

AMENDATORY AGREEMENT

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 MOTT MACDONALD, LLC, with offices located at 211 Bayberry Drive, Suite 1A, Cape May Court House, New Jersey 08210, hereinafter called "CONTRACTOR", pursuant to Resolution No. 593 adopted by the Council of the CITY on November 17, 2021, copy of which is attached hereto and made a part hereof.

WHEREAS, it is requested that additional funds in the amount of **ELEVEN THOUSAND FIVE HUNDRED THIRTY-FOUR DOLLARS AND NINETY-TWO CENTS (\$11,534.92)** be added to the original contract amount of MOTT MACDONALD, LLC, for **ADDITIONAL ENGINEERING SERVICES FOR DRAINAGE SYSTEM INSPECTION & REPLACEMENT OF CHECK VALVES** throughout the City of Atlantic City and for a new total amount not to exceed **ONE HUNDRED FORTY-SIX THOUSAND NINE HUNDRED THIRTY-FOUR DOLLARS AND NINETY-TWO CENTS (\$146,934.92)**.

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, in consideration of the mutual covenants contained herein, the parties agree that the agreement authorized by Resolution No. 382 adopted by the Council of the CITY on July 22, 2020 is hereby changed to include the above referenced for **ADDITIONAL ENGINEERING SERVICES FOR DRAINAGE SYSTEM INSPECTION & REPLACEMENT OF CHECK VALVES** throughout the City of Atlantic City and for a new total amount not to exceed **ONE HUNDRED FORTY-SIX THOUSAND NINE HUNDRED THIRTY-FOUR DOLLARS AND NINETY-TWO CENTS (\$146,934.92)**. 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 Exhibit "A" 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 failure to continue in compliance shall be deemed a breach of this Agreement.

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

The within Change Order is effective as of the date of the Mayor's signature.

IN WITNESS WHEREOF, the **CITY** and **CONTRACTOR** have caused this Agreement 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
Marty Small, Sr., Mayor

DATE: 12/9/2021

DATE: 12-7-21

WITNESS:
Kristin Deegan
Secretary

MOTT MACDONALD, LLC
BY: Kyle A. Smith
Kyle A. Smith, Vice President

The within Agreement approved as to form and execution.

Date: 12/7/21

BY: Matthew D. Sykes
Matthew D. Sykes
Assistant City Solicitor

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

I CERTIFY that on December 2, 2021, personally came before me Kyle A. Smith, a principal of the Limited Liability Corporation, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is a principal of Mott MacDonald, LLC
(the limited liability corporation named in this document);
- (b) this person has the power and authority to sign this document on behalf of the limited liability corporation;
- (c) this document was signed and delivered by the limited liability corporation as its voluntary act duly authorized by a proper action of the principals of the limited liability corporation; and
- (d) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on

Kyle A. Smith
Principal

December 2, 2021

Kristina Kemper
Notary Public of New Jersey
(Seal attached)

KRISTINA KEMPER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Oct. 24, 2023

Certification 2062

**CERTIFICATE OF EMPLOYEE INFORMATION REPORT
RENEWAL**

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-AUG-2021** to **15-AUG-2024**

MOTT MACDONALD, LLC
111 WOOD AVE. SOUTH, 5T FLOOR
ISELIN NJ 08830



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: Mott MacDonald, LLC

Name: Kyle A. Smith

Title: Vice President

Signature: 

Date: December 2, 2021

Resolution of the City of Atlantic City

No. 593

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

Factual contents certified to by

Assistant City Solicitor /s/ Karl Timbers

Paul Jerkins, Director of Public Works

Revised 11/17/2021

Prepared by City Solicitor's Office

Council Members KURTZ & RANDOLPH presents the following Resolution:

RESOLUTION TO AWARD A CONTRACT TO MOTT MacDONALD, LLC, FOR ADDITIONAL ENGINEERING SERVICES FOR DRAINAGE SYSTEM INSPECTION & REPLACEMENT OF CHECK VALVES IN THE AMOUNT OF \$11,534.92

WHEREAS, there exists a need for **ADDITIONAL ENGINEERING SERVICES FOR DRAINAGE SYSTEM INSPECTION & REPLACEMENT OF CHECK VALVES** throughout the City of Atlantic City as a non-fair and open contract pursuant to the provisions of N.J.S.A. 40A:11-5(1)(a)(ii); and

WHEREAS, **MOTT MacDONALD, LLC**, has indicated they will provide additional **ENGINEERING SERVICES FOR DRAINAGE SYSTEM INSPECTION & REPLACEMENT OF CHECK VALVES**; and

WHEREAS, **MOTT MacDONALD, LLC**, has completed and submitted a Business Entity Disclosure Certification which certifies that **MOTT MacDONALD, LLC** has not made any reportable contributions to a political or candidate committee in the City of Atlantic City and/or City Council in the previous one year, and that the contract will prohibit **MOTT MacDONALD, LLC**, from making any reportable contributions through the term of the contract; and

WHEREAS, the Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution; and

WHEREAS, the vendor must comply with "Local Unit Pay-to-Play Law" (P.L. 2004, c.19, as amended by P.L. 2005, c. 51) establishing that business entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the City of Atlantic City; and

WHEREAS, the Local Public Contracts Law (N.J.S.A 40A:11-1 et seq.) requires the passage of a resolution authorizing the award of a contract for "professional services", requires that said resolution be publicly advertised; and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Atlantic City publicly selects **MOTT MacDONALD, LLC** for additional engineering services, in an amount not to exceed **ELEVEN THOUSAND FIVE HUNDRED THIRTY-FOUR DOLLARS and NINETY-TWO CENTS (\$11,534.92)** to be approved as to form and execution by the City Solicitor, which contract shall set forth specifically the services to be performed.

BE IT FURTHER RESOLVED, that a Certificate 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 G-02-41-731-AZO-926

BE IT FURTHER RESOLVED, that this award of contract is contingent upon State approval.

cr November 30, 2021 10:36 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.
DELGADO	X						MORSHED	X					
DUNSTON	X						RANDOLPH	X					X
FAUNTLEROY				X			SHABAZZ	X				X	
KURTZ	X						ZIA	X					
TIBBITT, 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: NOVEBER 17, 2021

Paula Geletei

/s/ Paula Geletei, City Clerk