

FIRST AMENDATORY AGREEMENT

THIS FIRST AMENDATORY AGREEMENT is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **SCHOOL DISTRICT NO. 1 IN THE CITY AND COUNTY OF DENVER AND THE STATE OF COLORADO**, a political subdivision of the State of Colorado (the “Contractor”), jointly “the parties.”

RECITALS

A. The Parties entered into an Agreement dated June 14, 2020 (collectively the “Agreement”) for the performance of certain work set forth in that Agreement and Exhibit A thereto; and

B. The Parties wish to amend the Agreement to increase the Amount.

NOW, THEREFORE, the parties hereby amend the Agreement as follows:

1. All references to “Exhibit A” and “Exhibit B” in the existing Agreement shall be amended to read: “Exhibit A and Exhibit A-1, as applicable.” The Scope of Work marked as Exhibit A-1 is attached hereto and incorporated herein by this reference.

2. Section 7.D. of the Agreement entitled “**Maximum Contract Amount**” is amended to read as follows:

“(1) Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **TWO MILLION THREE HUNDRED SEVENTEEN THOUSAND SEVEN HUNDRED SEVENTEEN DOLLARS AND ZERO CENTS (\$2,317,717.00)** (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 A and Exhibit A-1, as applicable**. Any services performed beyond those in **Exhibit A and Exhibit A-1, as applicable** are performed at Contractor’s risk and without authorization under the Agreement.”

3. Section 7.F. of the Agreement entitled “**Non-Federal Share Match**” is amended to read as follows:

“The Contractor will contribute a match of at least twenty percent (20%) of the Maximum Contract Amount from non-federal funds through cash or in-kind contributions of services or property. Values for non-federal in-kind contributions of services and property will be established in accordance with applicable federal law, regulations, cost principles, or as otherwise determined by an appropriate federal agency. Contractor’s total non-federal match contribution (cash and in-kind services or property)

under this Agreement will be at least **FIVE HUNDRED SEVENTY-NINE THOUSAND FOUR HUNDRED TWENTY-NINE DOLLARS AND ZERO CENTS (\$579,429.00)** as set forth in more detail in **Exhibit A-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 non-federal match that Contractor receives. Contractor will be responsible for documenting and maintaining accurate records to the reasonable satisfaction of the City of both Contractors' non-federal 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.”

4. Except as herein amended, the Agreement is affirmed and ratified in each and every particular.

5. This First 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.

[SIGNATURE PAGES FOLLOW]

Contract Control Number: MOEAI-202055987-01 Legacy: 202054013
Contractor Name: SCHOOL DISTRICT NO. 1

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of:

SEAL

CITY AND COUNTY OF DENVER:

ATTEST:

By:

APPROVED AS TO FORM:

REGISTERED AND COUNTERSIGNED:

Attorney for the City and County of Denver

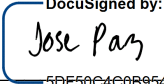
By:

By:

By:

Contract Control Number:
Contractor Name:

MOEAI-202055987-01 Legacy: 202054013
SCHOOL DISTRICT NO. 1

By:  _____
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Name: Jose Paz
(please print)

Title: Denver Public School Delegate Director
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

Exhibit A-1

Denver Public Schools Head Start Expansion narrative:

Starting in the 2020-2021 school year with an expansion award, DPSHS will provide full-day site-based services to 48 additional students in three classrooms. 17 slots have been assigned to an existing ECE English classroom at Samuel's Elementary School located in the south-east of Denver at 3895 S. Vincennes Ct., Denver, CO 80237; (720) 424-4450. The remaining 31 slots have been assigned to two ECE classrooms (one English and one Spanish) at Swansea Elementary School located in the north-west of Denver at 4650 Columbine St., Denver, CO 80216; (720) 424-3630. These two classrooms at Swansea will combine and equally serve 31 Head Start students with up to 3 non-Head Start students; but will have the option to convert the 3 non-Head Start students to maintain programmatic full enrollment if needed.

Denver Public Schools Head Start projected Budget Narrative 2020-2021 Expansion 48

slots at 2 schools:

A. Personnel is comprised of the following (see the chart below):

- Child Health and Development Services Personnel:
 - 3 Teachers at the Negotiated Contract cost of \$107,989 plus an extra pay in the amount of \$225, totaling \$108,214 (1.5 FTEs) and non-federal share at \$27,054;
 - 3 Paraprofessionals at the Negotiated Contract cost of \$32,990 including stipend of \$1,033, totaling \$34,023 (1.5 FTEs) and non-federal share at \$8,506;
 - 3 Teacher Substitutes at the Negotiated Contract cost of \$2,496 and non-federal share at \$624;
- Family and Community Partnerships Personnel:
 - 4 Family Liaison Specialists at the Negotiated Contract cost of \$83,200 (2.0 FTEs) and non-federal share at \$20,800;

Exhibit A-1

Personnel total is \$227,933 with NFS of \$56,983, totaling \$284,916.

B. Fringe Benefits is comprised of the following:

- Social Security, State Disability and Unemployment, Worker's Compensation, State Unemployment at the Negotiated Contract cost of \$14,734 and non-federal share at \$3,684;
- Health/Dental/Life Insurance at the Negotiated Contract cost of \$24,682 and non-federal share at \$6,169;
- Retirement at the Negotiated Contract cost of \$14,734 and non-federal share at \$3,684;
- Medicare fringe at the Negotiated Contract cost of \$14,734 and non-federal share at \$3,684;

Fringe Benefit total is \$68,884 with NFS of \$17,221, totaling \$86,105.

C. Supplies is comprised of the following:

- General office supplies are projected at \$840 for administration and program supply costs and non-federal share at \$210 including but not limited to office supplies, copying costs, staff development supplies, books, replacement and new technology purchases under \$5,000, etc.

Exhibit A-1

- Program materials and supplies at \$3,248 for classrooms and non-federal share at \$812 including but not limited to developmentally appropriate toys, books, games, etc., all for student use in the classroom.
- There are no Food Service Supplies costs budgeted for 2020-2021.
- There are no Other Supplies costs budgeted for 2020-2021.

Supplies total is \$4,088 with NFS of \$1,022, totaling \$5,110.

D. Contractual is comprised of the following:

- Nutritional services at \$6,572. All of our Head Start students receive snacks through the DPS Food and Nutrition Department at the cost of \$0.75 per student per day. We receive CACFP reimbursement of \$0.94. In addition staff members that are required to model family style dining with the students, have meals provided and paid for by the grant. Non-federal share at \$1,643.
- The Colorado Network services at \$0. We contract for translation services for the 2020-2021 academic year. Non-federal share at \$0.
- Multicultural Outreach Office interpreter services at \$401. Non-federal share \$100.
- Jocelyn Miller with RAMERC staff development services at \$60. Non-federal share \$15.

Contractual total is \$7,033 with NFS of \$1,758, totaling \$8,791.

E. Construction is comprised of the following:

- There are no construction costs budgeted for 2020-2021.

Exhibit A-1

F. Other is comprised of the following:

- Local travel (including but not limited to monthly bus passes, RTD ride ticket books and mileage) is projected at \$106 and non-federal share of \$27 for parents use (for example, homeless families to transport their children to and from school) as determined by the FLS Manager. See 45 CFR 1310.10(a);
- Parent Policy Committee budget of \$0 (for supplies, travel, conferences, etc.) and non-federal share at \$0; and
- Training and Technical Assistance (including but not limited to tuition reimbursement and conferences and training) of \$0 and PA 20 of \$100 and non-federal share of \$25.

Other total is \$206 with NFS of \$52, totaling \$258.

G. Total In-Kind charges are comprised of fund from the below source:

- Colorado Preschool Program (CPP) and Tuition Supported Programs (TSP) including dollars from Denver Preschool Program funds totaling \$84,000 used for personnel salary and benefits to provide the full day Head Start Services.

H. Indirect Costs (payable to Denver Public Schools) is comprised of the following: IDC of 9.05% is calculated from the direct cost.

- \$27,856 and non-federal share of \$6,964;

Exhibit A-1

Indirect Costs total is \$27,856 with NFS of \$6,964, totaling \$34,820.

I. Totals for all budgeted categories are as follows:

- Costs for Program operations at \$336,000.
- Non-Federal Share at \$84,000.

Total is \$336,000 with NFS of \$84,000, totaling \$420,000.

None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual from Denver Great Kids – Denver Public Schools Head Start, either as a direct cost or any proration as an indirect cost, at a rate in excess of Executive Level II: \$187,000.

Denver Public Schools conducts regular wage comparability study and the last wage comparability study was conducted for:

- Teachers – 2019
- Paraprofessionals – 2019
- ProTech – 2019
- DAEOP – 2019.

WARNING: “The sum of Personnel and Fringe Benefits is between 60% and 80% of the total budget.” Head Start personnel are employees of Denver Public Schools. Each personnel is a member of a different union, therefore each employee’s wages and benefits are negotiated

Exhibit A-1

through these bargaining groups, and it is out of the “hands” of the Early Education Department.

The negotiated wages cause this line item to exceed the upper limit of 80% of the budget.

SUMMARY OF BUDGET CATEGORIES for The DPS Expansion 48 slots

CATEGORY:	Revised Amount:	NFS Amount	Revised Percentage
Personnel	\$227,933.00	\$56,983.00	67.8%
Fringe Benefits	\$68,884.00	\$17,221.00	20.5%
Out of Town Travel - 90580	\$0.00	\$0.00	0.0%
Furniture/Equipment	\$0.00	\$0.00	0.0%
General Supplies -90610, 90690;	\$840.00	\$210.00	0.3%
Classroom Supplies - 90610	\$3,248.00	\$812.00	1.0%
Other Supplies	\$0.00	\$0.00	0.0%
Nutrition and Food -90690	\$6,572.00	\$1,643.00	2.0%
Contractual Services - 90339	\$461.00	\$115.00	0.1%
Child Transportation	\$0.00	\$0.00	0.0%
Training - 90580	\$100.00	\$25.00	0.0%
Occupancy	\$0.00	\$0.00	0.0%
Local Travel \$25000 - 90583, \$5919 - 90510; +3403	\$106.40	\$27.00	0.0%
Parent Services	\$0.00	\$0.00	0.0%
Other		\$0.00	0.0%
Construction	\$0.00	\$0.00	0.0%
Total Direct Costs:	\$308,144.00	\$77,036.00	91.7%
Indirect Costs: DPS- 9.05% (2018-19-7.8%; 19-20-7.28%)	\$27,856.00	\$6,964.00	8.29%
SUBTOTAL of PROGRAM OPERATIONS:	\$336,000.00	\$84,000.00	100.0%
BUDGET	\$336,000.00	\$84,000.00	
BALANCE	\$0.00	\$0.00	