

COLLEGES AND UNIVERSITIES RATE AGREEMENT

EIN: 1150532082A4

DATE:07/17/2020

ORGANIZATION:

FILING REF.: The preceding agreement was dated 03/12/2020

Cornell University
341 Pine Tree Road
Ithaca, NY 14850-2820

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. | 07/01/2020 | 06/30/2022 | 64.00 | On-Campus | Endowed Research |
| PRED. | 07/01/2020 | 06/30/2022 | 57.00 | On-Campus | Contract College Research |
| PRED. | 07/01/2020 | 06/30/2022 | 37.00 | On-Campus | Endowed & Contract College OSA |
| PRED. | 07/01/2020 | 06/30/2022 | 5.70 | All Locations | IPA (See Special Remarks #5) |
| PRED. | 07/01/2020 | 06/30/2022 | 26.00 | Off-Campus | All Programs |
| PROV. | 07/01/2022 | Until Amended | | | Use same rates and conditions as those cited for fiscal year ending June 30, 2022. |

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*BASE

Modified total direct costs, consisting of all direct salaries and wages, applicable fringe benefits, materials and 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, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

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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 | 7/1/2020 | 6/30/2021 | 28.90 | Endowed Coll | (1) |
| FIXED | 7/1/2020 | 6/30/2021 | 10.00 | Endowed Coll | (2) |
| FIXED | 7/1/2020 | 6/30/2021 | 60.50 | Contract Coll | All Employ. (3) |
| PROV. | 7/1/2021 | Until amended | 37.00 | Endowed Coll | (1) |
| PROV. | 7/1/2021 | Until amended | 10.00 | Endowed Coll | (2) |
| PROV. | 7/1/2021 | Until amended | 60.50 | Contract Coll | All Employ. (3) |

** DESCRIPTION OF FRINGE BENEFITS RATE BASE:

Salaries and wages.

(1) Full benefit employees, includes benefits listed in #2 below and see special remarks section for additional benefits covered.

(2) Applicable to visiting faculty, summer faculty without retirement, Executive Education faculty appointments, non-benefit eligible temporary employees, summer students (if not registered) and bonus payments. Includes mandated benefits such as Social Security, Worker's Compensation, Disability and Unemployment.

(3) Contract College fringe benefits are claimed using approved rates contained in the New York State-Wide Cost Allocation Plan plus a small add-on for the university paid component.

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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.

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.

1. Extraordinary electrical costs for the Cornell Laboratory For Accelerator-based Sciences and Education (CLASSE) and extraordinary electrical costs, telecommunications costs and chilled water costs of the Theory Center program associated with, but not including normal utility costs for building maintenance are excluded from the modified total direct cost base. The exclusion of these costs from the MTDC base does not represent an agreement that these exclusions are accepted for subsequent negotiation of future years' rates.

2. In addition to the fringe benefits listed in the Fringe Benefits Section of this agreement, the following fringe benefits are included in the full benefit rates: retirement, health insurance, life insurance, long term disability, employee-only tuition, employee wellness and assistance program and childcare.

3. Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds \$5,000.

4. For all activities performed at a location which has neither the use nor aid of owned or leased University-operated facilities and with personnel off-campus for two months or longer, the off-campus rate will apply. Normally actual costs will be apportioned between on-campus and off-campus components with each portion bearing the appropriate rate. For further details please refer the Disclosure Statement (DS-2).

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

6. The next F&A cost rate proposal based on fiscal year ending June 30, 2021 actual costs is due by December 31, 2021.

7. Endowed fringe benefit proposals based on actual costs for the fiscal years ended June 30, 2018 through June 30, 2020 are due by December 31, 2020. A contract college fringe benefit proposal based on actual costs for fiscal year ended June 30, 2020 is due by December 31, 2020.

8. The one year rate extension of the indirect cost rate was granted in accordance with the OMB Memorandum M-20-17.

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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 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 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:

Cornell University

(INSTITUTION)

Joanne M DeStefano

(SIGNATURE)

Joanne M. DeStefano

(NAME)

Executive Vice President and Chief Financial Officer

(TITLE)

8/20/20

(DATE)

ON BEHALF OF THE FEDERAL GOVERNMENT:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(AGENCY)

(SIGNATURE)

Darryl W. Mayes

(NAME)

Deputy Director, Cost Allocation Services

(TITLE)

7/17/2020

(DATE) 2567

HHS REPRESENTATIVE: Michael Leonard

Telephone: (212) 264-2069