

COLLEGES AND UNIVERSITIES RATE AGREEMENT

EIN #: 1456002491A1

DATE: June 27, 2006

INSTITUTION:
University of North Dakota
Budget & Grants Administration
P.O. Box 7306

FILING REF.: The preceding
Agreement was dated
June 16, 2005

Grand Forks ND 58202-7306

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.	07/01/05	06/30/09	35.0	On-Campus	Research
PRED.	07/01/05	06/30/09	26.0	Off-Campus	Research
PRED.	07/01/05	06/30/09	50.0	On-Campus	EERC (1)
PRED.	07/01/05	06/30/09	26.0	Off-Campus	EERC (1)
PRED.	07/01/05	06/30/09	31.4	On-Campus	Other Spons Projects
PRED.	07/01/05	06/30/09	26.0	Off-Campus	Other Spons Projects
PRED.	07/01/05	06/30/09	48.7	On-Campus	Instruction
PRED.	07/01/05	06/30/09	26.0	Off-Campus	Instruction
PRED.	07/01/05	06/30/09	11.7	On-Campus	HNRC (2)
PROV.	07/01/09	UNTIL AMENDED	Use same rates and conditions as those cited for fiscal year ending June 30, 2009.		

- (1) Energy and Environmental Research Center
- (2) Human Nutrition Research Center

***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 I: FRINGE BENEFITS RATES**

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

TYPE	EFFECTIVE PERIOD		RATE (%)	LOCATIONS	APPLICABLE TO
	FROM	TO			
FIXED	07/01/06	06/30/07	22.6	All (1)	EERC-Perm Employees

(1) Vacation, holiday, and sick leave rate

**BASE: Direct salaries and wages excluding other fringe benefits.

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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.

The following fringe benefits are treated as direct costs:
SOCIAL SECURITY, HEALTH/LIFE INSURANCE, WORKERS COMPENSATION, UNEMPLOYMENT INSURANCE, RETIREMENT (STATE, TFFR, OR TIAA/CREF), DISABILITY INSURANCE, AND EMPLOYEE ASSISTANCE PROGRAM

TREATMENT OF PAID ABSENCES

Except for EERC Employees, vacation, holiday, sick leave pay and other paid absence are included in salaries and wages and are charged to federal projects as part of the normal charge for salaries and wages. Separate charges for the cost of these absences are not made.

For EERC employees, the cost of vacation, holiday, sick leave pay, and other paid absences (and associated other fringe benefits) are included in a fringe benefit rate and are not included in direct charges for salaries and wages. Charges for salaries and wages must exclude those paid to EERC employees for periods when they are on vacation, holiday, or sick leave, or are otherwise absent from work.

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 OFF-CAMPUS

An off-campus activity is defined as that activity performed by University employees at locations other than the main campus and not using the University's operation and maintenance facilities.

Activity such as short term (less than one month's duration) travel by employees to an off-campus site where office space is maintained on campus in their absence shall be considered on campus activity for the purposes of applying the indirect cost rates. Travel in excess of one month's duration will be reviewed and classified on or off campus on a case by case basis.

Activity performed by other than University employees through contractual arrangements is normally considered on campus with only the first \$25,000 subject to the on campus indirect cost rate.

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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 INSTITUTE:
University of North Dakota
Budget & Grants Administration
(INSTITUTION)

Alice Brekke
(SIGNATURE)

Alice Brekke
(NAME)
Assistant to the President/Budget Director
(TITLE)

07-06-06
(DATE)

ON BEHALF OF THE FEDERAL GOVERNMENT:

DEPARTMENT OF HEALTH AND HUMAN SERVICES
(AGENCY)

Wallace Chan
(SIGNATURE)

Wallace Chan
(NAME)
DIRECTOR, DIVISION OF COST ALLOCATION
(TITLE)

June 27, 2006
(DATE) 1075

HHS REPRESENTATIVE: Robert W. Lee
Telephone: (415) 437-7820