

A-1109 T9

AMENDATORY AGREEMENT NO. 5

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. 724 adopted by the Council of the **CITY** on October 22, 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, it is again necessary to provide additional services FOR THE CITY HALL PLAZA ENHANCEMENTS to PROVIDE ADDITIONAL HARDWARE WIRING FOR BUILDING ACCESS CONTROL at an additional cost of TWENTY-FOUR THOUSAND SIX HUNDRED EIGHTY-SIX DOLLARS (\$24,686.00) to be known as AMENDATORY AGREEMENT No. 5.

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. 724 adopted by Council on October 22, 2025, in the amount of TWENTY-FOUR THOUSAND SIX HUNDRED EIGHTY-SIX DOLLARS (\$24,686.00) for a new total amount not to exceed FIVE MILLION FOUR HUNDRED THIRTY-SIX THOUSAND FOUR HUNDRED TWENTY-THREE DOLLARS AND SIX CENTS (\$5,436,423.06) to be known as AMENDATORY AGREEMENT NO. 5.

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, and Executive Order No. 1 of 1993, and will remain so for the term of this Agreement and Amendatory Agreement No. 5, and failure to continue in compliance shall be deemed a breach of the Agreement and this Amendatory Agreement No. 5.

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. 5 to be executed on or as of the day and year first below written.

ATTEST:

By: Paula Geletei
Paula Geletei, City Clerk

Date: 11/25/2025

CITY OF ATLANTIC CITY

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

WITNESS

By: [Signature]

Date: 11/16/25

WEATHERBY CONSTRUCTION &
RENOVATION CORPORATION

By: Marilyn Woodbury
President

The Amendatory Agreement No. 5 is approved as to form and execution.

Date: 11/24/25

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

Resolution of the City of Atlantic City

No. 724

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 Ahia

Prepared by City Solicitor's Office

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

RESOLUTION AWARDING AN AMENDATORY AGREEMENT #5 TO WEATHERBY CONSTRUCTION & RENOVATION CORPORATION FOR CITY HALL PLAZA ENHANCEMENTS IN THE AMOUNT OF \$24,686.00

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, 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, 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, it was 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

WHEREAS, it is again necessary to provide additional services FOR THE CITY HALL PLAZA ENHANCEMENTS to PROVIDE ADDITIONAL HARDWARE WIRING FOR BUILDING ACCESS CONTROL at an additional cost of TWENTY-FOUR THOUSAND SIX HUNDRED EIGHTY-SIX DOLLARS (\$24,686.00) to be known as AMENDATORY AGREEMENT No. 5.

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 TWENTY-FOUR THOUSAND SIX HUNDRED EIGHTY-SIX DOLLARS (\$24,686.00) for a new total amount not to exceed FIVE MILLION FOUR HUNDRED THIRTY-SIX THOUSAND FOUR HUNDRED TWENTY-THREE DOLLARS AND SIX CENTS (\$5,436,423.06) for the aforementioned change of scope of work to be known as AMENDATORY AGREEMENT No. 5.

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. 5-01-20-165-400-280 and specifying the line-item appropriation from the 2025 Budget to satisfy the aforesaid award of this Amendatory Agreement and pursuant to State approval.

kc October 29, 2025 11:45 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: OCTOBER 22, 2025

Paula Geletei

/s/ Paula Geletei, City Clerk