

Amendment #2 for Grant Contract Agreement CDAP-21-0009-H-FY22

Grant Contract Agreement Start Date:	04/01/2021	Total Grant Contract Agreement Amount:	\$300,000,000
Original Grant Contract Agreement Expiration Date:	07/01/2028	Original Grant Contract Agreement Amount:	\$300,000,000
Current Grant Contract Agreement Expiration Date:	07/01/2029	Previous Amendment(s) Total:	\$ N/A
Requested Grant Contract Agreement Expiration Date:	07/01/2030	This Amendment:	\$ N/A

This amendment is by and between the State of Minnesota, through the Department of Employment & Economic Development (“State”) and City of Duluth, 411 W 1st Street, Room 402, Duluth, MN 55802 (“Grantee”).

Recitals

1. The State has a grant contract agreement with the Grantee identified as CDAP-21-0009-H-FY22 (“Original Grant Contract Agreement”) to provide funds to assist Sofidel America Corp. to purchase machinery & equipment.
2. Sofidel America Corp. was unable to meet their job creation and wage goals by the project Compliance Date. The State and the Grantee have agreed to extend the Compliance Date until April 1, 2026, as allowed by Laws of Minnesota 2021, 1st Spec. Sess. chapter 10, article 2, section 21.
3. The State and the Grantee are willing to amend the Original Grant Contract Agreement as stated below.

Grant Contract Agreement Amendment

In this Amendment, changes to pre-existing Contract Language will use ~~strike-through~~ for deletions and underlining for insertions.

REVISION 1. Term of Agreement, Clause 1.3 “**Compliance Date**” is amended as follows:

1.3 **Compliance Date:** ~~April 1, 2025~~, April 1, 2026

REVISION 2. Term of Agreement, Clause 1.4 “**Expiration Date**” is amended as follows:

1.4 **Expiration Date:** ~~July 1, 2029~~, July 1, 2030

REVISION 3. Exhibit A, Grantee Duties, Clause 2.2(c) “**Job Creation and Wages**” is amended as follows:

- c) If the Borrower fails to meet the job creation and wage goal level commitments on the Compliance Date, the Grantee may, after holding a public hearing, extend the grant period ~~for one year~~ through April 1, 2026, after approval by the State. If after the extension, the Borrower fails to meet the job creation goal and wage level commitment, the Borrower will be required to repay the Grantee all or a proportional share of the Loan funds on an accelerated term. The Grantee will then also be required to return to the State all or a proportional share of the Loan funds.

The Original Grant Contract Agreement and any previous amendments are incorporated into this amendment by reference. Except as amended herein, the terms and conditions of the Original Grant Contract Agreement and all previous amendments remain in full force and effect.

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. §16A.15

Signed:_____

Date:_____

SWIFT Contract/PO No(s)._____

2. GRANTEE

The Grantee certifies that the appropriate person(s) have executed the grant contract on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.

City of Duluth, a Minnesota municipal corporation

By _____

Its Mayor

Attest:

City Clerk

Date: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney

3. STATE AGENCY

By:_____

Title:_____

Date:_____

Distribution:

Agency

Grantee

State's Authorized Representative