FEE-FOR-SERVICE CONTRACT AMENDMENT

Amendment #	Original Contract CMS (CLIN) #	Amendment CMS #
11	06-00017	49702

1) PARTIES

This Amendment to the above-referenced Original Contract ("Contract") is entered into by and between the Governing Board for the Metropolitan State University of Denver ("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 dated July 1, 2005 (CLIN #06-00017), the First Amendment (CLIN #07-00007), the Second Amendment (CLIN #08-00005), the Third Amendment (CLIN #09-00005), the Fourth Amendment (CMS #3555), the Fifth Amendment (CMS #4115), the Sixth Amendment (CMS #17794), the Seventh Amendment (CMS #24863), the Eighth Amendment (CMS #33707), the Ninth Amendment (CMS #33974), and the Tenth Amendment (CMS #45138) 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.
- c. 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 2012-13.
- d. Prior to the Eleventh Amendment and FY2012-13, Metropolitan State University of Denver was known as Metropolitan State College of Denver. The change was made by the General Assembly in SB12-148 with an effective date of July 1, 2012.

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 close out

The Department has adjusted the FY 2011-12 amount by an additional nine hundred twenty six thousand, four hundred seventeen dollars (\$926,417) for a total contract amount of thirty nine million, eight hundred thousand, and five hundred seventy one dollars (\$39,800,887) through the end of FY 2011-12. This adjusted the earlier agreement by 4,541 credit hours of courses that assist students in Aerospace Science, Nursing, Engineering Technologies, Computer & Information Sciences, Biological & Life Science, and Physical Sciences at a FY 2011-12 rate of \$204 per credit hour.

b. FY 2012-13 allocation

The Department will transfer an additional five million, seven hundred sixty-one thousand, nine hundred five dollars (\$5,761,905) for a total contract amount of forty five million, five hundred sixty two thousand, seven hundred ninety two dollars (\$45,562,792) through the end of FY 2012-13 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.

c. 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.

7) START DATE

This Amendment shall take effect on the later of its Effective Date or July 1, 2012.

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 Metropolitan State University of Denver

By:

By: Stephen M. Jordan, Ph.D.

Title: President

By: Robert Cohen

Title: Chair, Board of Trustees

STATE OF COLORADO John Hickenlooper. GOVERNOR Department of Higher Education

By:___

By: Vt. 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, CRA

By:

Date:

EXHIBIT A-11 STATEMENT OF WORK Metropolitan State University of Denver

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 and Professional Degrees

The Department has found that certain educational services offered in the Denver metropolitan area are not sustainable from tuition and fee revenue alone. Because such services are needed, the Department shall purchase them as specialized educational services. Services shall include, but are not limited to: technology and laboratory support in Engineering Technology; equipment and laboratory support for Aviation and Aerospace Science; support for clinical education experiences and the development of practice scenarios used for simulation in the Nursing program; and equipment and laboratory support for programs in computing, biological & life, and physical sciences. The Institution shall provide educational support and specialized services to the Department consistent with its statutory role and mission. The Department, on a credit hour cost basis, shall purchase educational support and specialized services as set forth in Exhibit C-11.

Other educational services shall be purchased in accordance with Title 23, Article 1, Section 109.7, Colorado Revised Statutes. Specifically, the following services shall be purchased:

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

The Department shall purchase 27,009 weighted credit hours at two hundred and thirteen dollars (\$213) per credit hour for courses in Aerospace Science, Nursing, Engineering Technologies, Computer & Information Sciences, Biological & Life Sciences, and Physical Sciences for a total of five million, seven hundred sixty one thousand, and nine hundred five dollars (\$5,761,905).

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, 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 shall adjust the payments under this contract accordingly. Further, 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.

METROPOLITAN STATE UNIVERSITY OF DENVER Funding Calculation Based on Texas Cost Analyst

ΕY	CIP	CIP AREA CIP DESCRIPTION	LEVEL	FFTE	SCH	SFTE	FY2011-12 Actual Total Costs	Baseline Total Cost	2011-12 High Cost Total per FTES	Veight	Weighted SFTE
						I					
2012	7	Computer & Information Sciences	-	12.6	7,428	247.6	10,688	6,400	4,288.0	1.67	413.49
2012	7	Computer & Information Sciences	2	6.9	2,850	95.0	18,752	6,400	12,352.0	2.93	278.35
2012	15	Engineering-Related Technologies	-	8.4	4,254	141.8	11,840	6,400	5,440.0	1.85	262.33
2012	7	Engineering-Related Technologies	7	8.5	3,552	118.4	15,488	6,400	9,088.0	2.42	286.53
2012	26	Biological Sciences/Life Sciences	-	23.3	20,706	690.2	10,688	6,400	4,288.0	1.67	1,152.63
2012	26	Biological Sciences/Life Sciences	7	13.8	9,414	313.8	18,752	6,400	12,352.0	2.93	919.43
2012	40	Physical Sciences	-	25.7	23,700	790.0	10,688	6,400	4,288.0	1.67	1,319.30
2012	40	Physical Sciences	7	15.5	7,947	264.9	18,752	6,400	12,352.0	2.93	776.16
2012	49	Transportation & Materials Moving Workers	_	7.4	4,086	136.2	11,840	6,400	5,440.0	1.85	251.97
2012	49	Transportation & Materials Moving Workers	7	8.9	3,249	108.3	15,488	6,400	9,088.0	2.42	262.09
2012	51	Health Professions & Related Sciences/Nursing	—	10.9	6,411	213.7	17,472	6,400	11,072.0	2.73	583.40
2012	21	Health Professions & Related Sciences/Nursing	2	17.1	8,982	299.4	20,736	6,400	14,336.0	3.24	90.026
			•	159.0	102,579	3,419.3	181,184	76,800	104,384.0	28.3	7,475.74
			Total	HC SFTE	FFS						

	Total	HC SFTE	FFS
High Cost Identified Programs	6,400	4,056.44	6,400 4,056.44 25,961,203
High Cost FTE		900.30	5,761,905
Purchasing Weighted Credit Hours for		27,009.0	213.00

METROPOLITAN STATE UNIVERSITY OF DENVER Funding Calculation Based on Texas Cost Analyst

									2011-12		
	Ş						FY2011-12	0 cil	High Cost		Moished
¥	AREA	CIP DESCRIPTION	I FVF	FFTF	H.C.	SFTE	Actual Total	Total Cost	FTES	Weight	SFTE
:				!		:					
SUMM	ARY O	SUMMARY of all Metro State Credit Hour Production:									
2012	03	Conservation & Renewable Natural Resources		0.1	33	1.1	10,688	6,400	4,288.0	1.67	1.84
2012	02	Area, Ethnic & Cultural Studies	-	18.2	14,160	472.0	6,400	6,400	0.0	1.00	472.00
2012	60	Communications	-	39.1	21,642	721.4	6,400	6,400	0.0	1.00	721.40
2012	12	Personal & Miscellaneous Services	-	1.3	561	18.7	6,400	6,400	0.0	1.00	18.70
2012	13	Education	-	14.2	8,634	287.8	8,512	6,400	2,112.0	1.33	382.77
2012	16	Foreign Languages & Literatures	-	18.6	9,915	330.5	6,400	6,400	0.0	1.00	330.50
2012	19	Family & Consumer Science/Human Science	-		0		7,488	6,400	1,088.0	1.17	00.00
2012	22	Law & Legal Studies	-	2.7	1,848	61.6	10,688	6,400	4,288.0	1.67	102.87
2012	23	English Language & Literature	-	49.4	27,987	932.9	6,400	6,400	0.0	1.00	932.90
2012	24	Liberal Arts & Sciences, General Studies	-	3.6	0	0.0	6,400	6,400	0.0	1.00	00.00
2012	27	Mathematics	-	35.6	26,040	868.0	10,688	6,400	4,288.0	1.67	1,449.56
2012	28	Reserve Officers' Training Corp	-	0.0	156	5.2	6,400	6,400	0.0	1.00	5.20
2012	30	Multi/interdisciplinary Studies	-	10.1	7,287	242.9	6,400	6,400	0.0	1.00	242.90
2012	31	Health & Physical Education/Fitness	-	1.2	594	19.8	6,400	6,400	0.0	1.00	19.80
2012	31	Parks, Rec, Leisure, & Fitness Studies	-	1.4	1,122	37.4	8,256	6,400	1,856.0	1.29	48.25
2012	38	Philosophy & Religion	-	22.6	13,368	445.6	6,400	6,400	0.0	1.00	445.60
2012	42	Psychology	-	18.5	17,838	594.6	10,432	6,400	4,032.0	1.63	969.20
2012	43	Protective Services	-	8.9	7,980	266.0	12,096	6,400	5,696.0	1.89	502.74
2012	44	Public Administration & Services	~	10.0	6,150	205.0	12,096	6,400	5,696.0	1.89	387.45
2012	45	Social Sciences & History	_	35.7	33,552	1,118.4	6,400	6,400	0.0	1.00	1,118.40
2012	20	Visual & Performing Arts	_	52.4	22,008	733.6	009'6	6,400	3,200.0	1.50	1,100.40
2012	52	Business Mgmt & Adm. Services	-	17.3	11,997	399.9	7,552	6,400	1,152.0	1.18	471.88
2012	54	History	-	19.6	13,470	449.0	6,400	6,400	0.0	1.00	449.00
		Level 1 Total		380.5	246,342	8,211.4	184,896	147,200	37,696.0	28.89	10,173.36

METROPOLITAN STATE UNIVERSITY OF DENVER Funding Calculation Based on Texas Cost Analyst

									2011-12		
	Ş						FY2011-12		High Cost		Woishtod
Ŧ	AREA	CIP DESCRIPTION	LEVEL	FFTE	SCH	SFTE	Actual Lotal Costs	Daseilne Total Cost	FTES	Weight	SFTE
2012	05	Agricultural Sciences	2	0.1	141	4.7	17,024	6,400	10,624	2.66	12.50
2012	03	Conservation & Renewable Natural Resources	7	1.2	192	6.4	18,752	6,400	12,352	2.93	18.75
2012	04	Architecture & Related Programs	2	1.7	402	13.4	15,488	6,400	9,088	2.42	32.43
2012	02	Area, Ethnic & Cultural Studies	2	11.8	3,243	108.1	11,328	6,400	4,928	1.77	191.34
2012	60	Communications	2	20.2	8,640	288.0	11,328	6,400	4,928	1.77	509.76
2012	12	Personal & Miscellaneous Services	2	1.7	855	28.5	11,328	6,400	4,928	1.77	50.45
2012	13	Education	2	62.4	25,254	841.8	11,456	6,400	5,056	1.79	1,506.82
2012	16	Foreign Languages & Literatures	2	9.6	3,930	131.0	11,328	6,400	4,928	1.77	231.87
2012	19	Family & Consumer Science/Human Science	2	1.6	1,161	38.7	11,712	6,400	5,312	1.83	70.82
2012	22	Law & Legal Studies	2	2.1	1,548	51.6	18,752	6,400	12,352	2.93	151.19
2012	23	English Language & Literature	2	13.3	5,718	190.6	11,328	6,400	4,928	1.77	337.36
2012	24	Liberal Arts & Sciences, General Studies	2	2.0	က	0.1	11,328	6,400	4,928	1.77	0.18
2012	27	Mathematics	2	6.2	2,835	94.5	18,752	6,400	12,352	2.93	276.89
2012	28	Reserve Officers' Training Corp	2	0.0	186	6.2	11,328	6,400	4,928	1.77	10.97
2012	30	Multi/Interdisciplinary Studies	2	4.8	3,186	106.2	11,328	6,400	4,928	1.77	187.97
2012	31	Health & Physical Education/Fitness	2	3.5	666	33.3	11,328	6,400	4,928	1.77	58.94
2012	31	Parks, Rec, Leisure, & Fitness Studies	7	2.9	2,145	71.5	9,536	6,400	3,136	1.49	106.54
2012	38	Philosophy & Religion	2	8.4	4,710	157.0	11,328	6,400	4,928	1.77	277.89
2012	42	Psychology	2	23.1	12,516	417.2	18,752	6,400	12,352	2.93	1,222.40
2012	43	Protective Services	2	12.1	10,590	353.0	13,376	6,400	926'9	2.09	737.77
2012	44	Public Administration & Services	2	21.3	8,859	295.3	13,376	6,400	9/6,9	2.09	617.18
2012	45	Social Sciences & History	2	30.4	16,881	562.7	11,328	6,400	4,928	1.77	995.98
2012	20	Visual & Performing Arts	2	45.1	12,627	420.9	16,064	6,400	9,664	2.51	1,056.46
2012	52	Business Mgmt & Adm. Services	2	63.3	36,456	1,215.2	10,752	6,400	4,352	1.68	2,041.54
2012	54	History	2	11.6	8,004	266.8	11,328	6,400	4,928	1.77	472.24
		Level 2 Total		360.6	171,081	5,702.7	329,728	160,000	169,728	51.52	11,176.22
		Total	1 1	741.1	417,423	13,914.1	514,624.0	307,200.0	207,424.0	80.41	21,349.58
			l			I I					
		Total (Level I and II w/o High Cost)			l otal 6,400	7,435.47	Need 47,587,040				