

AMENDATORY AGREEMENT

This **AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **CLAYTON EARLY LEARNING, TRUSTEE, GEORGE W. CLAYTON TRUST**, a Colorado Non-Profit Corporation whose address is 3801 Martin Luther King Blvd., Denver, Colorado 80205 (the “Contractor”), jointly (“the Parties”).

WITNESSETH:

A. The Parties entered into an Agreement dated May 18, 2021 (the “Agreement”) to provide the Services required by the Agreement.

B. The Parties wish to amend the Agreement to increase the maximum contract amount.

NOW THEREFORE, in consideration of the premises and the Parties’ mutual covenants and obligations, the Parties agree as follows:

1. Exhibit B-1 is hereby added and all references to “...Exhibit B...” in the Agreement shall include Exhibit B-1, as applicable. **Exhibit B-1** attached to this Amendment is hereby incorporated by reference.
2. Section 7 of the Agreement entitled **COMPENSATION**, Sub-paragraph D(1) entitled “**Maximum Contract Amount**” is amended to read as follows:

“D. Maximum Contract Amount:

(1) Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **ONE MILLION SEVEN HUNDRED TWENTY THOUSAND EIGHT HUNDRED TWENTY-FOUR DOLLARS AND ZERO CENTS (\$1,720,824.00)** (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. Any services performed beyond those in Exhibit A are performed at Contractor’s risk and without authorization under the Agreement.”

3. As herein amended, the Agreement is affirmed and ratified in each and every particular.

4. 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.

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Contract Control Number:
Contractor Name:

FINAN-202160164-01[MOEAI-202158233-01]
CLAYTON EARLY LEARNING, TRUSTEE, GEORGE
W. CLAYTON TRUST

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:

Attorney for the City and County of Denver

By: _____

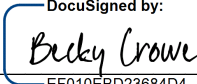
REGISTERED AND COUNTERSIGNED:

By: _____

By:

Contract Control Number:
Contractor Name:

FINAN-202160164-01[MOEAI-202158233-01]
CLAYTON EARLY LEARNING, TRUSTEE, GEORGE
W. CLAYTON TRUST

By:  _____
EF010EBD23684D4...

Name: Becky Crowe
(please print)

Title: President and CEO
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



EXHIBIT B-1

CLAYTON EARLY LEARNING DENVER GREAT KIDS HEAD START 08CH010552

Head Start Funding Increase FY 2021-22 Application and Narrative

Clayton Early Learning requests supplemental funds in the amount of \$21,797 to be used in accordance with Program Instruction ACF-PI-HS-21-01 as follows:

Cost of Living Adjustment (COLA) \$21,797

Clayton Early Learning requests \$21,797 to permanently increase the Head Start pay scale and staff salaries by 1.22%, pay expenses associated with the cost of fringe benefits, and increase child-care partners contracts by 1.22%. The remaining 0.30% will be used to pay other expenses associated with program operations. The program will remain in full compliance with the HHS appropriations bill provisions. Section 653 requires that “none of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as a direct cost or any proration as an indirect cost, at a rate in excess of Executive Level II” and that prohibits Head Start salaries “in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of persons providing substantially comparable service, or in excess of the average rate of compensation paid to a substantial number of persons providing substantially comparable services in the area of the person’s preceding employment, whichever is higher.” And section 640j requires that the compensation of Head Start employees must be improved regardless of whether the agency has the ability to enhance the compensation of staff employed by the agency that does not provide Head Start services. **Staff salaries will be permanently increased by 1.22% cost of living adjustment (COLA).**

Non-Federal Share \$ 5,449

Clayton Early Learning will meet the non-federal share through funding received from in-kind human resources services.

Total Funding \$ 27,246



EXHIBIT B-1

CLAYTON EARLY LEARNING DENVER GREAT KIDS EARLY HEAD START (DGKEHS) 08CH010552

Early Head Start Funding Increase FY 2021-22 Application and Narrative

Clayton Early Learning requests supplemental funds in the amount of \$3,714 to be used in accordance with Program Instruction ACF-PI-HS-21-01 as follows:

Cost of Living Adjustment (COLA)

\$3,714

Clayton Early Learning requests \$3,714 to permanently increase the Early Head Start pay scale and staff salaries by 1.22%, pay expenses associated with the cost of fringe benefits, and increase child-care partners contracts by 1.22%. The remaining 0.17% will be used to pay other expenses associated with program operations. The program will remain in full compliance with the HHS appropriations bill provisions. Section 653 requires that “none of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as a direct cost or any proration as an indirect cost, at a rate in excess of Executive Level II” and that prohibits Head Start salaries “in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of persons providing substantially comparable service, or in excess of the average rate of compensation paid to a substantial number of persons providing substantially comparable services in the area of the person’s preceding employment, whichever is higher.” And section 640j requires that the compensation of Head Start employees must be improved regardless of whether the agency has the ability to enhance the compensation of staff employed by the agency that does not provide Head Start services. The Staff salaries will be permanently increased by the 1.22% cost of living adjustment (COLA).

Non-Federal Share

\$ 929

Clayton Early Learning will meet the non-federal share through funding received from in-kind human resources services.

Total Funding

\$ 4,643

