

A1109/ew

AMENDATORY AGREEMENT NO. 4

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. 591 adopted by the Council of the CITY on August 20, 2025, a copy of which is attached hereto and made a part hereof, and

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, by Resolution No. 743 of October 23, 2024, it was necessary TO CHANGE THE SCOPE OR SERVICES TO INCLUDE LANDSCAPING AND PLANTINGS FOR THE CITY HALL PLAZA IMPROVEMENTS in the amount 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, by Resolution No. 344 of May 21, 2025, it was again 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; and

WHEREAS, by Resolution No. 461 of June 18, 2025, it was again necessary to expand the scope of services to include FURNISHING AND INSTALLATION OF THE CITY HALL PLAZA POLICE & FIRE MEMORIAL FOR CITY HALL PLAZA IMPROVEMENTS in the amount 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, it is again necessary to provide additional services for THE CITY HALL PLAZA IMPROVEMENTS TO PROVIDE ADDITIONAL PAVING AND BOLLARDS at an additional cost of FORTY-ONE THOUSAND FOUR HUNDRED EIGHTEEN DOLLARS (\$41,418.00) to be known as AMENDATORY AGREEMENT NO. 4; 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. 591 adopted by Council on August 20, 2025, in the amount of FORTY ONE THOUSAND FOUR HUNDRED EIGHTEEN DOLLARS (\$41,418.00) for a new total not to exceed FIVE MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED THIRTY-SEVEN DOLLARS AND SIX CENTS (\$5,411,737.06) to be known as AMENDATORY AGREEMENT NO. 4.

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. 4, and failure to continue in compliance shall be deemed a breach of the Agreement and this Amendatory Agreement No. 4.

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

IN WITNESS WHEREOF, the CITY and CONTRACTOR have caused this Amendatory Agreement No. 4 to be executed on or ns of the day and year first below written.

ATTEST:

By: Paula Geletel
Paula Geletel, City Clerk

Date:

8/29/2025

CITY OF ATLANTIC CITY

By: Marty Smith
Marty Smith, Sr., Mayor

WITNESS

By: Weatherby Construction

Date: 8/27/25

WEATHERBY CONSTRUCTION &
RENOVATION CORPORATION

By: Marilyn W. W. W.
President

The Amendatory Agreement No. 4 is approved as to form and execution.

Date: 8/28/25

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

STATE OF: NJ

COUNTY OF: Atlantic

I CERTIFY that on (August) 27, 2025 MICHAEL WOODRUFF, the Secretary or Assistant Secretary of the Corporation, personally came before me, and this person acknowledged under oath, to my satisfaction, that:

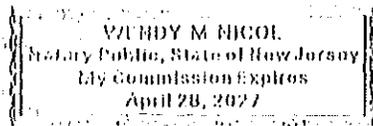
- (a) this person is the secretary or assistant secretary of (the corporation named in this document); and
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer of the corporation; and
- (c) this document was signed and delivered by the corporation 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

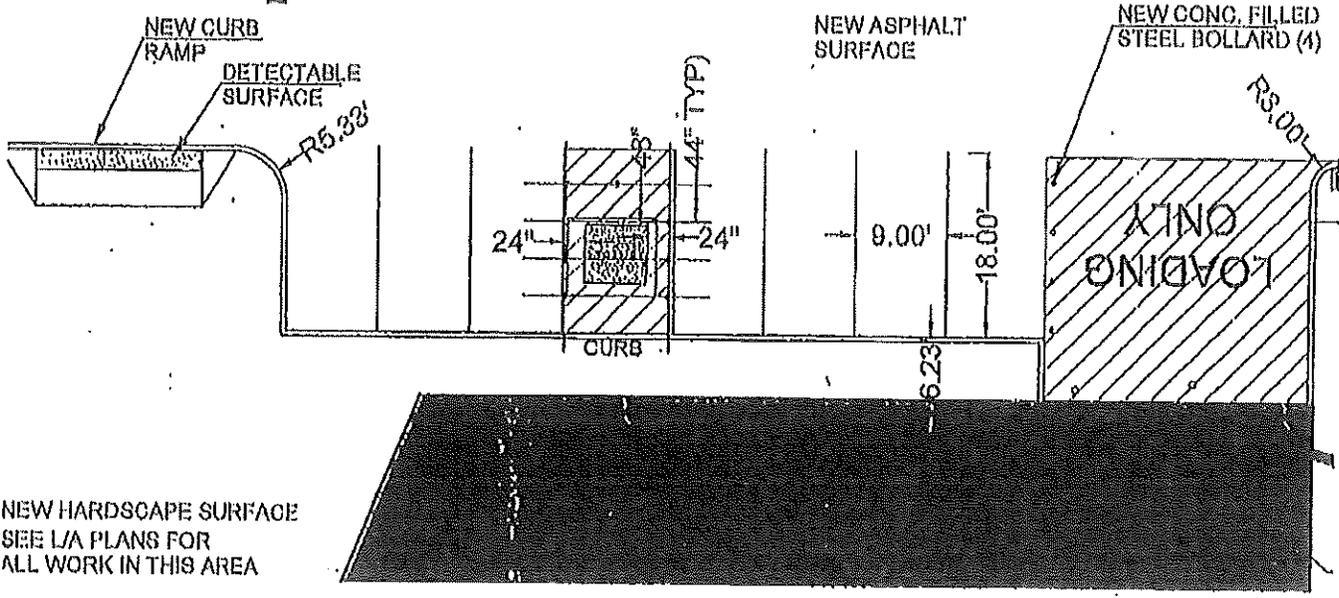
August 27, 2025

Michael Woodruff
Secretary or Asst. Secretary

Notary Public of New Jersey
(Seal attached)



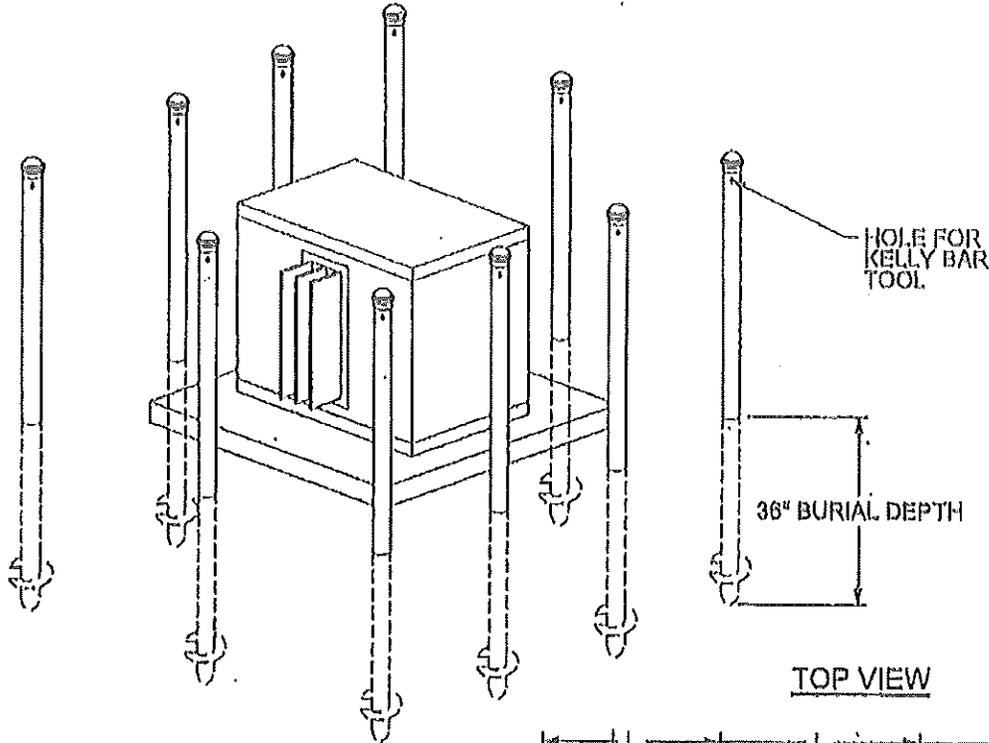
STC



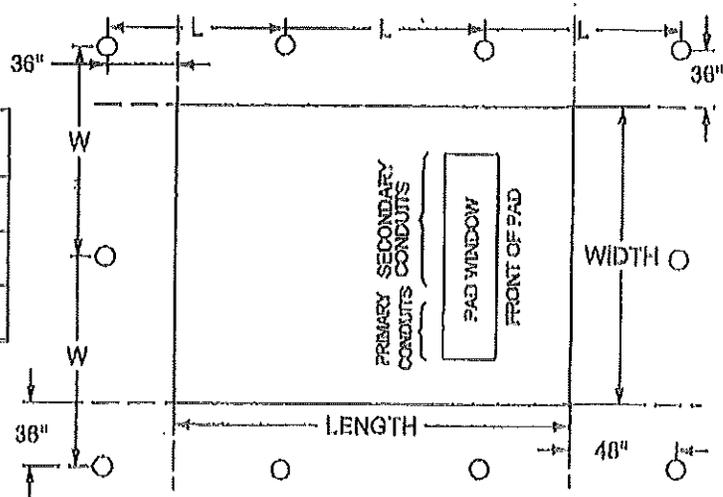
NEW HARDSCAPE SURFACE
SEE LA PLANS FOR
ALL WORK IN THIS AREA

PROTECTIVE BARRIER
BOLLARD POST INSTALLATION
4, 15, 25, & 35KV

ACE/DPL POWER-INSTALLED BOLLARD



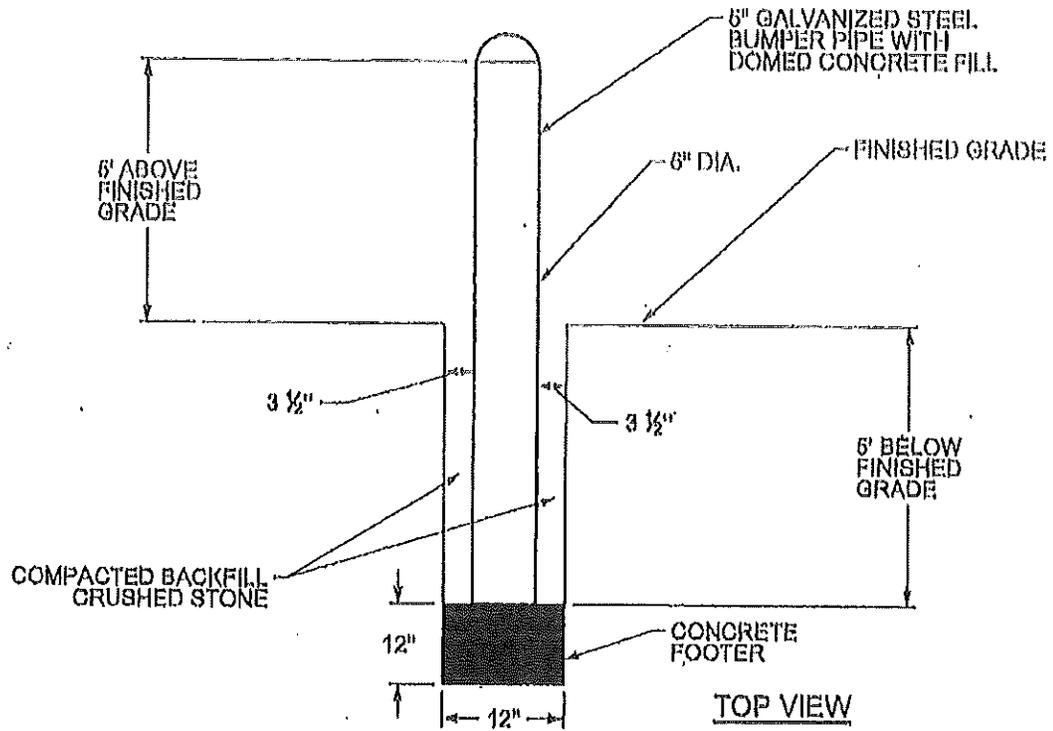
BOLLARD SPACING	PAD SIZE
L = 40", W = 54"	76" LENGTH, 90" WIDTH
L = 44", W = 54"	90" LENGTH, 90" WIDTH
L = 47", W = 60"	101" LENGTH, 106" WIDTH



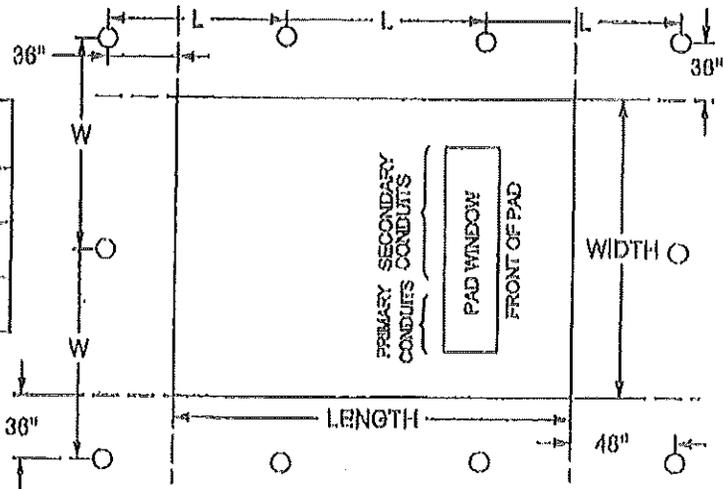
REV: F	DESCRIPTION: FIRST ISSUE	ACE: <input checked="" type="checkbox"/>	DPL: <input checked="" type="checkbox"/>	PEPCO: <input checked="" type="checkbox"/>
FIRST ISSUE: DCY DATE: 00/01/00		REVIEWED: RLH	DATE: 11/08/20	APPROVED: RJS
		DATE: 11/08/20		

PROTECTIVE BARRIER BOLLARD POST INSTALLTION 4, 15, 25, & 35KV

PEPCO BOLLARD POST FABRICATION



BOLLARD SPACING	PAD SIZE
L = 40", W = 54"	76" LENGTH, 90" WIDTH
L = 44", W = 54"	90" LENGTH, 90" WIDTH
L = 47", W = 60"	101" LENGTH, 106" WIDTH



PROTECTIVE BARRIER BOLLARD POST INSTALLATION

4, 15, 25, & 35KV

ACE/DPL BILL OF MATERIALS

ITEM	DESCRIPTION	CU	DWG	QTY
1	POST, POWER DRIVEN	BPOST-PISA	UG-8926	1
2	KELLY BAR ADAPTER	N/A	UG-3170	1
3	STEEL BOLT	N/A	UG-3170	1

ACE/DPL NOTES

- 1) OUTSIDE OF NEW CONSTRUCTION, CONTACT MISS UTILITY TO MARK CABLE LOCATIONS. IF BOLLARDS ARE TO BE PLACED WITHIN 18 INCHES OF A MARKED CABLE PATH, TAKE PRECAUTIONS TO PROTECT ALL UNDERGROUND UTILITIES. MARK ALL LOCATIONS WHERE BOLLARDS ARE TO BE INSTALLED.
- 2) ATTACH THE DRIVE TOOL ASSEMBLY TO THE POWER DIGGER DERRICK'S KELLY BAR, USING THE KELLY BAR ADAPTER'S (CAT ID 1117826) BENT ARM.
- 3) STAND THE BOLLARD POST UPRIGHT AND INSERT KELLY BAR ADAPTER INSIDE THE POST AT THE ORIFICE SHOWN AT THE TOP OF THE PISA BOLLARD AND SECURE WITH A HIGH STRENGTH STEEL BOLT (MINIMUM GRADE 5).
- 4) RAISE THE KELLY BAR UNTIL THE BUMPER POST SWINGS FREE OF THE GROUND AND MANEUVER THE ASSEMBLY TO THE MARKED INSTALLATION LOCATION.
- 5) LOWER THE KELLY BAR UNTIL THE POINT OF THE BOLLARD POST STICKS INTO THE GROUND'S SURFACE. MARK THE BOLLARD POST FOR THE DESIRED DEPTH.
- 6) PLUMB THE BOLLARD POST TO ENSURE THAT THE INSTALLATION IS PERPENDICULAR TO GRADE AND LEVEL.
- 7) APPLY DOWN PRESSURE ON THE BOLLARD POST WITH THE DIGGER DERRICK BOOM AND ROTATE THE ASSEMBLY IN A CLOCKWISE DIRECTION.
- 8) WHEN THE HELIX OF THE POST HAS PENETRATED APPROXIMATELY ONE FOOT, REPLUMB THE BOLLARD POST AND CONTINUE THE DOWNWARD PRESSURE.
- 9) ONCE THE DESIRED DEPTH HAS BEEN REACHED, SAFELY DISCONNECT THE BOLLARD POST FROM THE DRIVE TOOL ASSEMBLY AND CAP. THE POST IS TO BE AUGERED TO A DEPTH OF 36", LEAVING 48" OF POST ABOVE GRADE.
- 10) DO NOT EXCEED THE MAXIMUM INSTALLATION TORQUE OF 8,000 FOOT POUNDS.
- 11) TEN (10) BOLLARDS ARE USED FOR A TYPICAL INSTALLATION FOR A FULL ZONE OF PROTECTION.
- 12) REFER TO DRAWING # UG-8926 FOR RECOMMENDATIONS ON WHEN TO USE BOLLARDS.

REFERENCES

UG-8926 PROTECTIVE BARRIER BOLLARD POST
Z-578 POURED-IN-PLACE CONCRETE 3 PHASE
TRANSFORMER PAD
Z-577 PRE-CAST CONCRETE TRANSFORMER PAD

PROTECTIVE BARRIER BOLLARD POST INSTALLATION 4, 15, 25, & 35KV

PEPCO BILL OF MATERIALS

ITEM	DESCRIPTION	CU	DWG	QTY
1	PIPE, BOLLARD BUMPER	BPMU	UG-6025	1
2	CONCRETE MIX	N/A	UG-3170	AS NEEDED
3	CRUSHED STONE BACKFILL	N/A	UG-3170	AS NEEDED

PEPCO NOTES

- 1) OUTSIDE OF NEW CONSTRUCTION, CONTACT MISS UTILITY TO MARK CABLE LOCATIONS. IF BOLLARDS ARE TO BE PLACED WITHIN 10 INCHES OF A MARKED CABLE PATH, TAKE PRECAUTIONS TO PROTECT ALL UNDERGROUND UTILITIES. MARK ALL LOCATIONS WHERE BOLLARDS ARE TO BE INSTALLED.
- 2) CAREFULLY EXCAVATE THE BOLLARD INSTALLATION POINTS TO THE DEPTH AND WIDTH CALLED OUT IN PAGE 2 OF 4 OF THIS DOCUMENT.
- 3) PROPERLY INSTALL A GRADE LEVEL CONCRETE FOOTER (12"WX12"LX12"H) FOR EACH BOLLARD IN THE SPECIFIED LOCATION.
- 4) CAREFULLY LOWER THE EMPTY STEEL PIPE INTO ONE OF THE INSTALLATION LOCATIONS AND PLACE IT IN THE PROPER POSITION AND SECURE IT. BACKFILL AND COMPACT THE CRUSHED STONE IN 8" LIFTS FOR PROPER COMPACTION. COVER PERIMETER OF THE BOLLARD AT GRADE WITH PROPER GROUND COVER. PIPE SHOULD NOT BE FILLED WITH CONCRETE MIX UNTIL THE EMPTY PIPE IS FULLY SECURED AND RECHECKED FOR LEVELNESS.
- 5) CONCRETE FILL THE EMPTY PIPE AND DOME AS SPECIFIED. DO NOT ALLOW LOAD ON THE FILLED PIPES UNTIL 24 HOURS AFTER THE CONCRETE HAS FULLY CURED.
- 6) REPEAT THE PREVIOUS STEPS TO COMPLETE THE INSTALLATION OF ALL THE BOLLARDS SPECIFIED IN THIS STANDARD.
- 7) CONTRACTOR IS RESPONSIBLE FOR CALCULATING THE AMOUNT CONCRETE AND BACKFILL NECESSARY TO FILL THE PIPES, CONSTRUCT THE FOOTERS AND SECURE THE PIPES FOR THE ENTIRE BOLLARD PAD INSTALLATION.
- 8) TEN (10) BOLLARDS ARE USED FOR A TYPICAL INSTALLATION FOR A FULL ZONE OF PROTECTION.
- 9) REFER TO DRAWING # UG-6025 FOR RECOMMENDATIONS ON WHEN TO USE BOLLARDS.

REFERENCES

UG-6025 PROTECTIVE BARRIER BOLLARD POST
Z-576 POURED-IN-PLACE CONCRETE 3 PHASE
TRANSFORMER PAD
Z-577 PRE-CAST CONCRETE TRANSFORMER PAD
0983 MOUNTING PADS FOR THREE PHASE PADMOUNT
TRANSFORMERS

Certification 61395

CERTIFICATE OF EMPLOYEE INFORMATION REPORT

This is to certify that the contractor listed hereby 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 12/01/2025 - 12/31/2026

WEATHERBY CONSTRUCTION
147 NORTH IOWA AVE.
ATLANTIC CITY NJ 08401



Elizabeth Mah
ELIZABETH MAH
State Treasurer

Resolution of the City of Atlantic City

No. 591

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 Member MARSHALL, RANDOLPH, SHABAZZ & KURTZ presents the following Resolution:

RESOLUTION AWARDING AN AMENDATORY AGREEMENT #4 TO WEATHERBY CONSTRUCTION & RENOVATION CORPORATION FOR CITY HALL PLAZA ENHANCEMENTS IN THE AMOUNT OF \$41,418.00

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 was 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 was 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 was 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, again it is necessary to provide additional services FOR THE CITY HALL PLAZA ENHANCEMENTS to PROVIDE ADDITIONAL PAVING AND BILLBOARDS at an additional cost of FORTY-ONE THOUSAND FOUR HUNDRED EIGHTEEN DOLLARS (\$41,418.00) to be known as AMENDATORY AGREEMENT No. 4; 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 FORTY-ONE THOUSAND FOUR HUNDRED EIGHTEEN DOLLARS (\$41,418.00) for a new total amount not to exceed FIVE MILLION FOUR HUNDRED ELEVEN THOUSAND SEVEN HUNDRED THIRTY-SIX DOLLARS AND SIX CENTS (\$5,411,737.06) for the aforementioned change of scope of work to be known as AMENDATORY AGREEMENT No. 4.

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

August 27, 2025 8:51 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.
BAILEY	X						LACCA	X					
CROUCH	X					X	MARSHALL	X					
DUNSTON				X			SHABAZZ	X				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: AUGUST 20, 2025

Paula Geletel

/s/ Paula Geletel, City Clerk