FEE-FOR-SERVICE CONTRACT AMENDMENT

Amendment #	Original Contract CMS (CLIN) #	Amendment CMS #
13	06-00004	60353

1) PARTIES

This Amendment to the above-referenced Original Contract ("Contract") is entered into by and between the Governing Board for the Western State Colorado University ("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 #06-00004), the first Amendment (CLIN# 06-00015), the Second Amendment (CLIN #07-00003), the Third Amendment (CLIN #08-00007), the Fourth Amendment (CLIN #09-00010), the Fifth Amendment (CLIN #09-00023), the Sixth Amendment (CMS #3363), the Seventh Amendment (CMS #20320), the Eighth Amendment (CMS #24703), the Ninth Amendment (CMS #33710), the Tenth Amendment (CMS #33994), the Eleventh Amendment (CMS #45144), and the Twelfth Amendment (CMS #49703) 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. Prior to the Eleventh Amendment and FY2012-13, Western State Colorado University was known as Western State College of Colorado. The change was made by the General Assembly in HB12-1331 with an effective date of August 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 adjustment

The Department will transfer an additional one hundred eighty-one thousand, four hundred sixty-three dollars ($181,463) for a total contract amount of fifty-three million, nine hundred thirty-nine thousand, nine hundred twenty-three dollars ($53,939,923) through the end of FY 2012-13 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.

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.

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 Western State Colorado University	STATE OF COLORADO John Hickenlooper. GOVERNOR Department of Higher Education
By: _____ By: Brad Baca Title: Interim President By: _____ By: Todd Wheeler Title: Chair, Board of Trustees	By: _____ 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: _____

Date: 9/11/13

EXHIBIT A-13
STATEMENT OF WORK
Western State Colorado University

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;
(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.

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.

Career Development, Retraining, and Specialized Education

The Department shall purchase career development, retraining and specialized education programs that provide focused educational training for students improving or changing careers. Additionally, the department shall purchase specialized education programs in which job retraining and career development opportunities provided by the institution require smaller class sizes with increased costs. The purpose for purchasing such services is to aid in providing a workforce that possesses the skill set necessary to meet the employment demands of state and local businesses. Such services shall be purchased by the Department on a credit hour cost basis as identified in the cost model developed by the Department and Institution as set forth in **Exhibit C-13.**

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

a. The Department shall purchase 0 credit hours of other educational services for Reciprocal program at the rate of sixty-two dollars ($62) per credit hour for a total of zero dollars ($ 0).

b. The Department shall purchase 14,835 credit hours for courses that assist students in career development, retraining, and specialized high cost education. The rate at which such credit hours are purchased varies and is detailed in **Exhibit C-13.** The total amount of high cost program support purchased is six million, nine hundred eighteen thousand, eight hundred twenty five dollars ($6,918,825).

In order to ensure that such services are provided in a reasonable and fiscally responsible manner, the System shall report annually, through the Student Data 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 verifying 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-13

WESTERN STATE COLORADO UNIVERSITY

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

High Cost Programs	CIP ID	Actual Credits Generated	Total Instructional Cost Per Credit	Total All Other Costs Per Credit	Total Cost Per Credit	Estimated Resident Credits	Estimated Total Resident Student Cost	COF Reimbursement at $62 per Credit	FFS High Cost Allocation	Prorate Credits to Fund Availability (62.1%)	Prorate Allocation to Fund Availability (62.1%)
Communications	09	2,182	$ 189	$ 289	$ 478	1,630	$ 779,617	$ (101,060)	$ 678,557	1,012	$ 421,441
Education	13	727	$ 307	$ 289	$ 597	543	$ 323,923	$ (33,666)	$ 290,257	337	$ 180,274
Foreign Languages and Literature	16	689	$ 325	$ 289	$ 614	515	$ 316,376	$ (31,930)	$ 284,446	320	$ 176,665
English Language & Literature/Letters	23	3,316	$ 183	$ 289	$ 472	2,477	$ 1,170,020	$ (153,574)	$ 1,016,446	1,538	$ 631,297
Biology and Physical Sciences	26	3,243	$ 183	$ 289	$ 473	2,423	$ 1,144,896	$ (150,226)	$ 994,670	1,505	$ 617,773
Mathematics	27	3,342	$ 176	$ 289	$ 465	2,497	$ 1,161,252	$ (154,814)	$ 1,006,438	1,551	$ 625,082
Parks, Recreation, Leisure & Fitness Studies	31	5,316	$ 166	$ 289	$ 455	3,971	$ 1,808,554	$ (246,202)	$ 1,562,352	2,466	$ 970,351
Physical Sciences	40	5,315	$ 170	$ 289	$ 459	3,970	$ 1,822,359	$ (246,140)	$ 1,576,219	2,466	$ 978,963
Visual & Performing Arts	50	5,869	$ 197	$ 289	$ 486	4,384	$ 2,132,287	$ (271,808)	$ 1,860,479	2,723	$ 1,155,512
Business Management and Admin Services	52	5,966	$ 225	$ 289	$ 514	4,457	$ 2,290,770	$ (276,334)	$ 2,014,436	2,768	$ 1,251,132
Total Credit Hours		35,964				26,867	$ 12,950,054	$ (1,665,754)	$ 11,284,300	16,687	**$ 7,008,490**
			Resident FTE as Percentage of Total			74.7%	Number of high cost credits not purchased			10,180	

High Cost Program Projection for 2012-13 (Estimated)

High Cost Programs	CIP ID	Estimated Credits Generated /1	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	Estimated Net Resident Student Cost	Prorate Credits to Fund Availability (55.6%)	Prorate Allocation to Fund Availability (55.6%)
Communications	09	2,174	$ 197	$ 328	$ 525	1,620	$ 849,701.53	$ (100,440)	$ 749,262	900	$ 416,389
Education	13	724	$ 320	$ 328	$ 648	539	$ 349,164	$ (33,418)	$ 315,746	300	$ 175,470
Foreign Languages and Literature	16	687	$ 339	$ 328	$ 666	512	$ 341,164	$ (31,744)	$ 309,420	285	$ 171,955
English Language & Literature/Letters	23	3,304	$ 191	$ 328	$ 518	2,461	$ 1,275,572	$ (152,582)	$ 1,122,990	1,368	$ 624,082
Biology and Physical Sciences	26	3,231	$ 191	$ 328	$ 518	2,407	$ 1,247,981	$ (149,234)	$ 1,098,747	1,338	$ 610,609
Mathematics	27	3,330	$ 183	$ 328	$ 511	2,481	$ 1,267,068	$ (153,822)	$ 1,113,246	1,379	$ 618,667
Parks, Recreation, Leisure & Fitness Studies	31	5,296	$ 173	$ 328	$ 501	3,946	$ 1,975,685	$ (244,652)	$ 1,731,033	2,193	$ 961,991
Physical Sciences	40	5,295	$ 177	$ 328	$ 504	3,945	$ 1,989,959	$ (244,590)	$ 1,745,369	2,192	$ 969,958
Visual & Performing Arts	50	5,847	$ 205	$ 328	$ 533	4,356	$ 2,321,480	$ (270,072)	$ 2,051,408	2,421	$ 1,140,034
Business Management and Admin Services	52	5,944	$ 234	$ 328	$ 562	4,428	$ 2,487,237	$ (274,536)	$ 2,212,701	2,461	$ 1,229,670
Total Credit Hours		35,832			$ 549	26,695	$ 14,105,012	$ (1,655,090)	$ 12,449,922	14,835	**$ 6,918,825**
			Resident FTE as Percentage of Total			74.5%	Number of high cost credits not purchased			11,860	

/1 Estimated credits per discipline based on proportionate change in overall FTE.

Exhibit C-13: FY2011-12 Year End Actual Detail (1)

Fiscal Year	CIP Code	CIP Description	Dept Code	d Total Student FTE	d Total Faculty FTE	d Total Faculty Compensation Cost	d Total Other Instructional Costs	f Total Instructional Costs	f Total Instructional Cost Per Student FTE	f Total Instructional Cost Per Credit	f Percentage of Avg. Instructional Cost	f Total All Other E&G Costs	f Total All Other E&G Costs Per Student FTE	f Total All Other E&G Costs per Credit	f Grand Total Costs Per Student FTE	f Grand Total Cost Per Credit	f Percentage of Average Cost
2012	03	CONSERVATION & RENEWABLE NATL RESOURCES	ENVS	57.28	3.92	$ 169,285	$ 23,370	$ 192,655	$ 3,363	$ 112	69.2%	$ 497,223	$ 8,681	$ 289	$ 12,044	$ 401	88.9%
2012	09	COMMUNICATIONS	CALL	72.73	4.94	$ 376,902	$ 35,347	$ 412,249	$ 5,668	$ 189	116.6%	$ 631,338	$ 8,681	$ 289	$ 14,349	$ 478	105.9%
2012	11	COMPUTER & INFORMATION SCIENCES	MCIS	24.06	1.25	$ 99,533	$ 9,720	$ 109,253	$ 4,541	$ 151	93.4%	$ 208,855	$ 8,681	$ 289	$ 13,221	$ 441	97.6%
2012	13	EDUCATION	EDUC	24.22	5.08	$ 178,592	$ 44,613	$ 223,205	$ 9,216	$ 307	189.5%	$ 210,244	$ 8,681	$ 289	$ 17,896	$ 597	132.1%
2012	16	FOREIGN LANGUAGES & LITERATURES	CALL	22.98	2.79	$ 212,866	$ 11,168	$ 224,034	$ 9,749	$ 325	200.5%	$ 199,480	$ 8,681	$ 289	$ 18,430	$ 614	136.1%
2012	23	ENGLISH LANGUAGE & LITERATURE/LETTERS	CALL	110.54	7.25	$ 553,146	$ 53,722	$ 606,868	$ 5,490	$ 183	112.9%	$ 959,551	$ 8,681	$ 289	$ 14,171	$ 472	104.6%
2012	24	LIBERAL ARTS & SCI, GEN STUDIES & HUMANITIES	HONOR	23.72	1.70	$ -	$ 13,568	$ 13,568	$ 572	$ 19	11.8%	$ 205,903	$ 8,681	$ 289	$ 9,253	$ 308	68.3%
2012	26	BIOLOGICAL SCIENCES/LIFE SCIENCES	NES	108.10	6.96	$ 505,776	$ 88,210	$ 593,986	$ 5,495	$ 183	113.0%	$ 938,370	$ 8,681	$ 289	$ 14,175	$ 473	104.7%
2012	27	MATHEMATICS	MCIS	111.41	6.81	$ 542,253	$ 45,010	$ 587,263	$ 5,271	$ 176	108.4%	$ 967,103	$ 8,681	$ 289	$ 13,952	$ 465	103.0%
2012	30	BIOL & PHY SCI	NES	17.90	0.99	$ 71,942	$ 14,606	$ 86,548	$ 4,835	$ 161	99.4%	$ 155,382	$ 8,681	$ 289	$ 13,516	$ 451	99.8%
2012	31	PARKS, RECREATION, LEISURE & FITNESS STUDIES	RESS	177.19	10.85	$ 684,244	$ 198,630	$ 882,874	$ 4,983	$ 166	102.5%	$ 1,538,111	$ 8,681	$ 289	$ 13,663	$ 455	100.9%
2012	38	PHILOSOPHY & RELIGION	CALL	22.75	0.96	$ 73,244	$ 11,057	$ 84,301	$ 3,706	$ 124	76.2%	$ 197,483	$ 8,681	$ 289	$ 12,386	$ 413	91.5%
2012	40	PHYSICAL SCIENCES	NES	177.15	10.42	$ 757,211	$ 144,554	$ 901,765	$ 5,090	$ 170	104.7%	$ 1,537,764	$ 8,681	$ 289	$ 13,771	$ 459	101.7%
2012	42	PSYCHOLOGY	BASS	115.53	4.11	$ 241,158	$ 25,301	$ 266,459	$ 2,306	$ 77	47.4%	$ 1,002,867	$ 8,681	$ 289	$ 10,987	$ 366	81.1%
2012	45	SOCIAL SCIENCES & HISTORY	BASS	277.92	13.58	$ 796,820	$ 60,864	$ 857,684	$ 3,086	$ 103	63.5%	$ 2,412,505	$ 8,681	$ 289	$ 11,767	$ 392	86.9%
2012	50	VISUAL AND PERFORMING ARTS	ART	195.62	14.89	$ 911,691	$ 244,581	$ 1,156,272	$ 5,911	$ 197	121.6%	$ 1,698,094	$ 8,681	$ 289	$ 14,591	$ 486	107.7%
2012	52	BUSINESS MNGMNT & ADMIN SERVICES	BUS	198.87	11.39	$ 1,238,277	$ 101,821	$ 1,340,098	$ 6,739	$ 225	138.6%	$ 1,726,306	$ 8,681	$ 289	$ 15,419	$ 514	113.9%
2012	54	HISTORY	BASS	60.56	3.30	$ 193,627	$ 12,970	$ 206,597	$ 3,411	$ 114	70.2%	$ 525,696	$ 8,681	$ 289	$ 12,092	$ 403	89.3%
				1798.53	111.19	$ 7,606,567	$ 1,139,112	$ 8,745,679	$ 4,863	$ 162		$ 15,612,273	$ 8,681	$ 289	$ 13,543	$ 451	

Exhibit C-13: FY2011-12 Year End Actual Detail (2)

ALLOCATION OF INSTRUCTIONAL COSTS: FY2011-12 Actual

ACADEMIC DEPARTMENT	DEPARTMENT CODE	FACULTY FTE	TOTAL FACULTY COMPENSATION	AVERAGE COMPENSATION PER FACULTY FTE	STUDENT FTE	OTHER INSTRUCTIONAL COSTS /1	TOTAL INSTRUCTIONAL COSTS PER STUDENT FTE
Art and Music	ART	14.9	$ 911,691	$ 61,228	195.6	$ 244,581	$ 5,911
Behavior and Social Sciences	BASS	21.0	$ 1,231,605	$ 58,676	454.0	$ 99,135	$ 2,931
Business, Accounting, & Economics	BAE	11.4	$ 1,238,277	$ 108,716	198.9	$ 101,821	$ 6,739
Communication Arts, Languages, and Literature	CALL	15.9	$ 1,216,158	$ 76,296	229.0	$ 111,294	$ 5,797
Education	EDUC	5.1	$ 178,592	$ 35,156	24.2	$ 44,613	$ 9,216
Environmental Studies	ENVS	3.9	$ 169,285	$ 43,185	57.3	$ 23,370	$ 3,363
Honors Program /2	HONOR	1.7	$ -	$ -	23.7	$ 13,568	$ 572
Mathematics and Computer Information Sciences	MCIS	8.1	$ 641,786	$ 79,626	135.5	$ 54,730	$ 5,141
Natural and Environmental Sciences	NES	18.4	$ 1,334,929	$ 72,669	303.2	$ 247,370	$ 5,220
Recreation and Exercise Sports Sciences	RESS	10.9	$ 684,244	$ 63,064	177.2	$ 198,630	$ 4,983
		111.2	$ 7,606,567	$ 68,411	1,798.5	$ 1,139,112	$ 4,863

/1 Other instructional costs include support assistants, student work-study, capital, travel, and other current expenses (OCE).
/2 The Honors program is an interdisciplinary program with no faculty directly assigned to the department. The faculty FTE reflected represent the allocation of faculty from other programs who taught Honors courses.

ALLOCATION OF OTHER E&G COSTS: FY2011-12 Actual

NACUBO CATEGORY	TOTAL COST	AVERAGE COST PER STUDENT FTE (1,798.53)	AVERAGE COST PER CREDIT
Public Service	$ 43,381	$ 24	$ 1
Academic Support	$ 1,803,675	$ 1,003	$ 33
Student Services	$ 3,639,283	$ 2,023	$ 67
Institutional Support	$ 2,938,659	$ 1,634	$ 54
O&M of Plant	$ 1,809,604	$ 1,006	$ 34
Scholarships	$ 1,333,142	$ 741	$ 25
Depreciation /1	$ 3,423,370	$ 1,903	$ 63
Transfers	$ 621,159	$ 345	$ 12
	$ 15,612,273	$ 8,681	$ 289

/1 Depreciation of GF facilities, equipment and library materials only.

Exhibit C-13 Detail (3)

ALLOCATION OF TOTAL COSTS: FY2012-13 Estimated Actual

NACUBO CATEGORY	ESTIMATED TOTAL COST	ESTIMATED AVERAGE COST PER STUDENT FTE (1,791.89)	ESTIMATED AVERAGE COST PER CREDIT
Instruction	$ 9,084,889	$ 5,070	$ 169
Public Service	$ 42,672	$ 24	$ 1
Academic Support	$ 1,827,205	$ 1,020	$ 34
Student Services	$ 3,579,068	$ 1,997	$ 67
Institutional Support	$ 3,253,943	$ 1,816	$ 61
O&M of Plant	$ 1,699,251	$ 948	$ 32
Scholarships	$ 3,353,493	$ 1,871	$ 62
Depreciation /1	$ 3,454,411	$ 1,928	$ 64
Transfers	$ 395,879	$ 221	$ 7
	$ 26,690,811	$ 14,895	$ 497

/1 Depreciation of GF facilities, equipment and library materials only.