

CONTRACT AMENDMENT NO. 05

Original Contract Number 15-73909

1. PARTIES

This Amendment to the above-referenced Original Contract (hereinafter called the "Contract") is entered into by and between Morning Star Financial Services Holding Co., dba Morning Star Financial Services, 9400 Golden Valley Rd, Golden Valley, MN 55427, (hereinafter called "Contractor"), and the STATE OF COLORADO, acting by and through the Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado 80203 (hereinafter called "Department" or "State.")

2. EFFECTIVE DATE AND ENFORCEABILITY

This Amendment shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee (hereinafter called the "Effective Date.") The Department shall not be liable to pay or reimburse Contractor for any performance hereunder, including, but not limited to, costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.

3. FACTUAL RECITALS

The Parties entered into the Contract to provide Consumer Directed Attendant Support Services (CDASS) Financial Management Services (FMS) for the Department. The purpose of this Amendment is to update the Contractor's legal name. On June 28, 2016, "Morning Star Financial Services Holding Co., dba Morning Star Financial Services" changed its name in its state of domestication to "Morning Sun Financial Services of Colorado, LLC". Evidence of such name changed was filed with the Colorado State of State's office on June 28, 2016.

4. CONSIDERATION

The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Amendment.

5. LIMITS OF EFFECT

This Amendment is incorporated by reference into the Contract, and the Contract and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.

6. MODIFICATIONS

The Contract and all prior amendments thereto, if any, are modified as follows:

- A. Section 1, PARTIES, is hereby deleted in its entirety and replaced with the following:

This Contract (hereinafter called "Contract") is entered into by and between Morning Star Financial Services Holding Co., dba Morning Star Financial Services, 9400 Golden Valley Rd, Golden Valley, MN 55427 (hereinafter called "Contractor"), and the STATE OF COLORADO acting by and through the Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado 80203 (hereinafter called the "State" or "Department"). Contractor and the State hereby agree to the following terms and conditions. Wherever the word "Morning Star Financial Services Holding Co." and "Morning Star Financial Services" appears in the

Contract or related documents, it shall be deemed replaced by the term "Morning Sun Financial Services of Colorado, LLC".

7. START DATE

This Amendment shall take effect on its Effective Date.

8. ORDER OF PRECEDENCE

Except for the Special Provisions and the HIPAA Business Associates Addendum, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Contract, the provisions of this Amendment shall in all respects supersede, govern, and control. The most recent version of the Special Provisions incorporated into the Contract or any amendment shall always control other provisions in the Contract or any amendments.

9. AVAILABLE FUNDS

Financial obligations of the state payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available to the Department by the federal government, state government and/or grantor.

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THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

Persons signing for Contractor hereby swear and affirm that they are authorized to act on Contractor's behalf and acknowledge that the State is relying on their representations to that effect.


CONTRACTOR:

Morning Sun Financial Services of
Colorado, LLC f/k/a/
Morning Star Financial Services Holding
Co., dba Morning Star Financial Services

STATE OF COLORADO:

John W. Hickenlooper, Governor

By: 
Signature of Authorized Officer

By: 
Susan E. Birch, MBA, BSN, RN
Executive Director
Department of Health Care Policy and
Financing

Date: 9/22/2016

Date: 8/30/2016

Toni Thullen
Printed Name of Authorized Officer

LEGAL REVIEW:
Cynthia H. Coffman, Attorney General

CFO
Printed Title of Authorized Officer

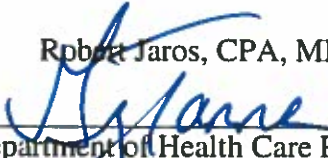
By: n/a
Date: _____

ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Contracts. This Contract is not valid until signed and dated below by the State Controller or delegate. Contractor is not authorized to begin performance until such time. If Contractor begins performing prior thereto, the State of Colorado is not obligated to pay Contractor for such performance or for any goods and/or services provided hereunder.

STATE CONTROLLER:

Robert Jaros, CPA, MBA, JD

By: 
Department of Health Care Policy and Financing

Date: 9/7/16

