

FEE-FOR-SERVICE CONTRACT AMENDMENT

Amendment # 13	Original Contract CMS (CLIN) # 06-00017	Amendment CMS # 62227
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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), the Tenth Amendment (CMS #45138), the Eleventh Amendment (CMS #49702), and the Twelfth Amendment (CMS #62226) 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 2012-13.
- 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 2013-14.
- 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 2012-13 close out

The JBC has adjusted the FY 2012-13 amount by an additional one million, two hundred sixty thousand, three hundred six dollars (\$1,260,306) for a total contract amount of forty-eight million, four hundred fifty-seven thousand, nine hundred six dollars (\$48,457,906) through the end of FY 2012-13. This adjusted the earlier agreement by 5,917 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 2012-13 rate of \$213 per credit hour.

b. FY 2013-14 allocation

The Department will transfer an additional seven million, eight hundred seventy thousand, six hundred fifty-three dollars (\$7,870,653) for a total contract amount of fifty-six million, three hundred twenty-eight thousand, five hundred fifty-nine dollars (\$56,328,559) through the end of FY 2013-14 for the purchase of the higher education services set forth in **Exhibit A-13, attached hereto and incorporated by reference**, under Fund Number 100, Appropriation Account **FFS**. Upon the commencement of the Thirteenth 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, 2013.

8) ORDER OF PRECEDENCE

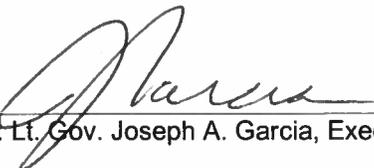
In the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Contract, the provisions of this Amendment shall in all respects supersede, govern, and control.

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.**

<p style="text-align: center;">CONTRACTOR Metropolitan State University of Denver</p> <p>By:  By: Stephen M. Jordan, Ph.D. Title: President</p> <p>By:  By: Robert Cohen Title: Chair, Board of Trustees</p>	<p style="text-align: center;">STATE OF COLORADO John Hickenlooper. GOVERNOR Department of Higher Education</p> <p>By:  By: Lt. Gov. Joseph A. Garcia, Executive Director</p>
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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: 

Date: 11/4/13

EXHIBIT A-13
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-13.

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 36,951 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 seven million, eight hundred seventy thousand, and six hundred fifty three (\$7,870,653).

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

FY	CIP AREA	CIP DESCRIPTION	LEVEL	FFTE	SCH	SFTE	FY2012-13		2012-13			
							Actual Total Costs	Baseline Total Cost	High Cost Total per FTEs	Weighted SFTE		
2012	11	Computer & Information Sciences	1	11.3	7,941	264.7	10,688	6,400	4,288.0	1.67	442.05	
2012	11	Computer & Information Sciences	2	6.0	2,802	93.4	18,752	6,400	12,352.0	2.93	273.66	
2012	15	Engineering-Related Technologies	1	8.2	4,611	153.7	11,840	6,400	5,440.0	1.85	284.35	
2012	15	Engineering-Related Technologies	2	11.0	4,629	154.3	15,488	6,400	9,088.0	2.42	373.41	
2012	26	Biological Sciences/Life Sciences	1	23.8	20,451	681.7	10,688	6,400	4,288.0	1.67	1,138.44	
2012	26	Biological Sciences/Life Sciences	2	13.1	9,420	314.0	18,752	6,400	12,352.0	2.93	920.02	
2012	40	Physical Sciences	1	26.0	22,482	749.4	10,688	6,400	4,288.0	1.67	1,251.50	
2012	40	Physical Sciences	2	15.8	8,064	268.8	18,752	6,400	12,352.0	2.93	787.58	
2012	49	Transportation & Materials Moving Workers	1	8.5	3,681	122.7	11,840	6,400	5,440.0	1.85	227.00	
2012	49	Transportation & Materials Moving Workers	2	8.6	3,306	110.2	15,488	6,400	9,088.0	2.42	266.68	
2012	51	Health Professions & Related Sciences/Nursing	1	11.0	5,904	196.8	17,472	6,400	11,072.0	2.73	537.26	
2012	51	Health Professions & Related Sciences/Nursing	2	18.7	9,843	328.1	20,736	6,400	14,336.0	3.24	1,063.04	
					162.0	103,134	3,437.8	181,184	76,800	104,384.0	28.3	7,564.99

	Total	HC SFTE	FFS
High Cost Identified Programs	6,400	4,127.19	26,414,016
High Cost FTE	1,229.80	7,870,653	
Purchasing Weighted Credit Hours for	36,894.0	213.00	

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

2012-13

FY	CIP AREA	CIP DESCRIPTION	LEVEL	FY2012-13				High Cost				
				FFTE	SCH	SFTE	Costs	Total	Baseline Total Cost	Total per FTES	Weight	Weighted SFTE
<u>SUMMARY of all MSU Denver Credit Hour Production:</u>												
2012	03	Conservation & Renewable Natural Resources	1	0.4	282	9.4	10,688	6,400	4,288.0	1.67	15.70	
2012	05	Area, Ethnic & Cultural Studies	1	16.4	12,936	431.2	6,400	6,400	0.0	1.00	431.20	
2012	09	Communications	1	42.6	21,708	723.6	6,400	6,400	0.0	1.00	723.60	
2012	12	Personal & Miscellaneous Services	1	1.2	540	18.0	6,400	6,400	0.0	1.00	18.00	
2012	13	Education	1	12.8	7,233	241.1	8,512	6,400	2,112.0	1.33	320.66	
2012	16	Foreign Languages & Literatures	1	18.8	8,562	285.4	6,400	6,400	0.0	1.00	285.40	
2012	19	Family & Consumer Science/Human Science	1	0.0	0	0.0	7,488	6,400	1,088.0	1.17	0.00	
2012	22	Law & Legal Studies	1	2.7	1,782	59.4	10,688	6,400	4,288.0	1.67	99.20	
2012	23	English Language & Literature	1	40.9	26,571	885.7	6,400	6,400	0.0	1.00	885.70	
2012	24	Liberal Arts & Sciences, General Studies	1	1.4	111	3.7	6,400	6,400	0.0	1.00	3.70	
2012	27	Mathematics	1	36.6	27,789	926.3	10,688	6,400	4,288.0	1.67	1,546.92	
2012	28	Reserve Officers' Training Corp	1	0.0	153	5.1	6,400	6,400	0.0	1.00	5.10	
2012	30	Multi/interdisciplinary Studies	1	10.0	7,419	247.3	6,400	6,400	0.0	1.00	247.30	
2012	31	Health & Physical Education/Fitness	1	1.3	693	23.1	6,400	6,400	0.0	1.00	23.10	
2012	31	Parks, Rec, Leisure, & Fitness Studies	1	2.3	1,686	56.2	8,256	6,400	1,856.0	1.29	72.50	
2012	38	Philosophy & Religion	1	19.3	11,832	394.4	6,400	6,400	0.0	1.00	394.40	
2012	42	Psychology	1	19.0	17,865	595.5	10,432	6,400	4,032.0	1.63	970.67	
2012	43	Protective Services	1	7.7	7,482	249.4	12,096	6,400	5,696.0	1.89	471.37	
2012	44	Public Administration & Services	1	10.6	6,654	221.8	12,096	6,400	5,696.0	1.89	419.20	
2012	45	Social Sciences & History	1	36.7	30,645	1,021.5	6,400	6,400	0.0	1.00	1,021.50	
2012	50	Visual & Performing Arts	1	47.2	21,237	707.9	9,600	6,400	3,200.0	1.50	1,061.85	
2012	52	Business Mgmt & Adm. Services	1	19.8	14,331	477.7	7,552	6,400	1,152.0	1.18	563.69	
2012	54	History	1	16.7	11,970	399.0	6,400	6,400	0.0	1.00	399.00	
Level 1 Total				364.4	239,481	7,982.7	184,896	147,200	37,696.0	28.89	9,979.75	

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

FY	AREA	CIP DESCRIPTION	LEVEL	FFTE	SCH	SFTE	FY2012-13		2012-13		Weighted SFTE
							Actual Total Costs	Baseline Total Cost	High Cost Total per FTES	Weight	
2012	02	Agricultural Sciences	2	0.1	159	5.3	17,024	6,400	10,624	2.66	14.10
2012	03	Conservation & Renewable Natural Resources	2	1.4	450	15.0	18,752	6,400	12,352	2.93	43.95
2012	04	Architecture & Related Programs	2	1.2	297	9.9	15,488	6,400	9,088	2.42	23.96
2012	05	Area, Ethnic & Cultural Studies	2	9.6	2,481	82.7	11,328	6,400	4,928	1.77	146.38
2012	09	Communications	2	19.8	8,520	284.0	11,328	6,400	4,928	1.77	502.68
2012	12	Personal & Miscellaneous Services	2	2.4	1,059	35.3	11,328	6,400	4,928	1.77	62.48
2012	13	Education	2	57.9	21,771	725.7	11,456	6,400	5,056	1.79	1,299.00
2012	16	Foreign Languages & Literatures	2	8.7	3,321	110.7	11,328	6,400	4,928	1.77	195.94
2012	19	Family & Consumer Science/Human Science	2	1.3	912	30.4	11,712	6,400	5,312	1.83	55.63
2012	22	Law & Legal Studies	2	2.3	1,308	43.6	18,752	6,400	12,352	2.93	127.75
2012	23	English Language & Literature	2	12.0	5,262	175.4	11,328	6,400	4,928	1.77	310.46
2012	24	Liberal Arts & Sciences, General Studies	2	2.6	195	6.5	11,328	6,400	4,928	1.77	11.51
2012	27	Mathematics	2	5.6	3,078	102.6	18,752	6,400	12,352	2.93	300.62
2012	28	Reserve Officers' Training Corp	2	0.0	111	3.7	11,328	6,400	4,928	1.77	6.55
2012	30	Multi/Interdisciplinary Studies	2	5.6	4,113	137.1	11,328	6,400	4,928	1.77	242.67
2012	31	Health & Physical Education/Fitness	2	2.8	828	27.6	11,328	6,400	4,928	1.77	48.85
2012	31	Parks, Rec, Leisure, & Fitness Studies	2	3.4	2,523	84.1	9,536	6,400	3,136	1.49	125.31
2012	38	Philosophy & Religion	2	8.0	4,479	149.3	11,328	6,400	4,928	1.77	264.26
2012	42	Psychology	2	24.0	14,031	467.7	18,752	6,400	12,352	2.93	1,370.36
2012	43	Protective Services	2	11.4	10,314	343.8	13,376	6,400	6,976	2.09	718.54
2012	44	Public Administration & Services	2	20.4	8,340	278.0	13,376	6,400	6,976	2.09	581.02
2012	45	Social Sciences & History	2	29.5	14,631	487.7	11,328	6,400	4,928	1.77	863.23
2012	50	Visual & Performing Arts	2	47.5	12,759	425.3	16,064	6,400	9,664	2.51	1,067.50
2012	52	Business Mgmt & Adm. Services	2	60.9	36,522	1,217.4	10,752	6,400	4,352	1.68	2,045.23
2012	54	History	2	10.4	7,698	256.6	11,328	6,400	4,928	1.77	454.18
Level 2 Total				348.8	165,162	5,505.4	329,728	160,000	169,728	51.52	10,882.16
Total				713.2	404,643	13,488.1	514,624.0	307,200.0	207,424.0	80.41	20,861.90

Total (Level I and II w/o High Cost)

Total	SFTE	Need
6,400	7,373.80	47,192,339