

A-1807G

AMENDATORY AGREEMENT NO.'S 4, 5 & 6

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 **RICHARD E. PIERSON CONSTRUCTION CO., INC.**, located at 426 Swedesboro Road, Pilesgrove, New Jersey 08098, hereinafter referred to as the "**CONTRACTOR**", pursuant to Resolution No. 116 adopted by City Council on February 18, 2026, a copy of which is attached hereto and made a part hereof .

WHEREAS, by Resolution No. 734 adopted November 2, 2022, the City entered into an Agreement with Contractor for **BALTIC AVENUE DRAINAGE CANAL IMPROVEMENTS ATLANTIS AVENUE PHASE 2** in the amount of **SIXTEEN MILLION SIX HUNDRED FIFTY THOUSAND SIX HUNDRED THIRTY-ONE DOLLARS (\$16,650,631.00)**; and

WHEREAS, by Resolution No. 631 adopted September 17, 2025, the City revised the Scope of Services to include **CONTROL BUILDING MODIFICATION, EXISTING FLOOD GATE REHABILITATION, AND TESTING & DISPOSAL OF CONTAMINATED GROUND WATER** in the amount of **ONE MILLION THREE HUNDRED NINETY-SEVEN THOUSAND EIGHT HUNDRED SEVENTY-ONE DOLLARS AND SIXTY-THREE CENTS (\$1,397,871.63)** known as **AMENDATORY AGREEMENT No. 1.**; and

WHEREAS, by Resolution No. 743 adopted October 22, 2025, it was necessary for the City to revise the Scope of Services to **PERFORM ADDITIONAL BALTIC AVENUE DRAINAGE CANAL IMPROVEMENTS** in the amount of **FIVE THOUSAND FORTY-NINE DOLLARS AND FOUR CENTS (\$5,049.04)**; to be known as **AMENDATORY AGREEMENT NO. 2**; and

WHEREAS, by Resolution No. 747 adopted October 22, 2025, it was also necessary for the City to revise the Scope of Services for **CRACK REPAIRS AT BALTIC AVENUE DRAINAGE CANAL ATLANTIS AVENUE PROJECT-PHASE 2** in the amount of **FOUR HUNDRED NINETY-FIVE THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS AND FORTY-SEVEN CENTS (\$495,767.47)**; to be known as **AMENDATORY AGREEMENT NO. 3**;

WHEREAS, it is necessary to **INSTALL PERIMETER FENCING AROUND THE SITE AND INCREASE SURVEILLANCE MEASURES VIA CAMERAS AND ASSOCIATED APPURTENANCES AT THE BALTIC AVENUE DRAINAGE CANAL SITE** in the amount of **THIRTY THOUSAND SIX HUNDRED NINETY-TWO DOLLARS AND EIGHTY-FOUR CENTS (\$30,692.84)** to be known as **AMENDATORY AGREEMENT NO. 4**; and

WHEREAS, it is necessary to **INSTALL THE REMOTE EMERGENCY STOP SWITCH FOR THE PUMP STATION GENERATOR(S) AT THE BALTIC AVENUE DRAINAGE CANAL SITE** in the amount of **TWO THOUSAND NINE HUNDRED THIRTEEN DOLLARS AND FIFTEEN CENTS (\$2,913.15)** to be known as **AMENDATORY AGREEMENT NO. 5**; and

WHEREAS, it is necessary for the **INSTALLATION OF CONCRETE JOINT SEALANT FOR THE REINFORCED CONCRETE SLAB, 8"**, AT THE **BALTIC AVENUE DRAINAGE CANAL SITE** in the amount of **FIVE THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$5,460.00)** to be known as **AMENDATORY AGREEMENT NO. 6**.

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 by the Council of the City of Atlantic City that the Mayor is hereby authorized to execute and the City Clerk to attest to AMENDATORY AGREEMENTS NOS. 4, 5, & 6 with RICHARD E. PIERSON CONSTRUCTION CO., in the amounts of THIRTY THOUSAND SIX HUNDRED NINETY-TWO DOLLARS AND EIGHTY-FOUR CENTS (\$30,692.84), TWO THOUSAND NINE HUNDRED THIRTEEN DOLLARS AND FIFTEEN CENTS (\$2,913.15), AND FIVE THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$5,460.00) for a new total not to exceed EIGHTEEN MILLION FIVE HUNDRED EIGHTY-EIGHT THOUSAND THREE HUNDRED EIGHTY-FIVE DOLLARS AND THIRTEEN CENTS (\$18,588,385.13)

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

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

The Amendatory Agreement's listed herein are effective as of the date of complete

execution hereof.

IN WITNESS WHEREOF, the CITY and CONTRACTOR has caused this Amendatory Agreement No.'s 4, 5, and 6 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: 4-1-26

WITNESS:

Cheri M. Dubois
Cheri M. Dubois
Asst Secretary

RICHARD E. HIERSON CONSTRUCTION
CO

By: Robert Maccala
Vice President
Robert Maccala
(PLEASE PRINT NAME ABOVE)

DATE: March 19 2024

The Amendatory Agreement No.'s 4, 5, and 6 are approved as to form and execution.

Date: 3/23/20

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

STATE OF New Jersey)
) ss.
COUNTY OF Salem)

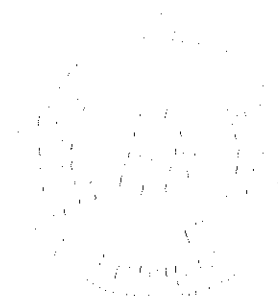
I CERTIFY that on March 19, 2026,
Chern M Dubois, the Secretary or Assistant Secretary of the Corporation,
personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the secretary or assistant secretary of
Richard E Person Construction Co Inc
(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

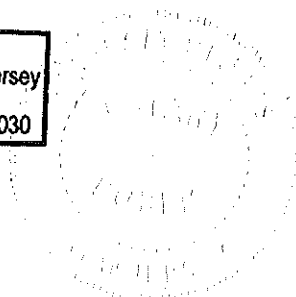
March 19, 2026

Chern M Dubois
Secretary or Asst. Secretary
Chern M Dubois



Penny M Stubbs

PENNY M. STUBBS
Notary Public, State of New Jersey
Comm. # 50011369
My Commission Expires 3/6/2030



Resolution of the City of Atlantic City

No. 116

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 & BAILEY present the following Resolution:

**RESOLUTION TO AWARD AMENDATORY AGREEMENTS #4, 5 & 6 TO RICHARD E. PIERSON CONSTRUCTION CO., FOR ADDITIONAL INSTALLATIONS OF VARIOUS ITEMS AT BALTIC AVENUE DRAINAGE CANAL -ATLANTIC AVENUE PROJECT- PHASE 2
IN AN AMOUNT NOT TO EXCEED \$18,588,385.13**

WHEREAS, by Resolution No. 734 of November 2, 2022, the City of Atlantic City entered into an agreement with RICHARD E. PIERSON CONSTRUCTION CO., in the amount of SIXTEEN MILLION SIX HUNDRED FIFTY THOUSAND SIX HUNDRED THIRTY-ONE DOLLARS (\$16,650,631.00); and

WHEREAS, by Resolution No. 631 of September 9, 2025, it was necessary to modify the scope of services to include CONTROL BUILDING MODIFICATION, EXISTING FLOOD GATE REHABILITATION, AND TESTING & DISPOSAL OF CONTAMINATED GROUND WATER in the amount of ONE MILLION THREE HUNDRED NINETY-SEVEN THOUSAND EIGHT HUNDRED SEVENTY-ONE DOLLARS AND SIXTY-THREE CENTS (\$1,397,871.63) to be known as an AMENDATORY AGREEMENT NO. 1; and

WHEREAS, by Resolution No. 743 of October 22, 2025, it was again necessary to PERFORM ADDITIONAL BALTIC AVENUE DRAINAGE CANAL IMPROVEMENTS in the amount of FIVE THOUSAND FORTY-NINE DOLLARS AND FOUR CENTS (\$5,049.04) to be known as an AMENDATORY AGREEMENT NO. 2; and

WHEREAS, by Resolution No. 747 of October 22, 2025 it was necessary to REPAIR CRACKS AT THE BALTIC AVENUE DRAINAGE CANAL- Atlantis Avenue Project- Phase 2 in the amount of FOUR HUNDRED NINETY-FIVE THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS AND FORTY-SEVEN CENTS (\$495,767.47) to be known as AMENDATORY AGREEMENT NO. 3; and

WHEREAS, it is necessary to INSTALL PERIMETER FENCING AROUND THE SITE AND INCREASE SURVEILLANCE MEASURES VIA CAMERAS AND ASSOCIATED APPURTENANCES AT THE BALTIC AVENUE DRAINAGE CANAL SITE in the amount of THIRTY THOUSAND SIX HUNDRED NINETY-TWO DOLLARS AND EIGHTY-FOUR CENTS (\$30,692.84) to be known as AMENDATORY AGREEMENT NO. 4; and

WHEREAS, it is necessary to **INSTALL THE REMOTE EMERGENCY STOP SWITCH FOR THE PUMP STATION GENERATOR(S) AT THE BALTIC AVENUE DRAINAGE CANAL SITE** in the amount of **TWO THOUSAND NINE HUNDRED THIRTEEN DOLLARS AND FIFTEEN CENTS (\$2,913.15)** to be known as **AMENDATORY AGREEMENT NO. 5**; and

WHEREAS, it is necessary for the **INSTALLATION OF CONCRETE JOINT SEALANT FOR THE REINFORCED CONCRETE SLAB, 8"**, AT THE BALTIC AVENUE DRAINAGE CANAL SITE in the amount of **FIVE THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$5,460.00)** to be known as **AMENDATORY AGREEMENT NO. 6**.

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 **AMENDATORY AGREEMENTS NOS. 5, 6** with **RICHARD E. PIERSON CONSTRUCTION CO.**, in the amounts of **THIRTY THOUSAND SIX HUNDRED NINETY-TWO DOLLARS AND EIGHTY-FOUR CENTS (\$30,692.84)**; **TWO THOUSAND NINE HUNDRED THIRTEEN DOLLARS AND FIFTEEN CENTS (\$2,913.15)**; AND **FIVE THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$5,460.00)** for a total not to exceed **EIGHTEEN MILLION FIVE HUNDRED EIGHTY-EIGHT THOUSAND THREE HUNDRED EIGHTY-FIVE DOLLARS AND THIRTEEN CENTS (\$18,588,385.13)**; and

BE IT FURTHER RESOLVED that Certificates from the Chief Financial Officer has been attached to this Resolution, showing the availability of funds to satisfy the aforesaid award of contract from Account Nos. G-02-41-103-022-AR5 (\$30,692.84), G-02-41-103-022-AR5 (\$2,913.15), and G-02-41-103-022-AR5 (\$5,460.00) and specifying the line-item appropriation from grant funds to satisfy the aforesaid award of this amendatory agreement and pursuant to State approval.

Kc March 11, 2026 11:49 AM

| 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