



Agreement Date: September 8, 2009  
Supersedes Agreement Dated: July 9, 2009

## NEGOTIATION AGREEMENT

INSTITUTION: OKLAHOMA STATE UNIVERSITY  
STILLWATER, OKLAHOMA 74078-1028

The Fringe Benefits rates contained herein are for use on grants, contracts and/or other agreements issued or awarded to the Oklahoma State University by all Federal Agencies of the United States of America, in accordance with the provisions and cost principles mandated by 2 CFR Part 220 – formerly Office of Management and Budget (OMB) Circular A-21. These rates shall be used for forward pricing and billing purposes at the Oklahoma State University for Fiscal Year 2010. This rate agreement supersedes all previous rate agreements/determinations for Fiscal Year 2010.

### SECTION I: RATES - TYPE: Fixed with Carry-forward (Fixed)

#### FRINGE BENEFITS

<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>RATE</u>	<u>BASE</u>	<u>EMPLOYMENT CATEGORY</u>
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#### OSU - General University

Fixed	7/1/2009	6/30/2010	33.23%	(a)	Faculty
Fixed	7/1/2009	6/30/2010	13.55%	(a)	Non-Retirement Faculty
Fixed	7/1/2009	6/30/2010	38.44%	(a)	Staff
Fixed	7/1/2009	6/30/2010	9.56%	(a)	Temporary
Fixed	7/1/2009	6/30/2010	8.49%	(a)	Graduate Student
Fixed	7/1/2009	6/30/2010	1.39%	(a)	Student

#### OSU - Agricultural Sciences

Fixed	7/1/2009	6/30/2010	34.89%	(a)	Faculty
Fixed	7/1/2009	6/30/2010	20.19%	(a)	Non-Retirement Faculty
Fixed	7/1/2009	6/30/2010	40.61%	(a)	Staff
Fixed	7/1/2009	6/30/2010	10.58%	(a)	Temporary
Fixed	7/1/2009	6/30/2010	6.15%	(a)	Graduate Student
Fixed	7/1/2009	6/30/2010	2.27%	(a)	Student

#### OSU - Veterinary Medicine

Fixed	7/1/2009	6/30/2010	30.84%	(a)	Faculty
Fixed	7/1/2009	6/30/2010	21.75%	(a)	Non-Retirement Faculty
Fixed	7/1/2009	6/30/2010	38.90%	(a)	Staff
Fixed	7/1/2009	6/30/2010	12.57%	(a)	Temporary
Fixed	7/1/2009	6/30/2010	4.95%	(a)	Graduate Student
Fixed	7/1/2009	6/30/2010	3.44%	(a)	Student

<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>RATE</u>	<u>BASE</u>	<u>EMPLOYMENT CATEGORY</u>
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OKMULGEE CAMPUS

Fixed	7/1/2009	6/30/2010	36.97%	(a)	Faculty
Fixed	7/1/2009	6/30/2010	39.49%	(a)	Staff
Fixed	7/1/2009	6/30/2010	11.07%	(a)	Temporary
Fixed	7/1/2009	6/30/2010	0.95%	(a)	Student

OKLAHOMA CITY CAMPUS

Fixed	7/1/2009	6/30/2010	37.11%	(a)	Faculty
Fixed	7/1/2009	6/30/2010	40.21%	(a)	Staff
Fixed	7/1/2009	6/30/2010	10.53%	(a)	Temporary
Fixed	7/1/2009	6/30/2010	0.74%	(a)	Student

CENTER FOR HEALTH SCIENCES

Fixed	7/1/2009	6/30/2010	19.60%	(a)	Faculty
Fixed	7/1/2009	6/30/2010	14.90%	(a)	Non-Retirement Faculty
Fixed	7/1/2009	6/30/2010	33.17%	(a)	Staff
Fixed	7/1/2009	6/30/2010	9.45%	(a)	Temporary
Fixed	7/1/2009	6/30/2010	8.79%	(a)	Graduate Student
Fixed	7/1/2009	6/30/2010	1.03%	(a)	Student

TULSA CAMPUS

Fixed	7/1/2009	6/30/2010	34.24%	(a)	Staff
Fixed	7/1/2009	6/30/2010	10.01%	(a)	Temporary
Fixed	7/1/2009	6/30/2010	11.30%	(a)	Student

DISTRIBUTION BASE

(a) Salaries and Wages of respective Employee Category.

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**SECTION II - GENERAL TERMS AND CONDITIONS**

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**A. LIMITATIONS:** Use of the rates set forth under Section I is subject to any statutory or administrative limitations and is 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 the rates agreed to herein is predicated upon all of the following conditions: (1) that no costs other than those incurred by the grantee/contractor were included in this indirect cost pool as finally accepted and that such costs are legal obligations of the grantee/contractor 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 grantee/contractor, which was used as the 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 written approval of the authorized representative of the cognizant negotiating agency for the Government prior to implementation of any such changes. Such changes include but are not limited to changes in the charging of a particular type of costs from indirect to direct. Failure to obtain such approval may result in subsequent cost disallowances.

**C. FIXED RATES WITH CARRY-FORWARD PROVISIONS:** The Fringe Benefits rates contained in this agreement are based on estimates of the costs for FY 2010. When the actual costs for FY 2010 are determined, adjustments will be made to the rates of a future year to recognize the difference between the FY 2010 estimated costs used to establish the fixed rates and the negotiated actual FY 2010 costs.

**D. CARRY-FORWARD AMOUNTS:** The fixed rates set forth in SECTION I include the carry-forward amounts from Fiscal Year 2008 and balance of carry-forward amounts from Fiscal Year 2007. The FY 2008 Final Fringe Benefit carry-forward (CFW) amounts are contained in the Agreement executed on October 7, 2009. The following schedule shows the full and complete liquidation of all FY 2008 final carry-forward amounts.

**CFW Liquidated in FY 2010 Fixed Rates**

Under/(Over) Recovery

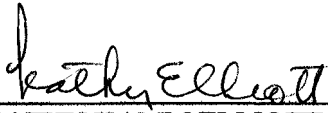
<u>Location</u>	<u>Fringe Benefit Employment Category</u>					
	<u>Faculty</u>	<u>Non-Retirement Faculty</u>	<u>Staff</u>	<u>Temporary</u>	<u>Graduate Student</u>	<u>Student</u>
<u>FY 2008 CFW</u>						
OSU - General University	(\$219,337)	(\$145,333)	(\$1,416,040)	(\$45,749)	(\$24,054)	(\$10,391)
OSU - Agricultural Sciences	(\$233,663)	(\$4,034)	(\$552,487)	(\$4,854)	(\$21,606)	\$735
OSU - Veterinary Medicine	(\$125,256)	(\$16,743)	(\$139,152)	\$2,008	\$56	\$1,712
Okmulgee Campus	(\$38,249)	N/A	(\$118,106)	\$5,758	N/A	\$71
Oklahoma City Campus	\$25,184	N/A	(\$43,426)	\$6,014	N/A	(\$1,352)
Center for Health Sciences	(\$341,456)	N/A	(\$289,293)	(\$1,673)	\$12,246	(\$1,599)
Tulsa Campus	N/A	N/A	(\$98,978)	(\$1,960)	N/A	\$2,066
<u>FY 2007 CFW</u>						
Center for Health Sciences	N/A	N/A	N/A	N/A	(\$2,000)	(\$2,438)

**E. USE BY OTHER FEDERAL AGENCIES:** The rates set forth in Section I hereof were negotiated in accordance with and under the authority set forth in 2 CFR Part 220 – formerly OMB Circular A-21. Accordingly, such rates shall be applied to the extent provided in such regulation to grants and contracts to which 2 CFR Part 220 is applicable, subject to any limitations in part A of this section. Copies of this document may be provided by either party to other Federal agencies which have or intend to issue or award grants and contracts using these rates or to otherwise provide such agencies with documentary notice of this agreement and its terms and conditions.

Accepted:

FOR OKLAHOMA STATE UNIVERSITY:

FOR THE GOVERNMENT:

  
\_\_\_\_\_  
KATHY KAMM ELLIOTT  
Associate Vice President and Controller

Date: 9/25/09

  
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DEBORAH K. RAFI  
Contracting Officer

Date: 10/7/09

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*For information concerning this agreement contact:*

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