



DEPARTMENT OF THE NAVY
 OFFICE OF NAVAL RESEARCH
 875 NORTH RANDOLPH STREET
 SUITE 1425
 ARLINGTON, VA 22203-1995

IN REPLY REFER TO:

Agreement Date: June 10, 2021
 [Supersedes Agreement Dated: June 19, 2020]

NEGOTIATION AGREEMENT

INSTITUTION: **THE PENNSYLVANIA STATE UNIVERSITY**
UNIVERSITY PARK, PA 16801-3857

The Fringe Benefit rates contained herein are for use on grants, contracts and/or other agreements issued or awarded to the Pennsylvania State University (PSU) by all Federal agencies of the United States of America in accordance with the provisions and cost principles mandated by 2 CFR Part 200. These rates shall be used for forward pricing and billing purposes for the PSU's Fiscal Years 2022 and 2023. This rate agreement supersedes all previous rate agreements/determinations related to these rates for Fiscal Year 2022.

Section I: RATES - TYPE: **FIXED (Fixed)**
PROVISIONAL (Prov)

<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>RATE</u>	<u>BASE</u>	<u>APPLICABLE TO</u>	<u>LOCATION</u>
Fixed	7/1/2021	6/30/2022	35.31%	(a)	Salaries	All
Fixed	7/1/2021	6/30/2022	7.98%	(b)	Wages	All
Fixed	7/1/2021	6/30/2022	11.26%	(c)	Graduate Assistants	All
Fixed	7/1/2021	6/30/2022	0.35%	(d)	Students	All
Fixed	7/1/2021	6/30/2022	24.78%	(e)	Postdoctoral Students	All
Prov	7/1/2022	6/30/2023	35.31%	(a)	Salaries	All
Prov	7/1/2022	6/30/2023	7.98%	(b)	Wages	All
Prov	7/1/2022	6/30/2023	11.26%	(c)	Graduate Assistants	All
Prov	7/1/2022	6/30/2023	0.35%	(d)	Students	All
Prov	7/1/2022	6/30/2023	24.78%	(e)	Postdoctoral Students	All

DISTRIBUTION BASES

(a) Salaries, excluding graduate assistants, postdoctoral scholars, fixed term II and visiting faculty appointments not receiving full benefits.

(b) Wages and those salaries not receiving full benefits, exclusive of graduate assistants, student wages, and postdoctoral scholar salaries.

(c) Graduate assistant salaries.

(d) Student wages.

(e) Postdoctoral Scholar salaries.

SECTION II - GENERAL TERMS AND CONDITIONS

A. LIMITATIONS: Use of the rates set forth under Section I is subject to availability of funds and to any other statutory or administrative limitations. The rates are applicable to a given grant, contract or other agreement only to the extent that funds are available and consistent with any and all limitations of cost clauses or provisions, if any, contained therein. Acceptance of any or all of the rates agreed to herein is predicated upon the following conditions: (1) that no costs other than those incurred by the institution were included in this indirect cost pool as finally accepted and that such costs are legal obligations of the institution and allowable under governing cost principles; (2) that the same costs that have been treated as indirect costs are not claimed as direct costs; (3) that similar types of costs have been accorded consistent accounting treatment; and (4) that the information provided by the institution which was used as a basis for acceptance of the rates agreed to herein, and expressly relied upon by the Government in negotiating and accepting the said rates is not subsequently found to be materially incomplete or inaccurate.

B. ACCOUNTING CHANGES: The rates contained in Section I of this agreement are based on the accounting system in effect at the time the agreement was negotiated. Changes to the method(s) of accounting for costs, which affect the amount of reimbursement resulting from the use of these rates require the prior written approval of the authorized representative of the cognizant agency for indirect costs. 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 such approval may result in subsequent cost disallowances.

C. FIXED RATES WITH CARRY-FORWARD PROVISIONS: The fixed rates in this agreement are based on estimates of the costs for FY 2022. When actual costs for this fiscal year are determined, adjustments will be applied to a rate negotiation for a subsequent fiscal year to recognize the difference between the FY 2022 estimated costs used to establish the fixed rates and the negotiated actual FY 2022 costs.

D. CARRY FORWARD AMOUNTS: The following estimated carry-forward amounts were included in the establishment of the FY 2022 rates:

Liquidated in FY2022 Rates

Employee Category	Final CFW FY2016*	Final CFW FY2017*	Estimated CFW FY2020
Salaries	(2,394,115)	(80,142)	(27,181,537)
Wages	(13,625)	\$0	34,982
Graduate Assistants	(585,077)	\$0	(472,701)
Student Wages	\$0	\$0	30,058
Postdoctoral Scholar Salaries	(38,976)	(451)	(443,391)

*Denotes liquidation of FY2016 and FY2017 final carryforwards.

() denotes over-recovery

E. PROVISIONAL RATES: The provisional rates contained in this agreement are subject to unilateral amendment by the Government or bilateral amendment by the contracting parties at any time.

F. USE BY OTHER FEDERAL AGENCIES: The rates set forth in Section I are negotiated in accordance with and under the authority set forth in 2 CFR Part 200. Accordingly, such rates shall be applied to the extent provided in such regulations to grants, contracts, and other agreements to which 2 CFR Part 200 applies, subject to any limitations in part A of this section. Copies of this document may be provided by either party to other federal agencies to provide such agencies with documentary notice of this agreement and its terms and conditions.

Accepted:

FOR PENNSYLVANIA STATE UNIVERSITY:



Joseph J. Doncsecz
Associate Vice President for Finance and
Corporate Controller

6/15/2021

Date

FOR THE U.S. GOVERNMENT:

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TINGLE.BETTY.JOHNSON.120428
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Date: 2021.06.16 16:29:49 -04'00'

Betty J. Tingle
Contracting Officer

June 16, 2021

Date

For information concerning this agreement contact:
Betty Tingle, Contracting Officer
Office of Naval Research

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