## **REVIVAL AND AMENDATORY AGREEMENT**

THIS REVIVAL AND AMEINDA	ATORY AGREEMENT is made and entered into this
day of	, 2011, by and between the CITY AND COUNTY
OF DENVER, a municipal corporation	n of the State of Colorado (the "City"), and SCHOOL
DISTRICT NO. 1 IN THE CITY AN	D COUNTY OF DENVER AND THE STATE OF
COLORADO, a Colorado not-for-pro	fit corporation, whose address is 900 Grant Street,
Denver, Colorado 80203 (the "Contra	·

## WITNESSETH:

WHEREAS, the City previously retained the Contractor by an Agreement dated July 20, 2010, to provide Head Start services for program year 2010-2011 (together, the "Agreement"); and

WHEREAS, the Agreement expired on December 31, 2010, and the parties now wish to revive the Agreement, extend its term for an additional six months, modify selected portions of Exhibit B attached to the Agreement, and restate the Maximum Contract Amount accordingly;

NOW, THEREFORE, the parties agree as follows:

- 1. Paragraph 4 of the Agreement is amended to read as follows:
  - "4. TERM: The Agreement will commence on July 1, 2010, and will expire on June 30, 2011 (the "Term"). Subject to the Director's prior written authorization, the Contractor shall complete any work in progress as of the expiration date and the Term of the Agreement will extend until the work is completed or earlier terminated by the Director."
- 2. Subparagraph D. cf paragraph 7 of the Agreement is amended to read as follows:

## "D. <u>Maximum Contract Amount:</u>

(1) Notwithstanding any other provision of the Agreement, the City's maximum payment obligation will not exceed One Million Three Hundred Eighteen Thousand Eight Hundred Eight and 00/100 Dollars (\$1,318,808.00) (the "Maximum Contract Amount"). The City is not obligated to execute an Agreement or any amendments for any further services, including any services performed by Contractor

beyond that specifically described in Exhibit B and Exhibit B-1. Any Services performed beyond those in Exhibit B and Exhibit B-1 are performed at Contractor's risk and without authorization under the Agreement.

- (2) The City's payment obligation, whether direct or contingent, extends only to federal funds received for the Head Start program, appropriated annually by the Denver City Council, paid into the Treasury of the City, and encumbered for the purpose of the Agreement. The City does not by the Agreement irrevocably pledge present cash reserves for payment or performance in future fiscal years. The Agreement does not and is not intended to create a multiple-fiscal year direct or indirect debt or financial obligation of the City."
- 3. Subparagraph F. of paragraph 7 of the Agreement is amended to read as follows:
  - Non-Federal Share Match. The Contractor will provide its proportionate share of non-federal funds through cash or in-kind, fairly evaluated, contributions. The phrase "fairly evaluated" referenced in the preceding sentence will be interpreted in accordance with 45 C.F.R. Part 74.23 and/or 45 C.F.R. Part 92.24 as well as any other applicable federal regulations pertaining to match and cost sharing requirements for the Head Start program. Contractor's contribution under this Agreement will be Three Hundred Twenty Nine Thousand Seven Hundred Two Dollars and Zero Cents (\$329,702.00) as set forth in more detail in Exhibit B and Exhibit B-1. The Contractor will report in writing to the City, within thirty (30) calendar days from the date of receipt thereof, any cash or other funds to be applied toward the nonfederal match that Contractor receives. Contractor will be responsible for documenting and maintaining accurate records to the reasonable satisfaction of the City both Contractors' nonfederal share contributions and the contributions of Subdelegates and any Vendor designated by the Director. Such contributions will be recorded on each expenditure variance report and in written reports forwarded to the City on a monthly basis. Each monthly report will list all contributions provided by Contractor and/or its Subdelegates and/or any Vendor for each respective quarter and will list the total amount of contributions made as of the date of the monthly report. The City reserves the right to withhold, adjust and/or reallocate subsequent Grant funds whenever it determines that Contractor's current spending is inconsistent with amounts and

categories listed on Exhibit B, Exhibit B-1, the purposes identified in Exhibit A, or if reports of nonfederal share contributions, in whole or in part, are not provided by Contractor on a timely basis."

4. Upon the execution of this instrument, the pages list below contained in Exhibit B are hereby superseded and replaced by the referenced pages contained in Exhibit B-1.

Exhibit B	superceded by	Exhibit B-1
Page 1 of 22		Page 1 of 6
Page 3 of 22		Page 2 of 6
Page 15 of 22		Page 3 of 6
Page 7 of 22		Page 4 of 6
Page 8 of 22		Page 5 of 6
Page 9 of 22		Page 6 of 6

All references to "...Exhibit B..." in the Agreement shall be amended to read: "...Exhibits B and B-1, as applicable...". A copy of **Exhibit B-1** is attached to this Amendatory Agreement and incorporated herein by this reference.

- 5. Except as herein amended, the Agreement is revived, reaffirmed, and ratified in each and every particular.
- 6. This Amendatory Agreement will not be effective or binding on the City until it has been fully executed by all required signatories of the City and County of Denver, and if required by Charter, approved by the City Council.
- 7. This Amendatory Agreement may be executed in two (2) counterparts, each of which is an original and constitute the same instrument.
- Revival and Amendatory Agreement, and any other documents requiring a signature hereunder, may be signed electronically by the City in the manner specified by the City. The Parties agree not to deny the legal effect or enforceability of the Agreement, as amended, solely because it or any amendment is in electronic form or because an electronic record was used in its formation. The Parties agree not to object to the admissibility of the Agreement or any amendment in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or

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that it is not in its original form or is not an original.

IN WITNESS WHEREOF, the parties have executed, through their respective lawfully empowered representatives, this Revival and Amendatory Agreement as of the day and year first above written.

day and your mot above writters.	
ATTEST:	CITY AND COUNTY OF DENVER
	By:
STEPHANIE Y. O'MALLEY,	By: Mayor
Clerk and Recorder, Ex-Officio Clerk	
of the City and County of Denver	RECOMMENDED AND APPROVED:
APPROVED AS TO FORM:	Ву:
City Attorney for the	Executive Director, Mayor's
City and County of Denver	Office for Education and Children
By:	By: Askut A harting
By:Assistant City Attorney	Director, Head Start Office
	REGISTERED AND COUNTERSIGNED:
	Ву:
	By: Manager of Finance
oproved as to form:	Dv.
U. J. J. W. Francisco	By:
'S General Counsel Office	Contract Control No. GE00332(1)
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	SCHOOL DISTRICT NO. 1 IN THE
	CITY AND COUNTY OF DENVER AND
	THE STATE OF COLORADO
	I.R.S. Identification No. 84600/1099
	By My SK
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	Name Nah Fashig (please print)
	"CONTRACTOR" ENCARON

Exhibit B-1

Denver Pub. Basic Application Type:

Agency Name

08CH0119 / 004

Grant / Delegan Program Type:

Head Start

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Fiscal Year. 2010 Budget Period: 07/01/2010 to 06/30/2011 State CO

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1. Federal Child Development and Child Care Funds

2. USDA Funds for Nutrition Services

Exhibit

3. Other Federal Funding

4. State Preschool Programs

5. Other State Funding

Other Local Government Funding

6. School District Funding

8. Tribal Government Funding

9. Fundraising Activites

10. Other

Cost for Training and Technical Assistance:

Cost for Program Operations.

Non-federal Share (Cash and in-kind):

Total:

May 4, 2010 This page replaces and supersedes page 1 of 22 on Exhibit B Page 1 of 6 Exhibit B-1

\$27,739

Total

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Denver Pub. nools

Basic

Agency Name: Application Type:

08CH0119 / 004 Head Start

Grant / Delega. Program Type:

State: CO Fiscal Year: 2010 Budget Period: 07/01/2010 to 06/30/2011

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Exhibit B-1
Page 3 of 6
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Page 4

May 4, 2010

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Gr. Yelegate No: 08CH0119 / 004	Agenc) Applic	Agency Name: Application Type:	Derwer Put Basic	nook State: CO	Fiscal Year: 2010	1	Budget Period 07/	07/04/2010 to 06/30/201	0/2011	ı
PERSONNEL: Child Health and Developmental Services Personnel	ine									
Une dem Description	Adena	Education	THE STATE OF	Motorbor	FC Partner	Dozelie II	insportation	Occupancy	Other	Section 4
1 Program Managers and Content Area Experts	\$0.00	\$16,948.50	\$16,948.50	\$16,948.50	\$0.00	\$16,948.50	\$0.00	\$0.00	20.00	\$67,794.00
2 Teachers / Infant Toddler Teachers	\$0.00	\$523,838.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	20.00	\$0.00	\$523,838.00
5 Teacher Aides and Other Education Personnel	\$9.00	\$196,922.00	\$0.00	20.00	\$0.00	80.00	\$0.00	\$0.00	,	\$196,922.00
6 Health / Mental Health Services Personnel	20.00	\$0.03	\$103,896,00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	00'05	\$103,896.00
9 Teacher Substitutes	\$0.00	\$1,762.50	\$1,762.50	\$1,762.50	\$0.00	\$1,762.50	20.00	\$0.00	\$0.00	\$7,050,00
PERSONNEL: Child Health and Developmental Services Personnel Sub-Total	\$2.00	00 to octs	\$0.00 \$720-471.00 \$122,607.00 \$18,711.00	\$18,71.00	8008	\$0.00 \$18,711.00	\$0.00	800\$	\$0.00	0 <del>0:305/5083</del>
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11 Family Laison Specialists	\$000	\$0.00	20.03	\$ 00.05	\$0.00 \$127,407.00	20.00	\$0.00	\$0.00	\$0.00	\$127,407.00
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13 Head Start / Early Head Start Director	\$82,471.00	\$0.00	\$0.00	20.00	20.00	\$0.00	\$0.00	\$0.00	00'0\$	\$82,471,00
16 . Clerical Personnel	\$5,242.00	\$0.00	\$0.00	00'05	20.00	20.00	\$0.00	2000	\$0.00	\$5,242.00
17 Fiscal Personnel	\$6,036,00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,036.00
L. Program Design and Management Personnel					4000		, in the second		, CO 0.3	000000000000000000000000000000000000000
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3 Retirement	\$16,292.61	\$128,442.09	221204.72	\$3,246.27	531,625,62	53.246.27	\$2.00	9003	****	\$204,147.58
4 Medicare	\$1,158.94	\$9,136.42	\$1,514.75	\$230.52	\$2.49.61	\$230.92	\$0.00	2000	٠,٠	\$14,521,55
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thook State to			Number	\$0.00	20.00	\$0.00	20.00	\$0.00		Noticitore	\$16,455,00	\$16,455.00		Nutration	\$0.00	20.00	\$0.00 \$5,000.00		Mutration	#7¢: sprica/h#¢:	Louismon -PEC		8	The state of the s
E Derwer Pul			Education	\$0.00	\$40,750.00 \$0.00	\$0.00	\$0.00	\$40,760.00 \$0.00		Educatión   Health	\$0.00	\$0.00 00.02		Education Health	\$0.00	39.00	\$10,839.00 \$0.00	1 2	Door A Health	BAZECOCI ( 1777	Hion . Heath	0\$ 0\$	8	Prop C E Table
Agency Name: Application Type:			Admin	\$4,010.00	\$0.00 \$40.7	\$0.00	\$0.00	\$4,010.00 \$40,71		Admin	20.00	9		Admin Educ	\$0.00	\$0.00 \$10,839.00		100	<del>2</del> -1	7777'SON'16 98'157'5716	Admin	\$57,508	\$57,500	ははないのかの
08CH0119 / 004 Head Start										100 mg				1000 公司 · ·				KANTAGO SA SOR A	がある。	<b>⊼</b>				STATE OF THE PARTY OF
Pelegate Noc			Une them Description	Xì	Child and Family Services Supplies	Supplies	Local Transportation - Bus Passees			Line flem Description	:	TOTAL		Line Rem Description	χń	aff Development	٠	STATE OF STA		5	time them the stription		TOTAL	Art Creek College
S E		SUPPLES		1 Office Supplies	2 Child and Far	3 Food Services Supplies	4 Local Transpor	SUPPLIES TOTAL	CONTRACTUAL	- 3	3 Food Service	CONTRACTUAL TOTAL	ST CONTRACTOR		13 Parent Services	16 Training or Staff Development	OTHER TOTAL	DIRECT COSTS		NDRECT COSTS		1 Indirect Costs	INDIRECT COSTS TOTAL	<b>第一级第二次</b>

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Exhibit B-1
Page 5 of 6
This page replaces and supersedes page 8 of 22 on Exhibit B

May 4, 2010

Program Type:

Fiscal Year: 2010 Budget Period: 07/01/2010 to 0000/2011

Administrative Costs:

The maximum allowable expenditure for administrative costs is 15% of the total budget. For a detailed break down, please review the last page of this report. Total Admin Costs:

\$182,791.68

Admin. as a % of Total Budget. Total Budget

2. Non-federal Share:

51.662.030.00 \$ 1/4/9 SI O 11.00%

For most grantees, a minimum of 20% of the total budget must be non-federal share: Total Non-federal Share:

\$1,662,030.00 \$332,406.00

Non-federal Share as a % of Total Budget:

Total Budget:

3. Average Class Size:

20.00 % 20,00%

Average class size for CB Program Schedules that involve double sessions should be between 13 and 20. Average class size for the CB and CO 0.00 0.00 Program Schedules (including double sessions) should be between 15 and 20:

Center-Based AND Combination Non-double Sessions: Center-Based Double Sessions:

1.00 17.00 17.00

All Center-Based AND Combination Sessions:

The following table shows information on costs and hours of service for this agency. C.M. Cost Per Child and Hours of Service Per Child: Overall Cost Per Child:

Overall Cost Per Child Per Hour: Total Hours of Service Per Child:

5. Federal Personnel and Fringe Costs:

Federal Personnel Cost Federal Fringe Cost

Federal Personnel Cost as a % of Total Federal Budget Federal Fringe Cost as a % of Total Federal Budget Total Federal Budget

\$1,329,624.00

70.72% 20.76%

8940-287.00 \$276,016.00

94420 \$6.90 \*In general, the costs of Personnel should account for between 60% and 80% of the federal budget.

6. Fringe Rate: (nuld)

If the fringe cost for an agency is less than 10% or more than 30% of personnel, there may be an inaccurate entry in Personnel: Total Personnel Cost: Total Fringe Cost

\$1,45,358.00

\$345,021.00

Total Fringe Cost as % of Total Personnel Cost

Page 6 of 6 Exhibit B-1

This page replaces and supersedes page 9 of 22 on Exhibit B

7. Fringe Benefits:

May 4, 2010