

A 700 (RL)

AMENDATORY AGREEMENT NO.'S 2 & 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 **RICHARD E. PIERSON CONSTRUCTION CO., INC.**, located at 426 Swedesboro Road, Pilesgrove, New Jersey 08098, hereinafter referred to as the "**CONTRACTOR**", pursuant to Resolution No. 743 adopted by City Council on October 22, 2025, a copy of which is attached hereto and made a part hereof .

WHEREAS, by Resolution No. 734 adopted November 2, 2022, the City entered into an Agreement with Contractor for **BALTIC AVENUE DRAINAGE CANAL IMPROVEMENTS ATLANTIS AVENUE PHASE 2** in the amount of **SIXTEEN MILLION SIX HUNDRED FIFTY THOUSAND SIX HUNDRED THIRTY-ONE DOLLARS (\$16,650,631.00)**; and

WHEREAS, by Resolution No. 631 adopted September 17, 2025, the City revised the Scope of Services to include **CONTROL BUILDING MODIFICATION, EXISTING FLOOD GATE REHABILITATION, AND TESTING & DISPOSAL OF CONTAMINATED GROUND WATER** in the amount of **ONE MILLION THREE HUNDRED NINETY-SEVEN THOUSAND EIGHT HUNDRED SEVENTY-ONE DOLLARS AND SIXTY-THREE CENTS (\$1,397,871.63)** known as **AMENDATORY AGREEMENT No. 1.**; and

WHEREAS, by Resolution No. 743 adopted October 22, 2025, it is necessary for the City to revise the Scope of Services to **PERFORM ADDITIONAL BALTIC AVENUE DRAINAGE CANAL IMPROVEMENTS** in the amount of **FIVE THOUSAND FORTY-NINE DOLLARS AND FOUR CENTS (\$5,049.04)**; to be known as **AMENDATORY AGREEMENT NO. 2.**; and

WHEREAS, by Resolution No. 747 adopted October 22, 2025, it is necessary for the City to revise the Scope of Services for **CRACK REPAIRS AT BALTIC AVENUE DRAINAGE CANAL ATLANTIS AVENUE PROJECT-PHASE 2** in the amount of **FOUR HUNDRED NINETY-FIVE THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS AND FORTY-SEVEN CENTS (\$495,767.47)**; to be known as **AMENDATORY AGREEMENT NO. 3**;

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. 734 adopted by the Council of the CITY ON November 2, 2022 is hereby amended to include the above referenced Resolutions in the amount of **FIVE THOUSAND FORTY-NINE DOLLARS AND FOUR CENTS (\$5,049.04)** and **FOUR HUNDRED NINETY-FIVE THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS AND FORTY-SEVEN CENTS (\$495,767.47)** respectively, for a new total not to exceed **EIGHTEEN MILLION FIVE HUNDRED FORTY-NINE THOUSAND THREE HUNDRED NINETEEN DOLLARS AND FOURTEEN CENTS (\$18,549,319.14)** for the aforementioned work to be known as **AMENDATORY AGREEMENT NO.'s 2 AND 3**.

CONTRACTOR represents that it is in compliance with all laws of the State of New Jersey, all Ordinances of the City, including Ordinance No. 24 of 1993, and Executive Order No. 1 of 1993, 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 Amendatory

Agreement No.'s 1, 2, and 3, and failure to continue in compliance shall be deemed a breach of the Agreement and Amendatory Agreement No.'s 1, 2, and 3.

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

The Amendatory Agreement No.'s 2 and 3 are effective as of the date of complete execution hereof.

IN WITNESS WHEREOF, the CITY and CONTRACTOR have caused this Amendatory Agreement No.'s 2 and 3 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: 11-13-25

WITNESS:
Cheri M Dubois
Cheri M Dubois
Asst Secretary

RICHARD E. PIERSON CONSTRUCTION
CO., INC.

By: Robert L. Macarola
Vice President
Robert L. Macarola
(PLEASE PRINT NAME ABOVE)

DATE: November 16 2025

The Amendatory Agreement No.'s 2 and 3 are approved as to form and execution.

Date: 11/12/25

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

STATE OF: New Jersey

COUNTY OF: Salem

I CERTIFY that on November 6, 2025 Chern M Dubois, 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

November 6, 2025

Chern M Dubois
Secretary or Asst. Secretary
Chern M Dubois

Penny M Stubbs

Notary Public of New Jersey
(Seal attached)

PENNY M. STUBBS
Notary Public, State of New Jersey
Comm. # 50011369
My Commission Expires 3/6/2030

Resolution of the City of Atlantic City

No. 743

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 Ahiarakwe

Prepared by City Solicitor's Office

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

RESOLUTION TO AWARD AN AMENDATORY AGREEMENT #2 TO RICHARD E. PIERSON CONSTRUCTION CO., FOR BALTIC AVENUE DRAINAGE CANAL IMPROVEMENTS ATLANTIS AVENUE PHASE 2 IN THE AMOUNT OF \$5,049.04

WHEREAS, by Resolution No. 734 of November 2, 2022, the City of Atlantic City entered into an agreement with RICHARD E. PIERSON CONSTRUCTION CO., in the amount of SIXTEEN MILLION SIX HUNDRED FIFTY THOUSAND SIX HUNDRED THIRTY-ONE DOLLARS (\$16,650,631.00); and

WHEREAS, by Resolution No. 631 of September 9, 2025, it was necessary to modify the scope of services to include CONTROL BUILDING MODIFICATION, EXISTING FLOOD GATE REHABILITATION, AND TESTING & DISPOSAL OF CONTAMINATED GROUND WATER in the amount of ONE MILLION THREE HUNDRED NINETY-SEVEN THOUSAND EIGHT HUNDRED SEVENTY-ONE DOLLARS AND SIXTY-THREE CENTS (\$1,397,871.63) to be known as an AMENDATORY AGREEMENT NO. 1; and

WHEREAS, it is again necessary to PERFORM ADDITIONAL BALTIC AVENUE DRAINAGE CANAL IMPROVEMENTS in the amount of FIVE THOUSAND FORTY-NINE DOLLARS AND FOUR CENTS (\$5,049.04) to be known as an AMENDATORY AGREEMENT NO. 2.

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 RICHARD E. PIERSON CONSTRUCTION CO., in the amount of FIVE THOUSAND FORTY-NINE DOLLARS AND FOUR CENTS (\$5,049.04) for a new total not to exceed EIGHTEEN MILLION FIFTY-THREE THOUSAND FIVE HUNDRED FIFTY-ONE DOLLARS AND SIXTY-SEVEN CENTS (\$18,053,551.67) for the aforementioned work to be known as an AMENDATORY AGREEMENT NO. 2;

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 No. G-02-41-731-025-921 and specifying the line-item appropriation from grant funds to satisfy the aforesaid award of this amendatory agreement and pursuant to State approval.

October 28, 2025 9:48 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

/s/ Paula Geletei, City Clerk

Resolution of the City of Atlantic City

No. 747

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 Ahlarkwe

Prepared by City Solicitor's Office

Council Member RANDOLPH presents the following Resolution:

RESOLUTION TO AWARD AN AMENDATORY AGREEMENT #3 TO RICHARD E. PIERSON CONSTRUCTION CO., FOR CRACK REPAIRS AT BALTIC AVENUE DRAINAGE CANAL ATLANTIS AVENUE PROJECT-PHASE 2 IN THE AMOUNT OF \$495,767.47

WHEREAS, by Resolution No. 734 of November 2, 2022, the City of Atlantic City entered into an agreement with RICHARD E. PIERSON CONSTRUCTION CO., in the amount of SIXTEEN MILLION SIX HUNDRED FIFTY THOUSAND SIX HUNDRED THIRTY-ONE DOLLARS (\$16,650,631.00); and

WHEREAS, by Resolution No. 631 of September 9, 2025, it was necessary to modify the scope of services to include CONTROL BUILDING MODIFICATION, EXISTING FLOOD GATE REHABILITATION, AND TESTING & DISPOSAL OF CONTAMINATED GROUND WATER in the amount of ONE MILLION THREE HUNDRED NINETY-SEVEN THOUSAND EIGHT HUNDRED SEVENTY-ONE DOLLARS AND SIXTY-THREE CENTS (\$1,397,871.63) to be known as an AMENDATORY AGREEMENT NO. 1; and

WHEREAS, by Resolution No. 743 of October 21, 2025, it was again necessary to PERFORM ADDITIONAL BALTIC AVENUE DRAINAGE CANAL IMPROVEMENTS in the amount of FIVE THOUSAND FORTY-NINE DOLLARS AND FOUR CENTS (\$5,049.04) to be known as an AMENDATORY AGREEMENT NO. 2.

WHEREAS, it is necessary to REPAIR CRACKS AT THE BALTIC AVENUE DRAINAGE CANAL- Atlantis Avenue Project- Phase 2 in the amount of FOUR HUNDRED NINETY-FIVE THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS AND FORTY-SEVEN CENTS (\$495,767.47) 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 RICHARD E. PIERSON CONSTRUCTION CO., in the amount of FOUR HUNDRED NINETY-FIVE THOUSAND SEVEN HUNDRED SIXTY-SEVEN DOLLARS AND FORTY -SEVEN CENTS (\$495,767.47) for a total not to exceed EIGHTEEN MILLION FIVE HUNDRED FORTY-NINE THOUSAND THREE HUNDRED NINETEEN DOLLARS AND FOURTEEN CENTS (\$18,549,319.14) for the aforementioned work to be known as an AMENDATORY AGREEMENT NO. 3.

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 No. G-02-41-731-025-921 and specifying the line-item appropriation from grant funds to satisfy the aforesaid award of this amendatory agreement and pursuant to State approval.

October 23, 2025 8:42 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