



DEPARTMENT OF THE NAVY

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

IN REPLY REFER TO:

Agreement Date: January 2, 2008

NEGOTIATION AGREEMENT

INSTITUTION: STEVENS INSTITUTE OF TECHNOLOGY
HOBOKEN, NJ 07030

The Facilities and Administrative (F&A) rates contained herein are for use on all grants, contracts and/or other agreements issued or awarded to the Stevens Institute of Technology (SIT) by all Federal agencies of the United States of America in accordance with the cost principles mandated by 2 CFR 220 (formerly OMB Circular A-21). These rates shall be used for forward pricing and billing purposes for SIT's Fiscal Year (FY) 2008. This rate agreement supersedes all previous rate agreements/determinations for FY 2008.

**SECTION I: RATES – TYPE: Fixed with Carry-Forward Provisions (Fixed)
Predetermined (Pred)**

<u>Type</u>	<u>From</u>	<u>To</u>	<u>Rate</u>	<u>Base</u>	<u>Applicable To</u>	<u>Location</u>
<u>Steeple Rates*</u>						
Fixed	7/1/07	6/30/08	47.4%	(a)	Organized Research (1)	On Campus
Fixed	7/1/07	6/30/08	26.0%	(a)	Organized Research (1)	Off Campus
Fixed	7/1/07	6/30/08	51.2%	(a)	Organized Research (2)	On Campus
Fixed	7/1/07	6/30/08	29.8%	(a)	Organized Research (2)	Off Campus
<u>Non-Steeple Rates</u>						
Fixed	7/1/07	6/30/08	47.4%	(a)	Organized Research (1)	On Campus
Fixed	7/1/07	6/30/08	26.0%	(a)	Organized Research (1)	Off Campus
Fixed	7/1/07	6/30/08	56.3%	(a)	Organized Research (2)	On Campus
Fixed	7/1/07	6/30/08	34.9%	(a)	Organized Research (2)	Off Campus
<u>Instruction Rates</u>						
Pred	7/1/07	6/30/08	46.1%	(a)	Instruction	On Campus
Pred	7/1/07	6/30/08	26.0%	(a)	Instruction	Off Campus

*Rates for sponsored agreements performed by Stevens' Research Centers, which include Highly Filled Materials Institute, Center for Environmental Engineering, Center for Improved Engineering and Science Education, Design & Manufacturing Institute, Davidson Laboratory and Advanced Telecommunications Institute

DISTRIBUTION BASE

(a) Modified Total Direct Cost (MTDC) as defined in 2 CFR 220, consists of salaries and wages, fringe benefits, materials and 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). Equipment, capital expenditures, charges for patient care and tuition remission, rental costs, scholarships, and fellowships as well as the portion of each subgrant and subcontract in excess of \$25,000 are excluded.

APPLICABLE TO

- (1) Applies to DOD contracts awarded before November 30, 1993, all Non-DOD Instruments, and all DOD grants.
- (2) Applies to only DOD contracts awarded on or after November 30, 1993 in accordance with and under the authority of DFARS 231.303(1).

SECTION II: GENERAL

A. LIMITATIONS: Use of the rates set forth under Section I is expressly 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 the following conditions: (1) that no costs other than those incurred by the grantee/contractor were included in its indirect cost pool as finally accepted and that all such costs are legal obligations of the grantee/contractor and allowable under the governing and applicable 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 contractor/grantee, which was used as the basis for the 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 this 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 approval of the authorized representative of the cognizant negotiation agency prior to implementation of any such changes. 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.

D. USE BY OTHER FEDERAL AGENCIES: The rates set forth in Section I were negotiated in accordance with and under the authority set forth in 2 CFR 220. Accordingly, such rates shall be applied to the extent provided in such regulations to grants, contracts and other agreements to which 2 CFR 220 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 which have or intend to issue or award sponsored agreements using this rate or to otherwise provide such agencies with documentary notice of this agreement and its terms and conditions.

D. FIXED RATES: The fixed rates in this agreement are based on estimates of the costs for FY 2008. When actual costs for this period are determined, an adjustment will be made to the rates of a future year to recognize the difference between the FY 2008 estimated costs used to establish the fixed rates and the negotiated actual FY 2008 costs.

E. PREDETERMINED RATES: The predetermined rates contained in this agreement are not subject to adjustment in accordance with the provisions of 2 CFR 220, subject to the limitations contained in Part A of the Section.

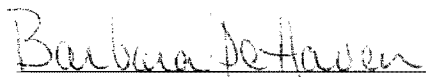
F. CARRY-FORWARD AMOUNTS: The rates in this agreement do not include prior year carry-forward amounts.

G. APPLICATION OF INDIRECT COST RATES TO DOD CONTRACTS AND SUBCONTRACTS: In accordance with DFARS 231.303, no limitation (unless waived by the institution) may be placed on reimbursement of otherwise allowable indirect costs incurred by an institution of higher education under a DOD contract awarded on or after November 30, 1993, unless the same limitation is applied uniformly to all other organizations performing similar work. It has been determined by the Department of Defense that such limitation is not being uniformly applied. Accordingly, the rates cited in (2) of Section I, as explained under the title "APPLICABLE TO" do not reflect the application of the 26% limitation on administrative indirect costs imposed by 2 CFR 220 whereas (1) does so.


H. SPECIAL REMARKS: The Government's agreement with the rates set forth in Section I is not an acceptance of Stevens Institute of Technology's accounting systems, cost classifications, allocation methodologies or cost analysis studies used by Stevens Institute of Technology. Any reliance by the U. S. Government on cost data or methodologies submitted by Stevens is on a non-precedence-setting basis and does not imply Government acceptance.

FOR STEVENS INSTITUTE OF TECHNOLOGY:

FOR THE GOVERNMENT:



BARBARA E. DEHAVEN
Executive Director, Office of
Sponsored Research



LINDA B. SHIPP
Contracting Officer

11.03.08

Date

11-3-08

Date

For information concerning this agreement contact:

Linda Shipp, ONR Indirect Cost Branch/BD0242
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INDIVIDUAL RATE COMPONENTS

Period Covered: **FY 2003**

Institution:	Stevens Institute of Technology									
Type of Rate:	Fixed with Carry-Forward Provisions				Fixed with Carry-Forward Provisions				Predetermined	
Applicable to:	Steeple - Organized Research				Other (Non Steeples) Organized Research				Instruction	
Negotiation Base (MTDC):	\$10,211,541				\$8,227,087				\$36,920,540	
RATE COMPONENTS:	CAPPED		UNCAPPED		CAPPED		UNCAPPED			
	On Campus	Off Campus	On Campus	Off Campus	On Campus	Off Campus	On Campus	Off Campus	On Campus	Off Campus
1. ADMINISTRATIVE										
A. G&A	11.55%	11.55%	11.55%	11.55%	11.55%	11.55%	11.55%	11.55%	11.58%	11.58%
B. DA	10.23%	10.23%	10.23%	10.23%	15.30%	15.30%	15.30%	15.30%	17.52%	17.52%
C. SPA	8.06%	8.06%	8.06%	8.06%	8.06%	8.06%	8.06%	8.06%	0.54%	0.54%
D. SSA									40.98%	40.98%
E. Admin Cap Adjustment	-3.84%	-3.84%			-8.91%	-8.91%			-44.62%	-44.62%
Subtotal	<u>26.00%</u>	<u>26.00%</u>	<u>29.84%</u>	<u>29.84%</u>	<u>26.00%</u>	<u>26.00%</u>	<u>34.91%</u>	<u>34.91%</u>	<u>26.00%</u>	<u>26.00%</u>
2. FACILITIES										
A. Building & Impr Depreciation	2.72%		2.72%		2.72%		2.72%		2.80%	
C. Equipment Depreciation	2.37%		2.37%		2.37%		2.37%		0.84%	
D. Interest Expense	0.32%		0.32%		0.32%		0.32%		0.20%	
E. Operations and Maintenance	14.81%		14.81%		14.81%		14.81%		9.45%	
F. Library	1.17%		1.17%		1.17%		1.17%		6.83%	
Subtotal	<u>21.39%</u>		<u>21.39%</u>		<u>21.39%</u>		<u>21.39%</u>		<u>20.12%</u>	
3. CARRYFORWARD	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
TOTAL	<u>47.4%</u>	<u>26.0%</u>	<u>51.2%</u>	<u>29.8%</u>	<u>47.4%</u>	<u>26.0%</u>	<u>56.3%</u>	<u>34.9%</u>	<u>46.1%</u>	<u>26.0%</u>

*represents carryforward amounts as shown:

Estimated FY03 (over)/under recovery	na	na	na	na	na	na	na	na	na	na
Estimated FY04 (over)/under recovery	na	na	na	na	na	na	na	na	na	na

FOR STEVENS INSTITUTE OF TECHNOLOGY

Barbara E. DeHaven
 Barbara E. DeHaven
 Executive Director, Office of Sponsored Research

06.03.08
 Date

FOR THE GOVERNMENT:

Linda B. Shipp
 Linda B. Shipp
 Contracting Officer

1-3-08
 Date