

STATE CONTROLLER POLICY

State Contract Modifications

(Other than Capital Construction Contracts)

Fiscal rule 3-1, section 3.3.3, includes five modification tools: Options, Grant Funding Letters, Change Orders, Task Orders, and Amendments. These tools may be used in the following situations:

Modification Tool:	Signed by:	Used for:
Options	State	Extend contract term – renewal Increase or decrease quantities Increase or decrease contract value Initiate next phase of contract
Funding Letters	State	Change in grant funding for federal or State grants
Change Orders	State and Contractor	Within Statement of work: Change specifications Change contract value using established prices in original contract Change contract term when change is due to change in specifications or time of performance
Task Orders	State and Contractor	Order goods or services based on rate and terms established in master contract
Contract Amendments	State and Contractor	Revise Statement of work, contract terms, or any other change Can be used at any time instead of the other modification tools

This policy contains required contract language and specific contract modification forms to be used with State Contracts. All contract modification forms (except for amendments) used with State contracts must be included as exhibits to the contract. A State agency or institution of higher education must obtain written approval from the Office of the State Controller to use one of these forms in a manner not described in this policy.

These contract modifications were developed for specific types of contracts and scopes of services and contain very specific language. These contract modifications are not universal. They should not be included in all contracts, nor should they be changed or combined with other contract modifications, except amendments, or be used for other than their intended purpose. **These forms may only be used when an agency or institution of higher education is in full compliance with all statutes and rules governing that contract, especially State procurement rules and review for personal services by the Human Resources Division.**

Definitions:

Unilateral - Means that the document must be signed by only one party to the contract (e.g. State)

Bilateral - Means that all parties to the contract must sign the document (State and Contractor)

Leslie M. Shenefelt
State Controller

STATE CONTROLLER POLICY

Contract Options

Purpose

Contract options may be used for the following purposes.

1. To extend the original term and all conditions of a State Contract for a predetermined period of time, at the same rates and same terms of the original contract.
2. To increase or decrease the amount of goods and/or level of services being provided at the same rate(s) and under the same terms of the original contract.
3. To increase or decrease the total contract value based upon unit prices established in the original contract.
4. Initiate a phase for a phased contract, which is a contract that contains phases in the Statement of work.

Options are unilateral and they are initiated at the discretion of the State. For example:

A State agency or institution of higher education enters into a State Contract with a vendor to provide computer maintenance service for the current fiscal year. The contract may be extended by the State agency or institution of higher education for two additional years, if the vendor performs satisfactorily. The State agency or institution of higher education exercises its option for continued service for another year before the end of the current contract term at the prices agreed to in the original State Contract.

A State agency or institution of higher education enters into a State contract with a laboratory for 500 tests for water for bacteria levels at a specified rate for each test completed. The contract allows the State agency or institution of higher education to increase the number of tests being performed to 1,000 or 1,500. The State agency or institution of higher education exercises its option to have more tests performed by processing an option notifying the vendor that more tests are to be performed at the rate Stated in the original State Contract.

A State agency or institution of higher education enters into a State Contract with a vendor to provide trash removal services. The total maximum price in the contract is based upon a unit price charged for each dumpster to be emptied by the vendor on a schedule established the agency or institution of higher education. The agency or institution of higher education subsequently decides that the schedule needs to be changed so that they have the proper level of service for their needs. The agency or institution of higher education exercises its option to increase or decrease the total maximum price in the contract based upon the new schedule.

A State agency or institution of higher education enters into a State contract with a vendor to provide IT services to be completed in several phases. Each phase includes deliverables and consideration for those deliverables in the original contract. Each phase is unique, and the agency or institution of higher education can decide to request the vendor to begin work on the next phase after successful completion of the prior phase.

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Requirements for Options:

Contract Term: The following language **must be** included in the original contract to allow the option for extending the contract term:

“The State may require continued performance for a period of ____ for any services at the same rates and same terms specified in the contract. If the State exercises the option, it shall provide written notice to the contractor at least ____ days prior to the end of the current contract term in a form substantially equivalent to Exhibit ____.

If the State exercises this option to extend, the provision of the Option Letter shall become part of and incorporated into the original contract. The total duration of this contract, including the exercise of any options under this clause, shall not exceed ____.”

(NOTE: Cannot exceed 5 years)

Increase or Decrease Quantities: The following language **must be** included in the original contract to allow the option for increased quantities:

“The State may increase the quantity of goods/services described in paragraph/schedule/exhibit at the unit prices established in the contract. If the State exercise the option, it shall provide written notice to the contractor as least ____ days prior to the end of the current contract term in a form substantially equivalent to Exhibit ____ . Delivery/performance of the goods/service shall continue at the same rates and under the same terms as established in the contract.”

If the State exercises this option to increase, the provision of the Option Letter shall become part of and be incorporated into the original contract.

Increase or Decrease Total Contract Price: The following language **must be** included in the original contract to allow for the option to increase or decrease the total contract price based upon a change in the service schedule established by the agency or institution of higher education:

“The State may unilaterally increase/decrease the maximum amount payable under this contract based upon the unit prices established in the contract and the schedule of services required, as set by the State. If the State exercises its option, it shall provide written notice to the contractor at least ____ days before the increase is effective in a form substantially equivalent to Exhibit __, immediately upon signature of the State Controller or his delegate. Performance of the service shall continue at the same rates and under the same terms as established in the contract.”

If the State exercises this option to increase or decrease the total contract price, the provisions of the Option Letter shall become part of and be incorporated into the original contract.

Initiate Next Phase: The following language **must be** included in the original contract to allow the option for the State to initiate the next phase for a phased contract:

“The State may require the contractor to begin performance on the next phase of the contract as outlined in the Statement of Work in Exhibit A and at the same terms and same conditions Stated in the contract. If the

STATE CONTROLLER POLICY

State exercises its option, it shall provide written notice to the contractor at least ____ days prior to the end of the current contract phase in a form substantially equivalent to Exhibit ____.

If the State exercises this option to initiate the next phase, the provisions of the Option Letter shall become part of and be incorporated into the original contract.

An option to renew the term of the contract for another year(s) must be issued by the State agency or institution of higher education prior to the ending date of the contract. Options for increases/decreases in goods/services (and the resulting increases/decreases in the total contract price) must be issued during the term of the contract. Options for initiating phases must be issued during the term of the contract.

Options require the same reviews, approvals, and signatures of the contracts they modify.

STATE CONTROLLER POLICY

SAMPLE OPTION LETTER

Exhibit _____

Date: _____ State Fiscal Year: _____ Option Letter No. _____

SUBJECT: (Choose only one below)

- 1 - Option to renew only (for an additional term)
- 2 - Change in the amount of goods within current term
- 3 - Change in amount of goods in conjunction with renewal for additional term
- 4 - Level of service change within current term
- 5 - Level of service change in conjunction with renewal for additional term
- 6 - Option to initiate next phase in contract

For use with Options #1 – 5: In accordance with Paragraph(s) _____ of contract routing number (FY) (Agency or institution of higher education) (Routing #), between the State of Colorado, Department of/or Higher Ed Institution (agency or institution of higher education name), (division name), and (contractor's name) the State hereby exercises the option for an additional term of (include performance period here) at a cost/price specified in Paragraph/Section/Provision _____, AND/OR an increase/decrease in the amount of goods/services at the same rate(s) as specified in Paragraph/Schedule/Exhibit

For use with Option #6, please use the following: In accordance with the terms set out in the original contract _____ (include CLIN routing number, FY, & Agency or institution of higher education) between the State of Colorado, Department of/or Higher Ed Institution (agency or institution of higher education name), (division name), and (contractor's name) the State hereby exercises the option to initiate Phase _____ (indicate which Phase: 2, 3, 4, etc.) for the term of _____ (State Performance period) at the cost/price specified in Paragraph/Section/Provision _____.

For use with Options #1 – 6: The amount of the current Fiscal Year contract value is increased/decreased by (\$ amount of change) to a new contract value of (\$ _____) to satisfy services/goods ordered under the contract for the current fiscal year (indicate Fiscal Year). The first sentence in Paragraph/Section/Provision _____ is hereby modified accordingly.

The total contract value to include all previous amendments, option letters, etc. is (\$ _____).

APPROVALS:

State of Colorado:

Bill Ritter, Jr. Governor

By: _____ Date: _____

Executive Director/College President]

Colorado Department of _____ or Higher Ed Institution _____

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller approve all State contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for goods and/or services provided.

**State Controller
Leslie M. Shenefelt**

By: _____

Date: _____

STATE CONTROLLER POLICY

Grant Funding Letters

Purpose

Contract funding letters are used to increase or decrease the grant dollars provided by the State in federal or State grant type contracts wherein the State has little or no control over the scope of services being provided by the sub-grantee.

Grant Funding letters are unilateral. For example:

The federal government provides funding to counties through an award or grant administered by the State. The award or the grant requires the counties to provide services outlined within the award or grant. A State agency or institution of higher education enters into a contract with all of the counties in order to distribute these funds. During the year the federal government awards additional funds or reduces the amount of the original award. The State agency or institution of higher education issues a funding letter to one or more of the counties to increase or decrease the specific amount of the funding to be provided to them.

A State agency or institution of higher education has State grant funds that are to be distributed to qualifying entities to provide certain services to citizens of the State. One of the sub-grantees will not use all of the funds that they have been allocated and the State wishes to reallocate those funds to another sub-grantee. The State agency or institution of higher education issues a funding letter decreasing the amount for one sub-grantee and issues another funding letter increasing the amount for the other sub-grantee.

Requirements:

The following language must be included in the original contract to allow the State agency or institution of higher education to issue grant funding letters:

The State may allocate more or less funds available on this contract using a Grant Funding Letter substantially equivalent to Exhibit ____ and bearing the approval of the State Controller or his designee. The grant funding letter shall not be deemed valid until it shall have been approved by the State Controller or his designee."

Grant funding letters require the same reviews, approvals, and signatures of the contracts they are modifying.

Grant funding Letters must be processed during the term of the contract.

STATE CONTROLLER POLICY

SAMPLE GRANT FUNDING LETTER

Exhibit _____

Date: _____ State Fiscal Year: _____

TO: (*contractor's name here*)

SUBJECT: Grant Funding Letter No. _____

In accordance with Paragraph _____ of contract routing number _____, between the State of Colorado Department of or Higher Ed Institution (*agency or institution of higher education name*) (*division*) and (*contractor's name*) covering the period of (*contract start date*) through (*contract end date*), the undersigned commits the following funds to the contract:

The amount of grant funds available and specified in Paragraph _____ is (*increased/decreased*) by (*\$ amount of change*) to a new total funds available of (\$____) to satisfy orders under the contract. Paragraph _____ is hereby modified accordingly.

This grant funding letter does not constitute an order for services under this contract.

This grant funding letter is effective upon approval by the State Controller or such assistant as he may designate.

APPROVALS:

State of Colorado:

Bill Ritter, Governor

By: _____ Date: _____
For the Executive Director/College President
Colorado Department of _____ or Higher Ed institution _____

By: _____ Date: _____
For _____ (Division)

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

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State Controller
Leslie M. Shenefelt

By: _____

Date: _____

STATE CONTROLLER POLICY

Change Orders

Purpose

Contract change orders may be used for the following purposes as long as these purposes are within the Statement of work:

1. To make changes to specifications.
2. To increase or decrease the total contract value based on the level of service provided or goods ordered using the established unit prices in the original contract.
3. To increase or decrease the contract term only when there are changes to the specifications or level of service that requires an adjustment in time of performance.

Change orders are bilateral. For example:

A State agency or institution of higher education enters into a contract to purchase equipment specifically designed for the State. During the time the equipment is being built the State decides that there is an additional use for this equipment with a slight modification in the design. The State issues a change order letter for the modification to the equipment with an accompanying adjustment in time of performance and price, if necessary.

A State agency or institution of higher education enters into a contract to purchase services to write code for a computer operating system. During the design phase the State discovers off the shelf software that will work in conjunction with the operating system. The agency or institution of higher education writes a change order letter to include the use of this purchased software as part of the system, reduces the amount of code to be written by the contractor, decreases the term of performance, and reduces the contract price accordingly.

A State agency or institution of higher education enters into a federally-funded State contract with a county health organization to perform medical testing on a specific number of county residents. The State agency or institution of higher education decides to have more tests performed due to an increase in funding. The State agency or institution of higher education issues a change order letter to increase the number of tests with an accompanying increase in the amount to be paid to the county health organization, and an extension of time to perform the tests, if necessary.

A State agency or institution of higher education enters into a contract with a vendor to provide maintenance and modifications to an IT system. Due to a change in legislation, the State agency or institution of higher education issues a change order letter to revise the IT system to comply with the new legislation, using established unit prices in the original contract.

STATE CONTROLLER POLICY

Requirements for Change Orders:

The following language must be included in the original contract to allow the State agency or institution of higher education to use change orders to make changes to the specifications, to change the contract value using established prices in the original contract, or to change the contract term when the change is due to revised specifications or time of performance:

“Bilateral changes within the general scope of the contract, as defined in Paragraph ____ above, may be executed using the change order letter process described in this paragraph and a form substantially equivalent to the sample change order letter attached as Exhibit ____ for any of the following reasons.

- 1. Where the agreed changes to the specifications result in an adjustment to the price, delivery schedule, or time of performance.*
- 2. Where the agreed changes result in no adjustment in the price, delivery schedule, or time of performance. The change order shall contain a mutual release of claims for adjustment of price, schedules, or time of performance.*
- 3. Where the changes to the contract are priced based on the prices to be paid for the goods and/or services established in the contract or Attachment ____.*
- 4. Where the changes to the contract are priced equal to or less than established catalog generally extended to the public or on prices or rates set by law or regulation.*

Other bilateral modifications not within the terms of this paragraph must be executed by formal amendment to the contract, approved in accordance with State law.”

Change order letters require the same reviews, approvals, and signatures of the contracts they are modifying.

Change order letters must be processed during the term of the contract.

STATE CONTROLLER POLICY

SAMPLE BILATERAL CHANGE ORDER LETTER

Exhibit _____

Date: _____ State Fiscal Year: _____ Bilateral Change Order Letter No. _____

In accordance with Paragraph _____ of contract routing number (FY) (*Agency or institution of higher education*) (*Routing #*) between the State of Colorado Department of or Higher Ed Institution (*agency or institution of higher education name*) (*division*) and (*contractor's name*) covering the period of (*include performance period here*) the undersigned agree that the supplies/services affected by this change letter are modified as follows:

Choice #1: Services/Supplies

Exhibit/Attachment _____, Schedule of Equipment for Maintenance or Schedule of Delivery, is amended by (*adding/deleting*) or (*increasing/decreasing*) the level of services. The term of this contract is hereby modified by (*increasing/decreasing*) the ending term date as appropriate to the change made above.

Choice #2: Price/Cost

The maximum amount payable by the State for (*service/commodity*) in Paragraph/Schedule/Exhibit/Attachment/Provision/Section _____ is (*increased/decreased*) by (*\$ amount of change*) to a new total of (\$____) based on the unit pricing schedule in Exhibit/Attachment _____. The first sentence in Paragraph _____ is hereby modified accordingly.

The total contract value to include all previous amendments, change orders, etc. is (\$_____).

Choice #3: No Cost Change

The parties agree that the changes made herein are "no cost" changes and shall not be the basis for claims for adjustment to price, cost ceiling, delivery schedule, or other terms or conditions of the contract. The parties waive and release each other from any claims or demands for adjustment to the contract, including but not limited to price, cost, and schedule, whether based on costs of changed work or direct or indirect impacts on unchanged work.

[**Include this sentence**]: The effective date of this change order is upon approval of the State Controller or (*date*), 20 ____ whichever is later.

Please sign, date, and return all copies of this letter on or before _____ 20_____.

APPROVALS:

Contractor Name:

State of Colorado:

Bill Ritter, Jr. Governor

By: _____

By: _____ Date: _____

Name _____

For the Executive Director/College President

Title _____

Colorado Department of/or Higher Ed Institution

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

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**State Controller
Leslie M. Shenefelt**

By: _____

Date _____

STATE CONTROLLER POLICY

Task Orders

Purpose

Contract task orders are used to order supplies, materials, and/or services based on rates and terms that have been negotiated and agreed to in a master contract. As specific tasks are identified the parties agree on the Statement of work and the maximum price through the issuance of a task order.

The following encumbrance situations may be used in a master contract with task orders:

1. Not to exceed amount included in master contract; encumber in master contract.
2. Not to exceed amount included in master contract; encumber as task orders are issued.
3. Master contract does not have not to exceed amount; not to exceed amount included in task orders and encumber as task orders are issued.

Task orders are bilateral. For example:

A State agency or institution of higher education has entered into a master contract with the U S Forest Service to improve park trails within the State. Once a specific project is identified the Forest Service submits a proposal detailing the work and the total price for the work based upon the rates established in the master contract. If the U S Forest Service proposal is accurate and complete, a task order, similar to the task order attached as an exhibit to the master contract, would be executed for the work to be performed.

A State agency or institution of higher education enters into a master contract with a company that flies helicopters to establish the rates for each hour of flight, landing fees, and the other necessary expenses for the use of the helicopter. The State agency or institution of higher education identifies a need to perform an aerial survey by helicopter. The State agency or institution of higher education contacts the contractor to determine the total cost of the flight based upon the established rates and issues a task order detailing the flight plans and the maximum amount payable for the service provided.

A State agency or institution of higher education enters into a master contract with RTD to provide transportation services for the agency or institution of higher education's employees. The master contract contains a provision that allows other State agencies to acquire the same services for their employees by executing just a task order to the original contract.

Requirements for Task Orders:

The following language must be included in the original contract to allow the State agency or institution of higher education to issue task orders:

"Tasks will be defined, negotiated, and ordered by agreement of the parties based on the rates established in Appendix ____ and are subject to the same terms and conditions established in the contract. The contractor understands that there is no guaranteed minimum commitment by the State to issue task orders pursuant to this contract. Changes to terms, conditions, and prices specified, or other provisions of the contract shall be completed by formal amendment and signed by the State Controller or his designee.

Task orders processed in accordance with this paragraph shall occur as follows:

If the State has need of services, and the contractor agrees to provide those services, the State shall provide a definition of the requirements to the contractor. The contractor will propose a price for the task using the rates agreed to and identified as Appendix ____ to the contract and attached to the contractor's proposal. The proposal shall include the estimated number of hours, material costs, and amount of other elements of cost priced by the parties in the rates established in Appendix ____, as well as the proposed time of performance, in a form acceptable to the State.

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Task Orders - continued

Requirements for Task Orders:

Upon negotiation and agreement of the parties concerning the Statement of work, the price, and the time of performance, the Task Order attached as Exhibit ____ to the contract shall be prepared and signed by both parties.

Performance of the work and payment for that work shall be governed by the standards and procedures set forth in this contract. Upon negotiation and acceptance of the task order, the contractor warrants that performance will be successfully completed within the time frame and price Stated in the task order. The State's financial commitment Stated in the task order shall not be considered valid until the State Controller or a delegate executes the task order."

Additional language:

This additional language is provided for those State agencies wishing to encumber all available funds when the master contract is executed or wish to establish a not to exceed amount in the master contract.

"The cumulative not to exceed amount for all task orders issued pursuant to this contract shall not exceed _____. The State's financial obligation is limited by this amount, and the contractor shall accept no task orders, which result in a cumulative amount in excess of the not to exceed amount Stated in this paragraph. Increases or decreases to the not to exceed amount shall be completed by formal amendment and signed by the State Controller or his designee."

Task orders require the same reviews, approvals, and signatures of the contracts they are modifying.

Task orders must be processed during the term of the contract, but performance on a specific task order may end after the termination date of the contract.

STATE CONTROLLER POLICY

SAMPLE TASK ORDER LETTER

Exhibit _____

Date: _____ State Fiscal Year: _____ Task Order Letter No. _____

In accordance with Paragraph _____ of contract routing number (*FY*) (*agency or institution of higher education*) (*routing #*) between the State of Colorado Department of or Higher Ed Institution (*agency or institution of higher education name*) (*division*) and (*contractor's name*) covering the period of (*contract start date*) through (*contract end date*) the undersigned agree that the supplies/services affected by this task order letter are modified as follows:

Task Order Description

The contractor shall perform the task in accordance with (*the following specifications/Statement of work*) described in the contractor's task order proposal dated _____, as amended by amended task order proposal dated _____, both of which are hereby incorporated by reference.

Price/Cost

The maximum amount payable by the State for (*service/supply*) described above is (\$ _____). The total contract value to include all previous amendments, task orders, etc., is (\$ _____)

Performance Period

The contractor will complete the performance in this task order by _____.

This task order is executed pursuant to Paragraph _____ of the original contract. The parties agree that all work shall be performed according to the standards, procedures, and terms set forth in the original contract. In the event of any conflict or inconsistency between this amendment and the original contract, such conflict or inconsistency shall be resolved by reference to these documents in the following order: Special Provisions, original contract, attachments/exhibits to the original contract, this task order letter, attachments/exhibits to this task order letter.

The effective date of this task order is upon approval of the State Controller or (*date*), 20____, whichever is later.

Please sign, date, and return all copies of this letter on or before _____ 20____.

Contractor Name:

By: _____
Name _____

State of Colorado:

Bill Ritter, Jr. Governor

By: _____ Date: _____
For the Executive Director/College President
Colorado Department of _____ or Higher Education Institution

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

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**State Controller,
Leslie M. Shenefelt**

By: _____

Date: _____

STATE CONTROLLER POLICY

Contract Amendments

Purpose:

Contract amendments shall be used to change, add, or delete any provision or term in a State contract and may be used in lieu of any other contract modification form. Amendments must be executed and approved prior to the end of the contract term and are always bilateral. For example:

During the term of the contract the State agency or institution of higher education identifies an additional scope of work that is needed. A contract amendment must be processed to add the additional work and increase the total contract value.

The term of a State contract ends on April 15th but the contractor has not finished the work because of the weather and the State agency or institution of higher education wants to give the contractor additional time to complete the work. A contract amendment must be processed before the contract term expires to extend the term of the contract.

A State agency or institution of higher education has included the option to renew language in a State contract and wishes to exercise that option for another year. At the same time the scope of work is to be expanded and increased funding is required for the additional work. An amendment may be processed before the contract term expires to extend the term of the contract, add the additional work and increase the amount of the contract. An amendment is required in this situation because an option cannot be used to change the scope of work.

Requirements:

There is no specific language that needs to be included in a contract in order for a State agency or institution of higher education to use a contract amendment to modify a contract. However, language may not be included in a State contract that allows the parties to amend a contract by agreement of the parties, by letter, or any other means other than a formal amendment.

All contract amendments require the same reviews, approvals and signatures as the contracts that they are amending.

A contract amendment may be processed at any time during the contract term.

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Agency or institution of higher education or Department Name

Department or Agency or institution of higher education Number

Contract Routing Number

SAMPLE CONTRACT AMENDMENT # _____

THIS AMENDMENT, made this _____ day of _____ 20__, by and between the State of Colorado for the use and benefit of the Department of /or Higher Education Institution (*name and mailing address here*) hereinafter referred to as the State, and (*name and address of contracting entity*), hereinafter referred to as the Contractor.

FACTUAL RECITALS

Authority exists in the law and funds have been budgeted, appropriated, and otherwise made available and a sufficient unencumbered balance thereof remains available for payment; and

Required approval, clearance, and coordination has been accomplished from and with appropriate agencies; and

The parties entered into a contract dated (*made date*), for (*short description of original contract's purpose*). The purpose for this amendment is described below.

(*Brief Statement of facts/reasons for the amendment.*)

(*Brief Statement of intention in amending the contract.*)

NOW THEREFORE, it is hereby agreed that

1. Consideration for this amendment to the original contract, (*contract routing number*), (*original contract encumbrance number*), dated (*made date*) consists of the payments which shall be made pursuant to this amendment and the promises and agreements herein set forth.
2. It is expressly agreed by the parties that this amendment is supplemental to the original Contract, as amended (*previous amendment routing number*), collectively*, referred to as the "original contract," which is, by this reference incorporated herein, that all terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this amendment as though they were expressly rewritten, incorporated, and included herein. (*Note: only use this language if creating amendment # 2 or higher)
3. It is agreed the original contract is and shall be modified, altered, and changed in the following respects only:
 - a.
 - b.
4. The effective date of this amendment is upon approval of the State Controller or (*date*), 20__, whichever is later.
5. Except for the "Special Provisions," in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this amendment and any of the provisions of the original contract, the provisions of this amendment shall in all respects supersede, govern, and control. The

STATE CONTROLLER POLICY

"Special Provisions" shall always be controlling over other provisions in the contract or amendments. The representations in the Special Provisions concerning the absence of bribery or corrupt influences and personal interest of State employees are presently reaffirmed.

6. 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.

IN WITNESS WHEREOF, the parties hereto have executed this amendment on the day first above written.

Contractor:

State of Colorado

Bill Ritter, Jr. Governor

(Full Legal Name)

(Signature of Individual)

(Name of Individual)

Position (Title)

Social Security Number
or Federal Employer ID Number

By: _____
Executive Director or College President

(Department of or Higher Ed. Institution)

Date: _____

Attorney General, John W. Suthers

By: _____

Date: _____

Attestation:

(SEAL)

By: _____
Corporate Secretary,
or Equivalent,
Town/City/County Clerk

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**State Controller
Leslie M. Shenefelt**

By: _____

Date: _____