENT

EIN:  
 ORGANIZATION:  
 University of California, Berkeley  
 Office of President  
 111 Franklin St., 10th Floor  
 Oakland, CA 94607-5200

Date: 04/10/2024  
 FILING REF.: The preceding  
 agreement was dated  
 07/27/2023

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.

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### SECTION I: INDIRECT COST RATES

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RATE TYPES:	FIXED	FINAL	PROV. (PROVISIONAL)	PRED. (PREDETERMINED)	
	<u>EFFECTIVE PERIOD</u>				
<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>RATE(%)</u>	<u>LOCATION</u>	<u>APPLICABLE TO</u>
PRED.	07/01/2022	06/30/2024	60.50	On-Campus	Org Res (1)
PRED.	07/01/2022	06/30/2024	26.00	Off-Campus	Org Res (1)
PRED.	07/01/2022	06/30/2024	48.00	On-Campus	Instruction
PRED.	07/01/2022	06/30/2024	26.00	Off-Campus	Instruction
PRED.	07/01/2022	06/30/2024	40.00	On-Campus	Other Spons Act
PRED.	07/01/2022	06/30/2024	16.50	Off-Campus	Other Spons Act
PRED.	07/01/2022	06/30/2024	34.00	On-Campus	SSL (2)
PRED.	07/01/2022	06/30/2024	24.00	Off-Campus	SSL (2)
PRED.	07/01/2022	06/30/2024	8.00	Off-Campus	IPAA (3)
PROV.	07/01/2024	Until Amended			Use same rates and conditions as those cited for fiscal year ending June 30, 2024.

**\*BASE**

Modified total direct costs, consisting of all direct salaries and wages, applicable fringe benefits, materials, supplies, services, travel and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). 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 and the portion of each subaward in excess of \$25,000.

- (1) Organized Research
- (2) Space Sciences Laboratory (Research)
- (3) Intergovernmental Personnel Act Agreement

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**SECTION I: FRINGE BENEFIT RATES\*\***

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<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>RATE(%)</u>	<u>LOCATION</u>	<u>APPLICABLE TO</u>
FIXED	7/1/2024	6/30/2025	35.50	All	Academic
FIXED	7/1/2024	6/30/2025	14.70	All	Limited
FIXED	7/1/2024	6/30/2025	4.40	All	No Benefit Eligibility
FIXED	7/1/2024	6/30/2025	42.80	All	Staff
FIXED	7/1/2024	6/30/2025	3.00	All	Student
PROV.	7/1/2025	Until Amended			Use same rates and conditions as those cited for fiscal year ending June 30, 2025.

**\*\* DESCRIPTION OF FRINGE BENEFITS RATE BASE:**

Salaries and wages excluding vacation and catastrophic leave.

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## **SECTION II: SPECIAL REMARKS**

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### TREATMENT OF FRINGE BENEFITS:

Beginning 07/01/19, fringe benefits based on the UC Path methodology are charged using the rate(s) listed in the Fringe Benefits Section of this Agreement. The fringe benefits included in the rate(s) are: BENEFITS ADMINISTRATION; MEDICAL, DENTAL, DISABILITY, LIFE, UNEMPLOYMENT, VISION, AND WORKERS' COMPENSATION INSURANCE; EMPLOYEES SUPPORT PROGRAMS; FICA AND DISABILITY TAXES; INCENTIVE AWARD PROGRAMS; RETIREE HEALTH BENEFITS; AND RETIREMENT BENEFITS.

This organization charges the actual costs of Student Tuition Remission per employee direct to Federal projects for all Student employees whose salary and wages is charged direct to Federal projects.

### 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.

#### DEFINITION OF EQUIPMENT

Equipment is defined as tangible nonexpendable personal property (including information technology systems) 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.

##### NEXT PROPOSAL DUE DATE

Your next F&A proposal based on actual costs for the fiscal year ending 6/30/23 was past due in our office on 12/31/23. Your next fringe benefit rate proposal for the fiscal year ending 6/30/24 will be due in our office by 12/31/24.

\*This agreement updates the fringe benefit rates only\*.

### 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 indirect cost pool 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 indirect 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 indirect 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 indirect 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 indirect costs allocable to these programs.

BY THE INSTITUTION:

University of California, Berkeley

(INSTITUTION)  
DocuSigned by:

*Barbara Cevallos*

(SIGNATURE)

Barbara Cevallos

(NAME)

Associate VP/Systemwide Controller

(TITLE)

4/12/2024

(DATE)

ON BEHALF OF THE GOVERNMENT:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(AGENCY)

Darryl W. Mayes -S

Digitally signed by Darryl W.

Mayes -S

Date: 2024.04.11 07:35:26 -04'00'

(SIGNATURE)

For Arif Karim

(NAME)

Director, Cost Allocation Services

(TITLE)

04/10/2024

(DATE)

HHS REPRESENTATIVE: Lucy Siow

TELEPHONE:

(415) 437-7820