

FIRST AMENDMENT TO THE
CONTRACT BETWEEN THE NEW BRAUNFELS ECONOMIC DEVELOPMENT
CORPORATION AND THE SPARK SMALL BUSINESS CENTER

This First Amendment is made by and between the New Braunfels Economic Development Corporation, a non-profit corporation of the State of Texas, hereinafter called “EDC”, and Spark Small Business Center, formerly known as the Center for Entrepreneurship, a non-profit corporation of the State of Texas, hereinafter called “SPARK”, acting by and through its officers:

WITNESSETH:

I.

WHEREAS, Texas Local Government Code §501.054 provides the EDC with the powers of non-profit corporations incorporated under the Texas Non-Profit Corporation Act, as amended, and Section Seven of the Bylaws of the EDC allows for the President and Secretary of the EDC to execute any contract which the Board has approved and authorized to be executed; and

WHEREAS, the original Contract was entered into between the above named parties and executed on February 24th, 2020; and

WHEREAS, since the execution of the Contract, the global pandemic brought about by COVID-19 has resulted in federal, state and local emergency actions that have resulted in significant economic hardship for local businesses; and

WHEREAS, the EDC desires to expand the business counseling services offered at the SPARK Small Business Center in order to assist local New Braunfels businesses to navigate emerging and established federal, state and local disaster relief and recovery programs; and

NOW, THEREFORE, in consideration of the foregoing and of their respective covenants and agreements set forth herein, EDC and SPARK agree as follows:

AMENDMENT:

II.

1. Section II of the Contract is hereby deleted and replaced with the following:

“WHEREAS, upon the recommendation of the EDC at its meeting on November 21, 2019, the City Council of New Braunfels, Texas, on January 13, 2020, by Resolution 2020-R01, approved the EDC’s determination that the following funds be allocated to SPARK to participate in a funding arrangement to continue operations of a Small Business Development Center satellite center of the University of Texas at San Antonio’s Small Business Development Center in New Braunfels:

- (1) A grant in the amount of up to \$140,000 to SPARK for a portion of the costs to continue the operation of a Small Business Development Center satellite office;
- (2) A grant in the amount of \$20,000 to SPARK for a portion of the costs for the Small Business Development Center satellite office to obtain additional personnel to provide counseling services in response to the COVID-19 pandemic, which shall be delivered upon execution of this First Amendment to the Contract;
- (3) An additional grant in an amount up to \$40,000 to SPARK for a portion of the costs for the Small Business Development Center satellite office to obtain additional personnel to provide counseling services in response to the COVID-19 pandemic;
- (4) Unless stated otherwise herein, the grant funds, or parts thereof, shall be distributed to SPARK within thirty (30) days after receiving a request from SPARK with attached invoices for expenditures made by SPARK for operation of the satellite center;
- (5) SPARK shall at all times comply with the ordinances of the City of New Braunfels and the laws of the State of Texas;
- (6) All funds received by SPARK from EDC as herein provided shall be expended solely for the purposes stated herein and as attached as Exhibit A with regard to the costs of establishing and operating the satellite center in New Braunfels. Any proven breach of this covenant shall be cause for immediate termination of the distribution of funds.”

IN WITNESS WHEREOF, this First Amendment is executed in multiple original counterparts, but being one and the same instrument, effective as of the ____ day of April 2020.

CITY OF NEW BRAUNFELS ECONOMIC
DEVELOPMENT CORPORATION

By: _____
Neal Linnartz, *President*

ATTEST:

APPROVED AS TO FORM:

Jim Poage, *Corporate Secretary*

Valeria Acevedo, *City Attorney*

SPARK Small Business Center

By: _____
Dan K. Krueger, *President*

ATTEST:

Patrick Aten, *City Secretary*

