

AMENDATORY AGREEMENT NO. 2.

THIS AMENDATORY AGREEMENT, made and entered into by and between the CITY OF ATLANTIC CITY, a municipal corporation of the State of New Jersey, with its principal offices located at 1301 Bacharach Boulevard, Atlantic City, New Jersey 08401, hereinafter referred to as "CITY", and LEXA CONCRETE, LLC, with offices located at 11 Commerce Way Drive, Hammonton, New Jersey 08037, hereinafter referred to as the "CONTRACTOR, pursuant to Resolution No. 153 adopted by the Council of the CITY on February 18, 2026, a copy of which is attached hereto and made a part hereof.

WHEREAS, by Resolution No. 817 adopted December 3, 2024, the City of Atlantic City entered into an Agreement with Contractor to perform PAVING SERVICES FOR BAL TIC AVENUE FROM MAINE AVENUE TO MISSOURI AVENUE for the City in the amount of TWO MILLION EIGHT HUNDRED TWENTY-THREE THOUSAND SEVEN HUNDRED EIGHTY-NINE DOLLARS AND SEVENTY CENTS (\$2,823,789.70); and

WHEREAS, by Resolution No. 65 adopted January 21, 2026, it was necessary to extend the time period of the agreement an additional sixty-two (62) calendar days due to unforeseen project delays including weather and unknown utility conditions, and for a change in the scope of work for manhole reconstruction, hatch reconstruction, concrete collar, and roof drain replacement for the work to be Federally participating and this was a zero sum change, known as AMENDATORY AGREEMENT NO. 1 at no additional cost to the City; and

WHEREAS, by Resolution No. 153 adopted February 18, 2026, it is again necessary to EXTEND THE AGREEMENT BY TWO HUNDRED TWELVE (212) CALENDAR DAYS FOR TIME TO COMPLETE TASKS DUE TO WEATHER DELAYS AND RECONSTRUCTION outside of the original scope of contract AT NO ADDITIONAL COST to be known as AMENDATORY AGREEMENT NO. 2.

WHEREAS, with the exception of the modifications contained herein, all other terms, conditions and provisions of the Agreement between the parties shall remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED in consideration of the mutual covenants contained herein, the parties agree that the Agreement authorized by Resolution No. 817 adopted by the Council of the CITY on December 3, 2024, is hereby amended to include the above referenced section to EXTEND THE AGREEMENT BY TWO HUNDRED TWELVE (212) CALENDAR DAYS FOR TIME TO COMPLETE

TASKS DUE TO WEATHER DELAYS AND RECONSTRUCTION outside of the original scope of contract AT NO ADDITIONAL COST to be known as AMENDATORY AGREEMENT NO. 2.

CONTRACTOR represents that it is in compliance with all laws of the State of New Jersey, all Ordinances of the City of Atlantic City, including Ordinance No. 24 of 1993, and Executive Order No. 1 of 1993, involving Affirmative Action, and minority business participation and will remain so for the term of this Agreement and Amendatory Agreement No. 2, and failure to continue in compliance shall be deemed a breach of the Agreement and this Amendatory Agreement No. 2.

CONTRACTOR cannot assign its rights or obligations under the Agreement without the prior written consent of the CITY.

The Amendatory Agreement No. 2 is effective as of the date of complete execution hereof.

IN WITNESS WHEREOF, the CITY and CONTRACTOR have caused this Amendatory Agreement No. 2 to be executed on or as of the day and year first below written.

ATTEST:

Paula Geletei
Paula Geletei, City Clerk

CITY OF ATLANTIC CITY

By: Marty Small, Sr.
Marty Small, Sr., Mayor

Date: 3-13-26

LEXA CONCRETE, LLC

By: Alex O. Gherardi 3/4/26
President
Alex O. Gherardi, Mg Member
(PLEASE PRINT NAME ABOVE)

WITNESS:

Kayla Lent
KAYLA A LENT
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 50195429
MY COMMISSION EXPIRES MAY 18, 2027

This Amendatory Agreement No. 2 is approved as to form and execution.

Date: 3/5/26

By: Peter T. Sallata
Peter T. Sallata, Esq.
Assistant City Solicitor

STATE OF NJ)
) SS.

COUNTY OF Atlantic)

I CERTIFY that on March 5, 2026,

Theresa Sansalone the Secretary or Assistant Secretary of the Corporation, personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the secretary or assistant secretary of Lexa Concrete, LLC (the corporation named in this document);
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer of the corporation;
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors and;
- (d) this person signed this proof to attest to the truth of these facts.

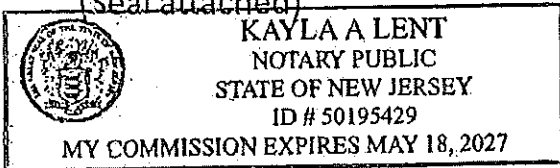
Signed and sworn to before me on
March 5, 2026

Theresa Sansalone
Secretary or Asst. Secretary

Kayla Lent

Notary Public of New Jersey

(Seal attached)



Resolution of the City of Atlantic City

No. 153

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Assistant City Solicitor /s/ Karl Timbers

City Engineer/s/ Uzoma Ahiarakwe

Prepared by City Solicitor's Office

Council Members MARSHALL, RANDOLPH, SHABAZZ & KURTZ present the following Resolution:

RESOLUTION AWARDING AN AMENDATORY AGREEMENT TO LEXA CONCRETE, LLC., GRANTING AN EXTENSION OF TIME IN THE AMOUNT OF TWO HUNDRED TWELVE (212) CALENDAR DAYS

WHEREAS, by Resolution No. 817 of December 3, 2024, the City of Atlantic City entered into an Agreement with THINK PAVERS HARDSCAPING, LLC for BALTIC AVENUE PAVING FROM MAINE AVE TO MISSOURI AVE FEDERAL PROJECT #1381302 for a total delivered sum of TWO MILLION EIGHT HUNDRED TWENTY-THREE THOUSAND SEVEN HUNDRED EIGHTY-NINE DOLLARS AND SEVENTY CENTS (\$2,823,789.70); and

WHEREAS, it is necessary to extend the contract 212 calendar days for TIME TO COMPLETE TASKS DUE TO WEATHER DELAYS & RECONSTRUCTION OUTSIDE OF THE ORIGINAL SCOPE OF CONTRACT at no additional cost to be known as AMENDATORY AGREEMENT NO. 1.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Atlantic City that the Mayor is hereby authorized to execute and the City Clerk to attest to an AMENDATORY AGREEMENT with LEXA CONCRETE, LLC at no additional cost for the aforementioned change of scope of work to be known as AMENDATORY AGREEMENT NO. 1.

BE IT FURTHER RESOLVED that award of this amendatory agreement is contingent upon State approval.

March 4, 2026 2:36 PM

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
AHMED	X						KURTZ	X					
BAILEY	X					X	LACCA	X					
CROUCH	X						MARSHALL	X					
DUNSTON	X						SHABAZZ	X				X	
							RANDOLPH; PRESIDENT	X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

This is a Certified True copy of the Original Resolution on file in the City Clerk's Office.

DATE OF ADOPTION: FEBRUARY 18, 2026

Paula Geletei
/s/ Paula Geletei, City Clerk