

FEE-FOR-SERVICE CONTRACT AMENDMENT

Amendment # 9	Original Contract CMS (CLIN) # 06-00017	Amendment CMS # 33974
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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 College 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 May 16, 2006 (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), and the Eighth Amendment (CMS #33707) 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 2010-11.
- 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 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 2010-11 close out

The Department has adjusted the FY 2010-11 amount by an additional nine hundred fifty-four thousand, eighty dollars (\$954,080) for a total contract amount of thirty-three million, one hundred sixty-six thousand, five hundred seventy-one dollars (\$33,166,571) through the end of FY 2010-11. This adjusted the earlier agreement by 4,669 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 2010-11 rate of \$204 per credit hour.

b. FY 2011-12 allocation

The Department will transfer an additional three million, four hundred forty-six thousand, one hundred thirty-nine dollars (\$3,446,139) for a total contract amount of thirty-six million, six hundred twelve thousand, seven hundred ten dollars (\$36,612,710) through the end of FY 2011-12 for the purchase of the higher education services set forth in **Exhibit A-9, attached hereto and incorporated by reference**, under Fund Number **1EX**, Appropriation Account **FFS**. Upon the commencement of the Ninth 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, 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
Metropolitan State College of Denver

STATE OF COLORADO
John Hickenlooper. GOVERNOR
Department of Higher Education

By: 
By: Stephen M. Jordan, Ph.D.
Title: President

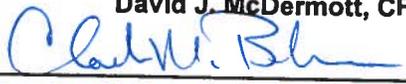
By: 
By: Lt. Gov. Joseph A. Garcia, Executive Director


By: Robert Cohen
Title: Chair, Board of Trustees

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: 12/14/11

EXHIBIT A-9
STATEMENT OF WORK
Metropolitan State College 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-9.

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 16,866 weighted credit hours at two hundred and four dollars (\$ 204) per credit hour for courses in Aerospace Science, Nursing, Engineering Technologies, Computer & Information Sciences, Biological & Life Sciences, and Physical Sciences for a total of three million four hundred forty six and one hundred thirty nine dollars (\$ 3,446,139).

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.

Funding Calculation Based on Texas Cost Analysis

FY	CIP AREA	CIP DESCRIPTION	LEVEL	FFTE	SCH	SFTE	FY2010-11		2010-11		
							Actual Total Costs	Baseline Total Cost	High Cost Total per FTES	Weight	
2011	11	Computer & Information Sciences	1	12.7	7,962	265.4	10,973	6,130	4,843.0	1.79	475.07
2011	11	Computer & Information Sciences	2	7.8	3,159	105.3	18,451	6,130	12,321.0	3.01	316.95
2011	15	Engineering-Related Technologies	1	8.7	4,461	148.7	11,463	6,130	5,333.0	1.87	278.07
2011	15	Engineering-Related Technologies	2	9.1	3,330	111.0	14,528	6,130	8,398.0	2.37	263.07
2011	26	Biological Sciences/Life Sciences	1	23.9	21,198	706.6	10,973	6,130	4,843.0	1.79	1,264.81
2011	26	Biological Sciences/Life Sciences	2	12.2	8,694	289.8	18,451	6,130	12,321.0	3.01	872.30
2011	40	Physical Sciences	1	25.6	22,896	763.2	10,973	6,130	4,843.0	1.79	1,366.13
2011	40	Physical Sciences	2	15.5	7,608	253.6	18,451	6,130	12,321.0	3.01	763.34
2011	49	Transportation & Materials Moving Workers	1	7.3	3,507	116.9	10,973	6,130	4,843.0	1.79	209.25
2011	49	Transportation & Materials Moving Workers	2	10.2	3,420	114.0	18,451	6,130	12,321.0	3.01	343.14
2011	51	Health Professions & Related Sciences	1	10.6	6,285	209.5	10,973	6,130	4,843.0	1.79	375.01
2011	51	Health Professions & Related Sciences	2	14.8	7,131	237.7	18,451	6,130	12,321.0	3.01	715.48
				158.4	99,651	3,321.7	173,111	73,560	99,551.0	28.2	7,242.61

Total	HC SFTE	FFS
6,130	3,920.91	24,035,160

High Cost FTE 562.20 3,446,139

Purchasing Weighted Credit Hours for **16,866** **204**

Funding Calculation Based on Texas Cost Analysis

FY	CIP AREA	CIP DESCRIPTION	LEVEL	FFTE	SCH	SFTE	FY2010-11		2010-11		Weighted SFTE	
							Actual Total Costs	Baseline Total Cost	High Cost Total per FTES	Weight		
SUMMARY of all Metro State Credit Hour Production:												
2011	03	Conservation & Renewable Natural Resources	1	0.1	45	1.5	6,130	6,130	0.0	1.00	1.50	
2011	05	Area, Ethnic & Cultural Studies	1	19.7	13,905	463.5	6,130	6,130	0.0	1.00	463.50	
2011	09	Communications	1	41.9	23,019	767.3	6,130	6,130	0.0	1.00	767.30	
2011	12	Personal & Miscellaneous Services	1	1.3	552	18.4	6,130	6,130	0.0	1.00	18.40	
2011	13	Education	1	15.3	9,579	319.3	8,582	6,130	2,452.0	1.40	447.02	
2011	16	Foreign Languages & Literatures	1	20.3	11,280	376.0	6,130	6,130	0.0	1.00	376.00	
2011	19	Family & Consumer Science/Human Science	1	0.0	0	0.0	6,498	6,130	367.8	1.06	0.00	
2011	22	Law & Legal Studies	1	3.2	2,316	77.2	10,973	6,130	4,842.7	1.79	138.19	
2011	23	English Language & Literature	1	49.1	28,113	937.1	6,130	6,130	0.0	1.00	937.10	
2011	24	Liberal Arts & Sciences, General Studies	1	0.0	0	0.0	6,130	6,130	0.0	1.00	0.00	
2011	27	Mathematics	1	37.4	27,399	913.3	10,973	6,130	4,842.7	1.79	1,634.81	
2011	28	Reserve Officers' Training Corp	1	0.0	177	5.9	6,130	6,130	0.0	1.00	5.90	
2011	30	Multi/interdisciplinary Studies	1	10.8	7,917	263.9	6,130	6,130	0.0	1.00	263.90	
2011	31	Health & Physical Education/Fitness	1	1.0	573	19.1	6,130	6,130	0.0	1.00	19.10	
2011	31	Parks, Rec, Leisure, & Fitness Studies	1	0.5	330	11.0	8,214	6,130	2,084.2	1.34	14.74	
2011	38	Philosophy & Religion	1	25.6	15,681	522.7	6,130	6,130	0.0	1.00	522.70	
2011	42	Psychology	1	19.8	19,161	638.7	10,973	6,130	4,842.7	1.79	1,143.27	
2011	43	Protective Services	1	8.4	7,842	261.4	14,651	6,130	8,520.7	2.39	624.75	
2011	44	Public Administration & Services	1	7.9	4,920	164.0	14,651	6,130	8,520.7	2.39	391.96	
2011	45	Social Sciences & History	1	40.2	35,118	1,170.6	6,130	6,130	0.0	1.00	1,170.60	
2011	50	Visual & Performing Arts	1	52.6	24,285	809.5	8,643	6,130	2,513.3	1.41	1,141.40	
2011	52	Business Mgmt & Adm. Services	1	18.1	13,245	441.5	6,559	6,130	429.1	1.07	472.41	
2011	54	History	1	20.1	14,670	489.0	6,130	6,130	0.0	1.00	489.00	
				393.3	260,127	8,670.9	180,406	140,990	39,415.9	29.43	11,043.53	
				Level 1 Total								

Funding Calculation Based on Texas Cost Analysis

2010-11

FY2010-11

High Cost

CIP

FY	AREA	CIP DESCRIPTION	LEVEL	FFTE	SCH	SFTE	Actual Total Costs	Baseline Total Cost	FY2010-11 Total per FTES	Weight	Weighted SFTE
2011	02	Agricultural Sciences	2	0.1	141	4.7	16,551	6,130	10,421	2.7	12.69
2011	03	Conservation & Renewable Natural Resources	2	1.1	372	12.4	14,528	6,130	8,398	2.37	29.39
2011	04	Architecture & Related Programs	2	1.1	291	9.7	14,528	6,130	8,398	2.37	22.99
2011	05	Area, Ethnic & Cultural Studies	2	11.9	3,219	107.3	10,850	6,130	4,720	1.77	189.92
2011	09	Communications	2	20.2	9,312	310.4	10,850	6,130	4,720	1.77	549.41
2011	12	Personal & Miscellaneous Services	2	2.2	1,008	33.6	10,850	6,130	4,720	1.77	59.47
2011	13	Education	2	74.8	28,212	940.4	11,402	6,130	5,272	1.86	1,749.14
2011	16	Foreign Languages & Literatures	2	9.6	4,002	133.4	10,850	6,130	4,720	1.77	236.12
2011	19	Family & Consumer Science/Human Science	2	0.6	1,569	52.3	11,157	6,130	5,027	1.82	95.19
2011	22	Law & Legal Studies	2	2.0	1,368	45.6	18,451	6,130	12,321	3.01	137.26
2011	23	English Language & Literature	2	13.7	5,952	198.4	10,850	6,130	4,720	1.77	351.17
2011	24	Liberal Arts & Sciences, General Studies	2	0.1	3	0.1	7,663	6,130	1,533	1.25	0.13
2011	27	Mathematics	2	5.8	2,745	91.5	18,451	6,130	12,321	3.01	275.42
2011	28	Reserve Officers' Training Corp	2	0.0	156	5.2	10,850	6,130	4,720	1.77	9.20
2011	30	Multi/Interdisciplinary Studies	2	3.5	2,301	76.7	10,850	6,130	4,720	1.77	135.76
2011	31	Health & Physical Education/Fitness	2	3.3	1,068	35.6	10,850	6,130	4,720	1.77	63.01
2011	31	Parks, Rec, Leisure, & Fitness Studies	2	1.7	1,188	39.6	7,663	6,130	1,533	1.25	49.50
2011	38	Philosophy & Religion	2	8.3	4,440	148.0	10,850	6,130	4,720	1.77	261.96
2011	42	Psychology	2	22.8	11,946	398.2	18,451	6,130	12,321	3.01	1,198.58
2011	43	Protective Services	2	11.9	9,372	312.4	16,919	6,130	10,789	2.76	862.22
2011	44	Public Administration & Services	2	21.7	8,655	288.5	16,919	6,130	10,789	2.76	796.26
2011	45	Social Sciences & History	2	32.5	16,827	560.9	10,850	6,130	4,720	1.77	992.79
2011	50	Visual & Performing Arts	2	42.7	11,976	399.2	14,528	6,130	8,398	2.37	946.10
2011	51	Nursing	2	2.7	888	29.6	16,306	6,130	10,176	2.66	78.74
2011	52	Business Mgmt & Adm. Services	2	64.2	38,661	1,288.7	9,992	6,130	3,862	1.63	2,100.58
2011	54	History	2	11.4	8,232	274.4	10,850	6,130	4,720	1.77	485.69
Level 2 Total				369.9	173,904	5,796.8	332,859	159,380	173,479	54.30	11,688.68

Total	763.2	434,031	14,467.7	513,264.9	300,370.0	2,12,894.9	83.73	22,732.22
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Total (Level I and II w/o High Cost) Total SFTE Need
6,130 8,264.52 50,661,489