

## FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (“Amendment”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **SUMMER SCHOLARS**, a Colorado nonprofit corporation, whose address is c/o Anne Byrne, 3401 Quebec Street # 5010, Denver, Colorado 80207 (the “Contractor”), collectively referred to as the “Parties”.

**WHEREAS**, the Parties entered into an agreement dated July 22, 2005 (Clerk Filing # 05-534) (the “Agreement”) to implement the Summer Scholars Recreation Program, a project in conjunction with the Summer Scholars literacy program, geared toward enhancing summer recreation opportunities for youth in Denver; and

**WHEREAS**, the Parties wish to amend that Agreement to extend the Term, increase compensation, and replace the Scope of Services attached as Exhibit A;

**NOW, THEREFORE**, in consideration of the mutual agreements contained in this Amendment and the Agreement, and subject to the terms and conditions stated in this Amendment and the Agreement, the Parties agree as follows:

A. That paragraphs 1, 2, and 3 of the Agreement are amended to read as follows:

**1. WORK TO BE PERFORMED:** The Contractor shall diligently and professionally perform the services and produce all the deliverables described in the scope of services attached to the Agreement as **Exhibit A**, as replaced by the scope of services attached to this Amendment as **Exhibit A** and incorporated herein by this reference effective June 1, 2010. The Contractor shall faithfully perform the work required under this Agreement in accordance with the standards of care, skill, training, diligence and judgment provided by highly competent professionals who perform work of a similar nature to the work described in this Agreement. The Contractor shall conduct the work under the general direction of and in coordination with the Manager of the Denver Department of Parks and Recreation or other designated supervisory personnel (the “Manager”) and make every reasonable effort to fully coordinate all services with any City agency or any person or firm under contract with the City doing work which affects the Contractor’s work. Any professional services specified under this Agreement which requires the employment of licensed or registered personnel shall be performed by licensed or registered personnel. All records, data, specifications and documentation prepared by the Contractor under

05-534-A

this Agreement, when delivered to and accepted by the Manager, shall become the property of the City. The Contractor agrees to allow the City to review any of the procedures used by it in doing the work under this Agreement and to make available for inspection all notes and other documents used in performing the work.

2. **TERM:** The term of the Agreement is from June 1, 2005, to August 31, 2015, unless terminated earlier as provided in this Agreement.

3. **COMPENSATION AND PAYMENT:** The City agrees to pay the Contractor, and the Contractor agrees to accept, as the total compensation for its services rendered and costs incurred (including all "out-of-pocket" expenses) during the term of this Agreement a sum not to exceed One Million Three Hundred Thirty Thousand Dollars (\$1,330,000.00) of which Six Hundred Sixty-Five Thousand Dollars (\$665,000.00) was or will be paid up to June 1, 2010, and the remaining Six Hundred Sixty-Five Thousand Dollars (\$665,000.00) is allocated not to exceed One Hundred Thirty-Three Thousand Dollars (\$133,000.00) annually from June 1, 2010 through the remainder of the Term, unless otherwise authorized by the Manager in advance and in writing. Monthly payments shall be made to the Contractor, between and including the months of June through August of each contract year, in accordance with the progress of the work as set out in **Exhibit A** and the budget specified in **Exhibit B**. Monthly invoices submitted by the Contractor must fully document services rendered and hours spent providing the specified services and must be approved by the Manager in writing in order to be eligible for compensation under this Agreement.

It is understood and agreed that any payment obligation of the City hereunder, whether direct or contingent, shall extend only to funds appropriated by the Denver City Council for the purpose of this Agreement, encumbered for the purpose of the Agreement and paid into the Treasury of the City. The Contractor acknowledges that (i) the City does not by this Agreement, irrevocably pledge present cash reserves for payments in future fiscal years, and (ii) this Agreement is not intended to create a multiple-fiscal year direct or indirect debt or financial obligation of the City.

The Contractor acknowledges that the City is not obligated to execute an amendment to this Agreement for any further phase of work by the Contractor other than the work described in the Scope of Services, and that any further phase of work performed by

Contractor beyond that specifically described or without an amendment to this Agreement is performed at Contractor's risk and without authorization under this Agreement.

B. Except as amended herein, the Agreement is ratified and reaffirmed in all particulars.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment as of the day, month and year first above written.

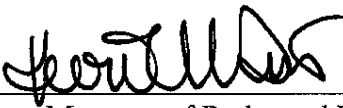
**ATTEST:**

\_\_\_\_\_  
STEPHANIE Y. O'MALLEY, Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver

**CITY AND COUNTY OF DENVER**

By: \_\_\_\_\_  
MAYOR

**RECOMMENDED AND APPROVED:**

By:   
Manager of Parks and Recreation

**APPROVED AS TO FORM:**

DAVID R. FINE, Attorney for the City and County of Denver

By:   
Assistant City Attorney

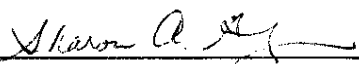
**REGISTERED AND COUNTERSIGNED:**

By: \_\_\_\_\_  
Manager of Finance  
Contract Control No. CE53028(1)

By: \_\_\_\_\_  
Auditor

"CITY"

**SUMMER SCHOLARS**  
Taxpayer (IRS) Identification  
No. 84-1314292

By:   
Title: Finance Director

"CONTRACTOR"

## EXHIBIT A SCOPE OF SERVICES

- INTRODUCTION

The Denver Department of Parks and Recreation will provide \$133,000 per year to Summer Scholars to implement the *Summer Scholars Recreation Program*, a project in conjunction with the Summer Scholars literacy program, geared toward enhancing summer recreation opportunities for youth in Denver. This sub recipient non-profit organization will operate its project activities that will principally benefit low- and moderate-income persons during the contract term of June 1, 2010 through August 30, 2015.

- PROJECT DESCRIPTION

Summer Scholars will act as the contractual entity. The goal of the project is to implement the *Summer Scholars Recreation Program*, held in the afternoons in conjunction with the Summer Scholars literacy program. The *Summer Scholars Recreation Program* is intended to serve as an incentive for students to participate in the morning literacy program and as a complement to the academic nature of the morning program. Participants in the Summer Scholars program are primarily low-income youth who are in need of extra help with reading. Participants in Summer Scholars read below established grade levels, and academic failure in elementary school is an established risk factor for later issues related to juvenile delinquency, teen pregnancy, and substance abuse. Furthermore, a lack of access to recreation services is another risk factor for low income youth. Summer Scholars' literacy and recreation programs seek to offset the risk factors of academic failure and lack of access to recreation services.

Community Recreation operates recreation programs in conjunction with some Summer Scholars program sites, but Community Recreation does not have the capacity to operate the programs at all of the sites. Summer Scholars will administer the recreation programs at sites not coordinated by Community Recreation. The Summer Scholars Recreation Program will be coordinated with the recreation programs provided by Community Recreation, and will complement Community Recreation Programs by adding overall capacity to serve youth in Northeast Denver.

Summer Scholars will provide summer recreation services in conjunction with its summer literacy program at multiple Denver Public Elementary School partners for 50 -100 students per site. The program will operate daily for four to six weeks during June and July. Hours of operations will be 11:30AM - 4:00PM. The recreation program will be a licensed child care program. Summer Scholars will provide overall administration, hiring and supervision of staff, program development and implementation, maintenance of child care licensure, and liaison with other program components.

Summer Scholars will also provide swimming lessons to the participants in both Summer Scholars and Parks and Recreation programs offered in conjunction with the Summer Scholars summer literacy program. Lessons will be held at the Manual High School or other DPS pool and will follow the format of Red Cross approved swim lessons. Students will participate in 6 or more half hour lessons during a two week swim lesson session. Instructors will be swim lesson certified and will provide instruction based on the scope and sequence of Red Cross lessons and the students' abilities. Students will be transported from the site of their recreation program to the pool for lessons.

Here is a sample of weekly activities in the Summer Scholars recreation program:

**SUMMER SCHOLARS  
WEEKLY ACTIVITIES PLANNING SHEET**

**SITE:** \_\_\_\_\_ **WEEK:** \_\_\_\_\_

TIME	GROUP	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
11:30 - 11:55	ALL	LUNCH Roll call	LUNCH Roll call	LUNCH Roll Call	LUNCH Roll Call	LUNCH Roll Call
12:00 - 12:25	ALL	Group non-competitive games	Group non-competitive games	Group non-competitive games	Group non-competitive games	Group non-competitive games
12:30 - 1:10	Group 1 2 3 4	Arts & Crafts Gym/team sports Guest enrichment Potpourri/choice	Arts & Crafts Gym/team sports Guest enrichment Potpourri/choice	Arts & Crafts Gym/team sports Guest enrichment Potpourri/choice	Field Trip	Arts & Crafts Gym/team sports Guest enrichment Potpourri/choice
1:15 - 1:55	Group 1 2 3 4	Potpourri/choice Arts & Crafts Gym/team sports Guest enrichment	Potpourri/choice Arts & Crafts Gym/team sports Guest enrichment	Potpourri/choice Arts & Crafts Gym/team sports Guest enrichment	Field Trip	Potpourri/choice Arts & Crafts Gym/team sports Guest enrichment
2:00 - 2:40	Group 1 2 3 4	Guest enrichment Potpourri/choice Arts & Crafts Gym/team sports	Guest enrichment Potpourri/choice Arts & Crafts Gym/team sports	Guest enrichment Potpourri/choice Arts & Crafts Gym/team sports	Field Trip	Guest enrichment Potpourri/choice Arts & Crafts Gym/team sports
2:45 - 3:25	Group 1 2 3 4	Gym/team sports Guest enrichment Potpourri/choice Arts & Crafts	Gym/team sports Guest enrichment Potpourri/choice Arts & Crafts	Gym/team sports Guest enrichment Potpourri/choice Arts & Crafts	Field Trip	Gym/team sports Guest enrichment Potpourri/choice Arts & Crafts
3:25 - 4:00	ALL	Clean-up Quiet time dismissal	Clean-up Quiet time dismissal	Clean-up Quiet time Dismissal	Clean-up Quiet time dismissal	Clean-up Quiet time dismissal

Field Trips will include activities such as:

Stiles Museum

Museum of African-American history featuring individuals important in sports, local history, medicine and more. Students will explore the museum's artifacts.

#### Apex Ice Arena

Apex Ice Arena in Jefferson County closes off one of its ice skating rinks for Summer Scholars to students to use for two hours. This is a "first" for many of our students and a rare treat for many others. Occasional bumps and bruises are common on these field trips as ice is hard, but it is a good time remembered by everyone.

#### Plains Conservation Center

Journey out to the Colorado plains east of Denver and back in time to Cheyenne camps and sod villages on this unique at Plains Conservation Center. Students will take a wagon ride out onto the plains where prairie dogs, pronghorn, and meadowlarks are commonly seen. Next students will explore an 1837 Cheyenne Indian camp of tipis and game of skill. An 1887 sod home completes the day with playing games, feeding chickens and marveling at home construction. It is hot on the prairie in the summer so hats, suntan lotion, and water bottles are a must.

**The daily recreation program is augmented by enrichment activities offered by external service providers, such as:**

Audubon Society of Greater Denver – Invertebrates, birds, homes and food chains will provide the catalyst for students exploring nature in the school's backyard. This week is filled with outside activities.

Children's Art School, Jo Duranceau – Students will create their own cartoon character to star in the Summer Scholars Comics. Write your own story line with balloon and Wham Bam sound effects. Learn the action packed secret steps to publicize your own comic capers.

Children's Chorale – Students will practice and perform musical selections complete with actions. This is a good time to invite parents to the final performance.

Colorado Mountain Club (CMC) – Daily program will focus on water and the environment with hands-on activities, games and art projects. Primarily outdoors but do need an indoor gym or classroom for some activities. Please have nametags on students.

Girl Scouts – For girls only of all ages, the day will consist of a two hour program on math and science technology. All girls will meet for the entire time and be broken into smaller groups with each of the Scout provided staff.

Gray Matters – Science will never be the same after marshmallow molecules and cookie rocks. Please provide crayons, scissors, paper, rules, and blackboard with students divided into smaller groups by age.

Junior Achievement – Summer Scholars will help pilot a new JA after school program. Students will make and sell friendship bracelets or bookmarks while learning the basics of business. After the initial training, sites implement the lessons at your own schedule. Questions can be addressed to:

Magic with Gary Outlaw – Gary is a clown school graduate who uses magic and juggling in his acts. His classes will introduce students to different types of magic tricks. Students will learn to perform several tricks and will make tricks to take home. They will also try some juggling and explore the types and meaning of different clown faces.

Mize! Museum – Explore the magical world of masks. The program will explore the cultural roles masks play: to heal, celebrate harvests and honor ancestors. Discover how masks help continue

traditions such as the Purim celebration of the beautiful and courageous Queen Esther. Try on masks from around the world and examine how they are made. Create your own mask to celebrate a magical transformation.

Museo de las Americas – Explore Hispanic culture through hands-on music activities. Students will write their own *corrido* or ballad and use it to create a scene. They will also learn the Chilean legend of the rain stick and make one of their own (please help us save enough paper towel tubes for this craft). Students need to be divided into groups of 25-30 for one hour programs each. Program includes take-home activities.

- PROJECT IMPLEMENTATION TIMELINE, KEY MILESTONES AND PERFORMANCE MEASURES

- April through June

- Plan programming and logistic components of recreation program;
    - Apply for child care licensure;
    - Recruit and select recreation staff, including site leaders and instructors;
    - Coordinate staff training planning with Community Recreation;
    - Schedule enrichment activities.

- June – July

- Administer the Summer Scholars Recreation Program

- September

- Submit a comprehensive narrative report on the planning, implementation, results and evaluation of the project to the Community Recreation Department/Denver Parks and Recreation by September 30 of each year.

- METHOD OF PAYMENT

Summer Scholars must comply with insurance requirements as stated in the City's contract agreement. No funds will be disbursed by the City without insurance documentation. Summer Scholars may submit periodic (no less than every two months) payment requests to the Denver Parks and Recreation Department on a reimbursement basis. Payment requests must contain the following information:

- A cover letter on Summer Scholars' letterhead stating the total amount of reimbursement requested and the time period for which the draw is requested. The cover letter must be signed by the same individual who has signed the City's contract agreement with the organization, unless written notification by the original signatory has been sent to Denver Parks and Recreation with the name, position and signature of the designated person delegated the authority to sign on his/her behalf (e.g. cover letters for draw requests, timesheets, and correspondence).
  - Written narrative of accomplishments during the billing period.

The *Summer Scholars Recreation* budget is detailed in Exhibit "B". Budget line item adjustments may be requested through written request(s) submitted to Denver Parks and Recreation for approval

(before expenditure of funds). The individual budget line items for the may be adjusted, but cannot exceed their respective amounts. Any additional salary costs, fringe benefits and taxes beyond this budget line item are the responsibility of Summer Scholars.

- **AUDIT REQUIREMENT**

Pursuant to the Single Audit Act of 1984, P.L. 98-502, and the Single Audit Act Amendments of 1996, P.L. 104-156: Sub recipients that expend \$300,000 or more within a sub recipient's fiscal year in federal awards shall have an audit performed by an independent certified public accountant under the requirements of OMB circular A-133. Federal awards from all sources may be in the form of grants, loans, property or other assistance provided by a federally funded grantee to carry out a program. The total of all federal assistance is taken into consideration. Therefore, even if Denver Park and Recreation's award is less than \$300,000, a sub recipient may be subject to the audit requirement.

- Budget – Please see **Exhibit B**.



**EXHIBIT B**

**Site Based Recreation Program Budget**

Single School Site	Rate/Hr	Days	Hrs/Day	Total Hours per Staff	# of Staff	Amount	Total for 8 Sites
<b>Personnel Expenses</b>							
<b>Site Coordinator</b>							
Coordination	\$ 15.00	16	8	128	1	\$ 1,920.00	\$ 15,360.00
Training	\$ 15.00			40	1	\$ 600.00	\$ 4,800.00
<b>Recreation Instructor</b>							
Instruction	\$ 12.60	16	4	64	6	\$ 4,838.40	\$ 38,707.20
Training	\$ 12.60			40	6	\$ 3,024.00	\$ 24,192.00
<b>Program Management</b>						\$ 1,038.24	\$ 8,305.92
<b>Benefits/Taxes</b>						\$ 1,142.06	\$ 9,136.51
<b>Total Personnel Expenses</b>						\$ 12,562.70	\$ 100,501.63
<b>Other Expenses</b>							
<b>Enrichment Providers</b>						\$ 1,168.00	\$ 9,344.00
<b>Field Trips</b> 2 trips						\$ 1,500.00	\$ 12,000.00
<b>Rec &amp; Enrichment Supplies</b>						\$ 750.00	\$ 6,000.00
						\$ 3,250.00	\$ 26,000.00
<b>Total</b>						\$ 15,812.70	\$ 127,845.63

**Swimming Lessons Budget**

							Total

**Transportation** \$5,000.00

**Supplies/Equipment** \$154.37

**Total Budget Expenses** \$5,154.37

**Total Budget Summer Scholars Recreation and Swimming** **\$133,000.00**