

A-1109-TC

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 **WEATHERBY CONSTRUCTION & RENOVATION CORPORATION** with offices located at 147 North Iowa Avenue, Atlantic City, New Jersey 08401, hereinafter referred to as "**CONTRACTOR**", pursuant to Resolution No.344 adopted by the Council of the **CITY** on May 21, 2025, a copy of which is attached hereto and made a part hereof.

WHEREAS, by Resolution No. 195 adopted February 21, 2024, the **CITY** entered into an Agreement with **CONTRACTOR** for **CITY HALL PLAZA ENHANCEMENTS** in the amount of **FOUR MILLION EIGHT HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$4,885,000.00)**; and

WHEREAS, it was necessary **TO CHANGE THE SCOPE OF SERVICES TO INCLUDE LANDSCAPING AND PLANTINGS FOR THE CITY HALL PLAZA IMPROVEMENTS** in the amount of **THREE HUNDRED SEVENTY-FIVE THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS AND FIFTY-FOUR CENTS (\$375,665.54)** for a new total not to exceed **FIVE MILLION TWO HUNDRED SIXTY THOUSAND SIX HUNDRED SIXTY-FIVE THOUSAND DOLLARS FIFTY -FOUR CENTS (\$5,260,665.54)** to be known as **AMENDATORY AGREEMENT No. 1**.

WHEREAS, again it is necessary to expand the scope of services to include **FURNISHING AND INSTALLATION OF PARKING EQUIPMENT FOR THE CITY HALL PLAZA IMPROVEMENTS** in the amount of **NINETY-ONE THOUSAND NINE HUNDRED TWENTY-FOUR DOLLARS (\$91,924.00)** for a new total not to exceed 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. 195 adopted by the Council of the CITY on February 21, 2024, is hereby amended to include the above referenced change in scope outlined in Resolution No. 344 adopted by Council on May 21, 2025, in the amount of **NINETY-ONE THOUSAND NINE HUNDRED TWENTY-FOUR (\$91,924.00)** for a new total not to exceed **FIVE MILLION THREE HUNDRED FIFTY-TWO THOUSAND FIVE HUNDRED EIGHTY-NINE DOLLARS AND FIFTY-FOUR CENTS (\$5,352,589.54)** 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, Executive Order No. 1 of 1993, 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.

[THIS SPACE INTENTIONALLY LEFT BLANK]

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, Assistant

CITY OF ATLANTIC CITY

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

Date: 6-6-25

WITNESS:

Michael Weatherby

WEATHERBY CONSTRUCTION &
RENOVATION CORP.

By: *Marilyn Weatherby*
President

Marilyn Weatherby
(PLEASE PRINT NAME ABOVE)

DATE: 6/4/25

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

Date: 6/4/25

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

STATE OF New Jersey)

) ss.

COUNTY OF Atlantic)

I CERTIFY that on June 4, 2025,

Michael Weatherby, 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
Weatherby Construction & Renovation, Corp.
(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.

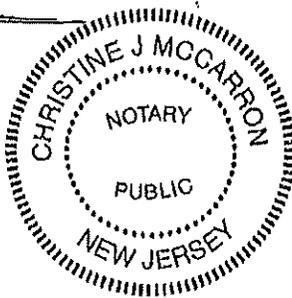
Signed and sworn to before me on

Michael Weatherby
Secretary or Asst. Secretary

June 4, 2025

Christine J. McCarron

CHRISTINE J MCCARRON
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES APR. 23. 2029



Resolution of the City of Atlantic City

No. 344

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 Ahirakwo

Prepared by City Solicitor's Office

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

RESOLUTION AWARDING AN AMENDATORY AGREEMENT #2 TO WEATHERBY CONSTRUCTION & RENOVATION CORPORATION FOR CITY HALL PLAZA IMPROVEMENTS TO FURNISH & INSTALL PARKING EQUIPMENT IN THE AMOUNT OF \$91,924.00

WHEREAS, by Resolution No. 195 of February 21, 2024, the City of Atlantic City entered into an Agreement with WEATHERBY CONSTRUCTION & RENOVATION CORPORATION for CITY HALL PLAZA ENHANCEMENTS for a total delivered sum of FOUR MILLION EIGHT HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$4,885,000.00); and

WHEREAS, it is necessary to add to the scope of services LANDSCAPING AND PLANTINGS FOR THE CITY HALL COURTYARD PLAZA at an additional cost of THREE HUNDRED SEVENTY-FIVE THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS AND FIFTY-FOUR CENTS (\$375,665.54) to be known as AMENDATORY AGREEMENT No. 1.

WHEREAS, again it is necessary to do additional work for CITY HALL PLAZA IMPROVEMENTS to FURNISH & INSTALL PARKING EQUIPMENT at an additional cost of NINETY-ONE THOUSAND NINE HUNDRED TWENTY-FOUR DOLLARS (\$91,924.00) to be known as AMENDATORY AGREEMENT No. 2; and

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 WEATHERBY CONSTRUCTION & RENOVATION CORPORATION at an additional cost of NINETY-ONE THOUSAND NINE HUNDRED TWENTY-FOUR DOLLARS (\$91,924.00) for a new total amount not to exceed FIVE MILLION THREE HUNDRED FIFTY-TWO THOUSAND FIVE HUNDRED EIGHTY-NINE DOLLARS AND FIFTY-FOUR DOLLARS (\$5,352,589.54) for the aforementioned change of scope of work to be known as AMENDATORY AGREEMENT No. 2.

BE IT FURTHER RESOLVED that a Certificate of Funds from the Chief Financial Officer is attached to this Resolution, showing the availability of funds from Account No. C-04-24-RES-000-738 (\$90,437.96) C-04-21-RES-000-716 (\$1,424.10) and C-04-21-RES-000-721 (\$61.94) and specifying the line-item appropriation from the 2025 Budget to satisfy the aforesaid award of this Amendatory Agreement and pursuant to State approval.

May 22, 2025 3:33 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.
BAILEY	X				X		LACCA	X					
CROUCH	X					X	MARSHALL	X					
DUNSTON				X			SHABAZZ	X					
KURTZ	X						TIBBITT	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: MAY 21, 2025

Paula Geletei
/s/ Paula Geletei, City Clerk Assistant