FEE-FOR-SERVICE CONTRACT AMENDMENT

Amendment #	Original Contract CMS (CLIN) #	Amendment CMS #
11	06-00003	45137

1) PARTIES

This Amendment to the above-referenced Original Contract ("Contract") is entered into by and between the Governing Board for Fort Lewis College ("Institution"), and the STATE OF COLORADO ("State") acting by and through the Department of Higher Education ("Department").

2) EFFECTIVE DATE

This Amendment shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee (hereinafter called the "Effective Date").

3) FACTUAL RECITALS

a. The parties entered into the Contract with a made date of June 2, 2005 (CLIN #06-00003), the First Amendment (CLIN #06-00019), the Second Amendment (CLIN #07-00002), the Third Amendment (CLIN #08-00003), the Fourth Amendment (CLIN #09-00006), the Fifth Amendment (CLIN #09-00022), the Sixth Amendment (CMS #1248), the Seventh Amendment (CMS #17405), the Eighth Amendment (CMS #21432), the Ninth Amendment (CMS #33702), and the Tenth Amendment (CMS #33969) for the purchase of higher educational services.

b. Additional funds have been budgeted, appropriated and otherwise made available for the purchase of additional higher education services for the residents of the state of Colorado for FY 2011-12.

4) CONSIDERATION-CONTINGENCY

The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Amendment. The funding of this Contract is contingent upon the Department's funding from the Joint Budget Committee of the Colorado General Assembly (JBC). The JBC reserves the right to adjust the funding amount of the Contract in accordance with changes in student enrollment at the Institution.

5) LIMITS OF EFFECT

This Amendment is incorporated by reference into the Contract, and the Contract and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.

6) MODIFICATIONS

a. FY 2011-12 adjustment

The Department will transfer an additional nine thousand, three hundred dollars ($9,300) for a total contract amount of twenty-nine million, ninety-seven thousand, seven hundred fifty-nine dollars ($29,097,759) through the end of FY 2011-12 for the purchase of the higher education services set forth in **Exhibit A-11, attached hereto and incorporated by reference,** under Fund Number **100**, Appropriation Account **FFS**. Upon the commencement of the Eleventh Amendment, the Department will transfer this

amount in monthly payments (1/12 of total) within the first week of each month of the term of the contract.

b. Intercept Program

In accordance with SB08-245, if the Institution participates in the Intercept program the Institution is required to notify the Department of the Treasury (hereinafter referred to as the "Treasury") when the Institution is unable to make a required bond payment. The Treasury will make the required payment on behalf of the Institution and the Treasury is authorized to intercept the System's Fee-For-Service payment to recoup expended funds. Any payments made under the Contract (even if intercepted by a third party) are considered to be payments made to the Institution for services provided under the terms of the Contract.

c. Made Date

The reference date of the Contract provided for in the recitals of all prior amendments 1 through 10 shall be deleted and replaced with "a made date of June 2, 2005."

7) START DATE

This Amendment shall take effect on the later of its Effective Date or July 1, 2011.

8) ORDER OF PRECEDENCE

In the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Contract, the provisions of this Amendment shall in all respects supersede, govern, and control.

9) AVAILABLE FUNDS

FINANCIAL OBLIGATIONS OF THE STATE PAYABLE AFTER THE CURRENT FISCAL YEAR ARE CONTINGENT UPON FUNDS FOR THAT PURPOSE BEING APPROPRIATED, BUDGETED, AND OTHERWISE MADE AVAILABLE.

THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

*** Persons signing for Contractor hereby swear and affirm that they are authorized to act on Contractor's behalf and acknowledge that the State is relying on their representations to that effect.**

CONTRACTOR Fort Lewis College	STATE OF COLORADO John Hickenlooper. GOVERNOR Department of Higher Education
By: Dene K. Thomas By: Dr. Dene K. Thomas Title: President By: Heidi Baskfield Title: Chair, Board of Trustees	By: J Garcia By: Lt. Gov. Joseph A. Garcia, Executive Director

ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Contracts. This Contract is not valid until signed and dated below by the State Controller or delegate. Contractor is not authorized to begin performance until such time. If Contractor begins performing prior thereto, the State of Colorado is not obligated to pay Contractor for such performance or for any goods and/or services provided hereunder.

STATE CONTROLLER
David J. McDermott, CPA

By: Clark M. Bolser

Date: 8/6/12

EXHIBIT A - 11
STATEMENT OF WORK
Fort Lewis College

Graduate and Other Educational Services

The General Assembly has found that some services which are offered by institutions of higher education go beyond the scope of undergraduate services and are not part of the College Opportunity Fund stipend program. Instead, the General Assembly has determined that it is in the best interests of the state of Colorado for the Department to purchase these selected educational services for the benefit of students. In accordance with 23-1-109.7 Colorado Revised Statutes (C.R.S.) these services may include, but need not be limited to:

(a) Educational services in rural areas or communities in which the cost of delivering the educational services is not sustained by the amount received in student tuition;
(b) to (d) repealed;
(e) Educational services required of the commission to meet its obligations under reciprocal agreements pursuant to section 23-1-112, C.R.S.;
(f) Graduate school services;
(g) Educational services that may increase economic development opportunities in the state, including courses to assist students in career development and retraining; and
(h) Specialized educational services and professional degrees, including but not limited to the areas of dentistry, medicine, veterinary medicine, nursing, law, forestry, and engineering.

Specialized Educational Services

To secure the well being of the State and to enhance and maintain its diversified economy, the Department shall purchase services that will ensure that specialized educational programs are provided. The Specialized Educational services include Anthropology, Exercise Science, Teacher Licensure and Computer Science Information Systems and the physical sciences. Because these programs are very costly to deliver due to low faculty to student ratios, specialized instrumentation requirements and the integration of high end technologies, the Department shall purchase these services on a credit hour basis as identified in the high cost program model, exhibit C-11. The purchase of these services shall be net of the College Opportunity Fund Stipend reimbursement made to the College on behalf of the students enrolled there.

Reciprocal Agreements

In accordance with 23-1-113 (1) (b) (I) (B) Colorado Revised Statutes, the Department "shall identify those circumstances where the waiving of the nonresident differential in tuition rates, on a reciprocal basis with other states, would enhance educational opportunities for Colorado residents. The Department shall purchase services from the Institution in order to ensure the availability of these services in accordance with Colorado Commission on Higher Education policy authorizing this service. The purpose for purchasing such services shall be to ensure educational opportunities for Colorado residents in other states in order that they have access to unique programs and offering at institutions outside of Colorado.

During the period of this agreement, the Department will purchase from the Institution the following units of other educational services:

a. The Department shall purchase 12,280 credit hours of specialized educational services at a rate of three hundred ninety-six dollars ($396) for a total of four million, eight hundred, sixty two thousand, eight hundred and thirty seven dollars ($4,862,837).

b. The Department shall purchase 3,000 credit hours of other educational services for Reciprocal programs at the rate of sixty two dollars ($62) per credit hour for a total of one hundred, eighty six thousand dollars ($186,000).

In order to ensure that such services are provided in a reasonable and fiscally responsible manner, the Institution shall report annually, through the Student Unit Reporting Data System (SURDS), and the Final Student Enrollment Report, or by other means noticed and established by the Department, on the number of student FTE served and credit hours provided by each category listed in this exhibit. If such reporting shows an amount of credit hours lower than is purchased herein, the Department may audit such services periodically to ensure contract and statutory compliance including, but not necessarily limited to ensuring, that the number of credit hours purchased has been provided.

Nothing in this section shall prevent the Institution from enrolling students above and beyond the units contracted for under Other Educational Services.

EXHIBIT C- 11

FORT LEWIS COLLEGE

Projected High Cost Programs for 2011-12 (over 100% of the average cost)

High Cost Programs	Estimated Credits Generated	Est. Total Instructional Cost Per Credit	Est. Total All Other Costs Per Credit	Est. Total Cost Per Credit	Estimated Resident Credits	Estimated Total Resident Student Cost	COF Reimbursement at $62 per Credit	Fee-for-Service High Cost Need	Prorate Credits to Fund Availability (57.9%)	Prorate Allocation to Fund Availability (57.8%)
Anthropology	3,466	$ 202	$ 256	$ 458	2,426	$ 1,111,108	$ (150,412)	$ 960,696	1,406	$ 556,684
Biology	4,893	$ 202	$ 256	$ 458	3,425	$ 1,568,650	$ (212,350)	$ 1,356,300	1,985	$ 785,920
Chemistry	3,394	$ 202	$ 256	$ 458	2,376	$ 1,088,208	$ (147,312)	$ 940,896	1,377	$ 545,210
CSIS	2,117	$ 202	$ 256	$ 458	1,482	$ 678,756	$ (91,884)	$ 586,872	859	$ 340,068
Education	4,879	$ 202	$ 256	$ 458	3,415	$ 1,564,070	$ (211,730)	$ 1,352,340	1,979	$ 783,625
Exercise Science	5,181	$ 202	$ 256	$ 458	3,627	$ 1,661,166	$ (224,874)	$ 1,436,292	2,102	$ 832,272
Geosciences	3,359	$ 202	$ 256	$ 458	2,351	$ 1,076,758	$ (145,762)	$ 930,996	1,362	$ 539,474
Physics and Engineering	2,985	$ 202	$ 256	$ 458	2,090	$ 957,220	$ (129,580)	$ 827,640	1,211	$ 479,583
	30,275				21,192	$ 9,705,936	$ (1,313,904)	$ 8,392,032	12,280	**$ 4,862,837**
								Charge Per Credit Hour		**$ 396**
		Resident FTE as Percentage of Total			70.0%	Number of high cost credits not purchased			8,912	