DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program Support Center
Financial Management Service
Division of Cost Allocation

DCA Western Field Office
90 7th Street, Suite 4-600
San Francisco, CA 94103
PHONE: (415) 437-7820
FAX: (415) 437-7823
E-MAIL: dcasf@psc.hhs.gov

JUL 03 2013

Paul Harris
Director of Accounting and Finance
San Jose State University and the Foundation
P.O. Box 720130
San Jose, CA 95172-0130

Dear Mr. Harris:

A copy of an indirect cost/fringe benefit Negotiation Agreement is attached. This Agreement reflects an understanding reached between your organization and a member of my staff concerning the rate(s) that may be used to support your claim for indirect/fringe benefit costs on grants and contracts with the Federal Government. Please have the Agreement signed by a duly authorized representative of your organization and return it to me BY EMAIL OR FAX, retaining the copy for your files. We will reproduce and distribute the Agreement to the appropriate awarding organizations of the Federal Government for their use.

A fringe benefit proposal together with supporting information is required to substantiate your claim for costs under grants and contracts awarded by the Federal Government. Thus, your next proposal based on your fiscal year ending June 30, 2013, is due in our office by December 31, 2013.

Sincerely,

Arif Karim, Director
Division of Cost Allocation

Attachment

PLEASE SIGN AND RETURN THE NEGOTIATION AGREEMENT BY EMAIL OR FAX

COLLEGES AND UNIVERSITIES RATE AGREEMENT

EIN:

DATE:06/18/2013

ORGANIZATION:

San Jose State University and the Foundation
P.O. Box 720130
San Jose, CA 95172-0130

FILING REF.: The preceding agreement was dated 07/23/2012

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				
TYPE	**FROM**	**TO**	**RATE(%)**	**LOCATION**	**APPLICABLE TO**
PRED.	07/01/2008	06/30/2012	43.40	On-Campus	Research
PRED.	07/01/2008	06/30/2012	26.00	Off-Campus	Research
PRED.	07/01/2008	06/30/2012	54.20	On-Campus	Instruction
PRED.	07/01/2008	06/30/2012	26.00	Off-Campus	Instruction
PRED.	07/01/2008	06/30/2012	43.60	On-Campus	Other Spon Act
PRED.	07/01/2008	06/30/2012	26.00	Off-Campus	Other Spon Act
PRED.	07/01/2008	06/30/2010	48.20	Moss Landing	Research
PRED.	07/01/2008	06/30/2012	26.00	Moss Landing Off-Site	Research
PRED.	07/01/2008	06/30/2012	55.00	Moss Landing	Instruction
PRED.	07/01/2008	06/30/2012	26.00	Moss Landing Off-Site	Instruction
PRED.	07/01/2008	06/30/2010	31.00	Moss Landing	Other Spon Act
PRED.	07/01/2008	06/30/2012	26.00	Moss Landing Off-Site	Other Spon Act
PRED.	07/01/2010	06/30/2012	51.50	Moss Landing	Research
PRED.	07/01/2010	06/30/2012	26.50	Moss Landing	Other Spon Act
PROV.	07/01/2012	Until Amended		(1)	

*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.

(1) Use same rates and conditions as those cited for fiscal year ending June 30, 2012.

ORGANIZATION: San Jose State University and the Foundation
AGREEMENT DATE: 6/18/2013

SECTION I: FRINGE BENEFIT RATES**

TYPE	FROM	TO	RATE(%)	LOCATION	APPLICABLE TO
FIXED	7/1/2013	6/30/2014	40.00	All	Regular Employees
FIXED	7/1/2013	6/30/2014	9.60	All	Hourly & PT Employees
FIXED	7/1/2013	6/30/2014	1.50	All	Student Employees

** DESCRIPTION OF FRINGE BENEFITS RATE BASE:

Salaries and wages.

SECTION II: SPECIAL REMARKS

TREATMENT OF FRINGE BENEFITS:

San Jose State University: This organization charges the actual costs 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 following fringe benefits are treated as direct costs: FICA, SUI, WORKERS COMPENSATION, MEDICARE, LONG TERM DISABILITY, HEALTH/DENTAL/VISION/LIFE INSURANCE, RETIREMENT AND TUITION.

San Jose State University Foundation: This organization uses a fringe benefit rate which is applied to salaries and wages for both budgeting and charging purposes for Federal projects.

Foundation full-time employees' fringe benefits are charged to Federal awards based on the "Regular Employee" rate. The regular Employee fringe benefit rate includes the following costs: SOCIAL SECURITY, SDI, WORKERS COMPENSATION, MEDICAL/VISION/DENTAL INS., LIFE INS., LONG-TERM DISABILITY, UNEMPLOYMENT INS., MEDICARE, EAP, UNFUNDED VACATION, AND RETIREMENT.

The Hourly & Part-time Employee fringe benefit rate includes the following costs: SOCIAL SECURITY, SDI, WORKERS COMPENSATION, UNEMPLOYMENT INSURANCE, AND MEDICARE.

The SJSU Student employees fringe benefit rate includes the following costs: WORKERS COMPENSATION, SDI, AND UNEMPLOYMENT INSURANCE.

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 OFF-CAMPUS: A project is considered off-campus the activity is conducted at locations other than in University or Foundation owned or operated facilities and indirect costs associated with physical plant and library are not considered applicable to the project. If more than 50% of a project is performed off-site, the off-site rate will apply to the entire project.

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

This rate agreement updates the fringe benefits only.

ORGANIZATION: San Jose State University and the Foundation

AGREEMENT DATE: 6/18/2013

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, 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:

San Jose State University and the Foundation

(INSTITUTION)

Shawn Bibb

(SIGNATURE)

Shawn Bibb

(NAME)

VP Admin & Finance/CFO

(TITLE)

July 8, 2013

(DATE)

ON BEHALF OF THE FEDERAL GOVERNMENT:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(AGENCY)

(SIGNATURE)

Arif Karim

(NAME)

Director, Division of Cost Allocation

(TITLE)

6/18/2013

(DATE) 0179

HHS REPRESENTATIVE: Patrick Smith

Telephone: (415) 437-7820