

TGA-1109

AMENDATORY AGREEMENT NO. 3

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.461 adopted by the Council of the CITY on June 18, 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) 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) to be known as AMENDATORY AGREEMENT No. 2.

WHEREAS, again it is necessary to provide additional services FOR THE CITY HALL PLAZA POLICE & FIRE MEMORIAL at an additional cost of SEVENTEEN THOUSAND SEVEN HUNDRED TWENTY-NINE DOLLARS AND FIFTY-TWO CENTS (\$17,729.52) to be known as AMENDATORY AGREEMENT No. 3; and

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. 461 adopted by Council on June 18, 2025, in the amount of SEVENTEEN THOUSAND SEVEN HUNDRED TWENTY-NINE DOLLARS AND FIFTY-TWO CENTS (\$17,729.52) for a new total not to exceed FIVE MILLION THREE HUNDRED SEVENTY THOUSAND THREE HUNDRED NINETEEN DOLLARS AND SIX CENTS (\$5,370,319.06) to be known as AMENDATORY AGREEMENT No. 3

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. 3, and failure to continue in compliance shall be deemed a breach of the Agreement and this Amendatory Agreement No. 3.

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

The Amendatory Agreement No.3 is effective as of the date of complete execution hereof.

IN WITNESS WHEREOF, the CITY and CONTRACTOR have caused this Amendatory Agreement No. 3 to be executed on or as of the day and year first below written.

ATTEST:
Paula Geletel
Paula Geletel, City Clerk

CITY OF ATLANTIC CITY
By: Marty Small, Sr.
Marty Small, Sr., Mayor
Date: 7-24-05

WITNESS:
Christopher McLean

WEATHERBY CONSTRUCTION &
RENOVATION CORP.
By: Marilyn Weatherby
President
Marilyn Weatherby
(PLEASE PRINT NAME ABOVE)
Date: 7/21/05

This Amendatory Agreement No. 3 is approved as to form and execution.

Date: 7/23/05

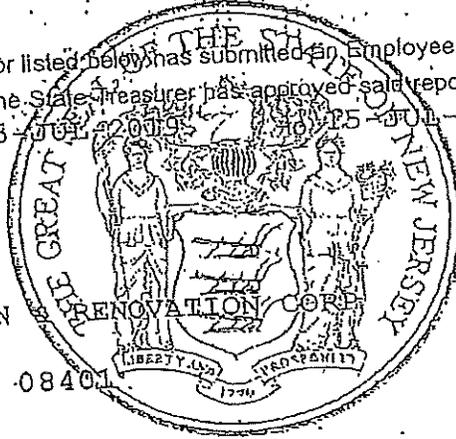
By: Peter T. Sallata
Peter T. Sallata, Esq.
Assistant City Solicitor

Certification 61395

CERTIFICATE OF EMPLOYEE INFORMATION REPORT INITIAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of 15-JUL-2019 to 15-JUL-2026

WEATHERBY CONSTRUCTION
147 NORTH IOWA AVE.
ATLANTIC CITY NJ 08401



Elizabeth Maher Muoio
ELIZABETH MAHER MUOIO
State Treasurer

EXHIBIT A
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C 17:27

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex; and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personal testing conforms to the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable law and applicable Federal court decisions.

In conforming with the applicable targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

Company Name: Weatherby Construction & Renovation, Corp.

Name: Marilyn Weatherby

Title: President

Signature: Marilyn Weatherby

Date: July 21, 2025

Resolution of the City of Atlantic City

No. 461

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 Ahirakwe

Prepared by City Solicitor's Office

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

RESOLUTION AWARDING AN AMENDATORY AGREEMENT #3 TO WEATHERBY CONSTRUCTION & RENOVATION CORPORATION FOR CITY HALL PLAZA ENHANCEMENTS IN THE AMOUNT OF \$17,729.52

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**; and

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

WHEREAS, again it is necessary to provide additional services **FOR THE CITY HALL PLAZA POLICE & FIRE MEMORIAL** at an additional cost of **SEVENTEEN THOUSAND SEVEN HUNDRED TWENTY-NINE DOLLARS AND FIFTY-TWO CENTS (\$17,729.52)** to be known as **AMENDATORY AGREEMENT No. 3**; 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 **SEVENTEEN THOUSAND SEVEN HUNDRED TWENTY-NINE DOLLARS AND FIFTY-TWO CENTS (\$17,729.52)** for a new total amount not to exceed **FIVE MILLION THREE HUNDRED SEVENTY THOUSAND THREE HUNDRED NINETEEN DOLLARS AND SIX CENTS (\$5,370,319.06)** for the aforementioned change of scope of work to be known as **AMENDATORY AGREEMENT No. 3**.

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-04-22-RES-900-731 and specifying the line-item appropriation from the 2025 Budget to satisfy the aforesaid award of this Amendatory Agreement and pursuant to State approval.

July 21, 2025 4:11 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						LACCA				X		
CROUCH	X						MARSHALL	X					
DUNSTON	X						SHABAZZ	X				X	
KURTZ	X					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: JUNE 18, 2025

Paula Geletei

/s/ Paula Geletei, City Clerk