

A-578
KC

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 **ASBESTOS AND MOLD SERVICES CORP.**, with offices located at 70 Stacy Haines Road, Suite 4 Lumberton NJ 08048, hereinafter called "**CONTRACTOR**", pursuant to Resolution No. 735 adopted by the Council of the **CITY** on November 22, 2022, copy of which is attached hereto and made a part hereof.

WHEREAS, by Resolution No. 231 adopted April 20, 2022, the City of Atlantic City entered into an Agreement with **ASBESTOS AND MOLD SERVICES CORP.** for **CERTIFIED MOLD REMEDIATION SERVICES AT THE A.C. AQUARIUM LOCATED AT 800 NO. NEW HAMPSHIRE AVENUE** in the amount of **FORTY-EIGHT THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$48,980.00)**; and

WHEREAS, there is a need for **ADDITIONAL MOLD REMEDIATION SERVICES AT THE ATLANTIC CITY AQUARIUM** in the amount of **THIRTY-EIGHT THOUSAND NINE HUNDRED AND FIFTY DOLLARS (\$38,950.00)**, to be known as an Amendatory Agreement; 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, in consideration of the mutual covenants contained herein, the parties agree that the agreement authorized by Resolution No. 231 adopted by the Council of the **CITY** on April 20, 2022, is hereby amended to include the above referenced amendment for a new total amount not to exceed **EIGHTY-SEVEN THOUSAND NINE HUNDRED THIRTY DOLLARS (\$87,930.00)**.

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

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 Amendatory Agreement is effective as of the date of the Mayor's signature.

IN WITNESS WHEREOF, the CITY and CONSULTANT 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, Sr.
Marty Small, Sr., Mayor

DATE: 1/23/2023

DATE: 1-20-23

WITNESS:
[Signature]
Secretary

ASBESTOS AND MOLD SERVICES CORP.
BY: Jim G. Mullahey
President

The within Agreement approved as to form and execution.

Date: 1/18/2023

By: [Signature]
Karl Timbers
Assistant City Solicitor

STATE OF New Jersey)

) ss.

COUNTY OF Burlington)

I CERTIFY that on January 18th, 2023,

_____ 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 Asbestos and Mold Services 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

[Signature]
Secretary or Asst. Secretary

January 18th, 2023

[Signature]
Notary Public of New Jersey
(Seal attached)



Resolution of the City of Atlantic City

No. 735

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

Factual contents certified to by

Assistant City Solicitor /s/ Karl Timbers

Uzo Ahiarakwe, P.E. /s/ City Engineer

Prepared by City Solicitor's Office

Council Member ZIA presents the following Resolution:

RESOLUTION AUTHORIZING AN AMENDATORY AGREEMENT TO ASBESTOS AND MOLD SERVICES CORP. FOR MOLD REMEDIATION SERVICES AT THE ATLANTIC CITY AQUARIUM IN THE AMOUNT OF THIRTY-EIGHT THOUSAND NINE HUNDRED FIFTY DOLLARS (\$38,950.00)

WHEREAS, by Resolution 231 of 2022 adopted by the City Council on April 20, 2022, **ASBESTOS AND MOLD SERVICES CORP.**, a corporation of the State of New Jersey, with offices located at 1835 Underwood Blvd., Suite No. 1, Delran New Jersey 08075, was awarded a contract for **CERTIFIED MOLD REMEDIATION SERVICES AT THE A.C. AQUARIUM** for a TOTAL SUM OF **FORTY-EIGHT THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$48,980.00)**; and

WHEREAS, it has become necessary to do extra work described as follows:

ADDITIONAL MOLD REMEDIATION SERVICES AT THE ATLANTIC CITY AQUARIUM in the amount of **THIRTY-EIGHT THOUSAND NINE HUNDRED AND FIFTY DOLLARS (\$38,950.00)** to be known as an **AMENDATORY AGREEMENT** pursuant to N.J.A.C. 5:30-11.9.

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 **ASBESTOS AND MOLD SERVICES CORP.** in the amount of **THIRTY-EIGHT THOUSAND NINE HUNDRED AND FIFTY DOLLARS (\$38,950.00)** for a new total not to exceed **EIGHTY-SEVEN THOUSAND NINE HUNDRED THIRTY DOLLARS (\$87,930.00)** for the work to be known as an **AMENDATORY AGREEMENT**; and

BE IT FURTHER RESOLVED that a Certificate from the Chief Financial Officer is attached to this Resolution, showing the availability of funds, and specifying the line-item appropriation from the 2022 Budget to satisfy the aforesaid: and

BE IT FURTHER RESOLVED that this award shall cause to be printed once, in an official newspaper, a brief notice indicating the additional amount to be expended, the original contract price, the nature of the original and additional work and why it is necessary to expend the additional funds; and

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

kc January 6, 2023 10:45 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.
DUNSTON	X						RANDOLPH	X					
KURTZ	X						SHABAZZ	X				X	
MARSHALL	X						WEEKES	X					
MORSHED	X					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: NOVEMBER 22, 2022

Paula Geletei

/s/ Paula Geletei, City Clerk