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(w)

AMENDATORY AGREEMENT NO. 2

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 L. FERIOZZI CONCRETE COMPANY, with offices located at 3010 Sunset Avenue, Atlantic City, New Jersey 08401, hereinafter referred to as "CONTRACTOR", pursuant to Resolution No. 79 adopted by the Council of the CITY on January 21, 2026, a copy of which is attached hereto and made a part hereof.

WHEREAS, by Resolution No. 182 adopted March 19, 2025, the City of Atlantic City entered into an Agreement with Contractor for THE MAINE AVENUE PROMENADE - PHASE 2 in the amount of EIGHT HUNDRED FOURTEEN THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$814,575.00); and

WHEREAS, by Resolution No. 559 adopted August 20, 2025, it was necessary to revise the scope of services to include THE USE OF DSS LUMBER IN LIEU OF #2 PINE, THE REMOVAL OF ADDITIONAL SUBSURFACE CONCRETE BENEATH THE EXISTING SIDE BOARDWALK RAMP, AND THE REMOVAL, RECONFIGURATION, AND RELOCATION OF THE EXISTING BULKHEAD CAP RAILING in the amount of SIXTY-FIVE THOUSAND THREE HUNDRED FIFTY-FOUR DOLLARS AND ELEVEN CENTS (\$65,354.11) to be known as AMENDATORY AGREEMENT No. 1.

WHEREAS, by Resolution No. 79 of adopted January 21, 2026, it is necessary to amend the scope of services to include FINAL AS-BUILT QUANTITY ADJUSTMENTS AND SUPPLEMENTAL ITEMS in the amount of TWENTY THOUSAND EIGHTY-SIX DOLLARS AND NINETY-NINE CENTS (\$20,086.99) to be known as AMENDATORY AGREEMENT No. 2.

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. 182 adopted by the Council of the CITY on March 19, 2025, is hereby amended to include the above referenced section in the amount of TWENTY THOUSAND EIGHTY-SIX DOLLARS AND NINETY-NINE CENTS (\$20,086.99) for a new total not to exceed NINE HUNDRED THOUSAND SIXTEEN DOLLARS AND TEN CENTS (\$900,016.10) to be known as AMENDATORY AGREEMENT No. 2.

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 Amendatory Agreement No. 2, and failure to continue in compliance shall be deemed a breach of the Agreement and this Amendatory Agreement No. 2.

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

The Amendatory Agreement No. 2 is effective as of the date of complete execution hereof.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the CITY and CONTRACTOR have caused this Amendatory Agreement No. 2 to be executed on or as of the day and year first below written.

ATTEST:

Paula Geletel
Paula Geletel, City Clerk

CITY OF ATLANTIC CITY

By: Marty Small
Marty Small, Sr., Mayor

Date: 2-3-26

WITNESS:

Nancy Wentz
NANCY WENTZ

L. FERIOZZI CONCRETE COMPANY

By: Joseph L. Feriozzi
President

JOSEPH L. FERIOZZI
(PLEASE PRINT NAME ABOVE)

DATE: 02-03-26

The Amendatory Agreement No. 2 is approved as to form and execution.

Date: 2/3/26

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

STATE OF: NEW JERSEY

COUNTY OF: ATLANTIC

I CERTIFY that on FEBRUARY 3RD 2026 JOSEAH L. FERIOZZI ^(MYSELF) 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 ^{AND SOLE CORPORATE OFFICER} 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

FEBRUARY 3, 2026

Nancy M. Wentz

Notary Public of New Jersey
(Seal attached)

Nancy M Wentz
NOTARY PUBLIC
State of New Jersey
ID # 2055820
My Commission Expires 2/1/2029

JOSEAH L. FERIOZZI
Secretary or Asst. Secretary
PRESIDENT + TREASURER

JOSEAH L. FERIOZZI
L. FERIOZZI CONCRETE COMPANY

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT
CHANGE ORDER NUMBER - 2**

Project	<u>Maine Avenue Promenade - Phase 2</u>
Municipality	<u>CITY OF ATLANTIC CITY</u>
County	<u>Atlantic County</u>
Contractor	<u>L. Ferrozzi Concrete Company</u>

In accordance with the project Supplementary Specification, the following are changes in the contract.
Location and Reason for Change (Attach additional sheets if required).
Please include quantity adjustments and supplemental items.

Item No.	Description	Quantity (+/-)	Unit Price	Amount
EXTRA				
5	CONCRETE SIDEWALK, 4" THICK	9.83 S.Y.	\$80.00	\$ 786.40
6	CONCRETE RETAINING WALL	33.25 L.F.	\$250.00	\$ 8,312.50
REDUCTION				
2	TIMBER CLADDING	-24 L.F.	\$81.00	\$ (1,944.00)
3	1-11, SOIL AGGREGATE	-25 C.Y.	\$40.00	\$ (1,000.00)
4	CONCRETE RETAINING CURB	-11.87 L.F.	\$53.00	\$ (628.81)
7	RESET BRICK PAVERS	-10 S.Y.	\$300.00	\$ (3,000.00)
9	PLANTING SOIL BED, 12" THICK	-16.9 S.Y.	\$29.00	\$ (490.10)
10	BEACH GRASS	-6700 UNIT	\$2.30	\$ (16,750.00)
14	RECONSTRUCT BULKHEAD CAP	-1 L.F.	\$550.00	\$ (550.00)
15	REPLACE MISSING/DAMAGED TIMBER SHEETS	-10 UNIT	\$150.00	\$ (1,500.00)
17	BRKAWAY BARRICADES	-10 UNIT	\$1.00	\$ (10.00)
18	CONSTRUCTION SIGNS	-150 S.F.	\$1.00	\$ (150.00)
20	CONES	-50 UNIT	\$1.00	\$ (50.00)
21	PUBL. PRICE ADJUSTMENT	-100 DOLLAR	\$1.00	\$ (100.00)
22	ALLOWANCE	-50000 DOLLAR	\$1.00	\$ (50,000.00)
SUPPLEMENTAL				
84	EROSION CONTROL MAT	1 LB	\$7,216.37	\$ 7,216.37
85	CONCRETE SIDEWALK REPLACEMENT ALONG MAINE AVENUE	1 LB	\$11,200.00	\$ 11,200.00
86	CREDIT FOR USING GALVANIZED BOLTS FOR SHEETS	-1 LB	\$2,200.00	\$ (2,200.00)
87	SUBSTITUTION OF BETTY ROCK FOR BEACH GRASS IN CERTAIN LOCATIONS	1 LB	\$70,968.67	\$ 70,968.67

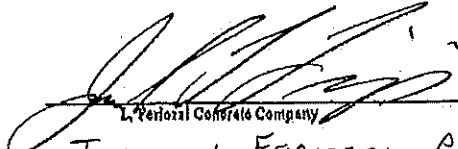
Amount of Original Contract	8814,375.00
Adjusted Amount Based on Change Orders 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22	3900,016.10
1/2 Change in Contract ((+) Increase or (-) Decrease)	10.49%

Extra	\$ 9,098.90
Supplemental	\$ 87,185.04
Reduction	\$ (76,196.95)
Total Change	\$ 20,086.99

Engineer (Date)

Approved: _____
(District Manager) (Date)
(Bureau of Local Aid)

City of Atlantic City (Date)


L. Ferrozzi Concrete Company (Date)
JOSEPH L. FERROZZI - PRESIDENT

02-10-26
(Date)

Resolution of the City of Atlantic City

No. 79

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 Ahirakwo

Prepared by City Solicitor's Office

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

RESOLUTION AWARDING AMENDATORY AGREEMENT NO. 2 TO L. FERIOZZI CONCRETE COMPANY IN THE AMOUNT OF \$20,086.99

WHEREAS, by Resolution No. 182 of March 19, 2025, the City of Atlantic City entered into an Agreement with L. FERIOZZI CONCRETE COMPANY for THE MAINE AVENUE PROMENADE-PHASE 2 for a total delivered sum of EIGHT HUNDRED FOURTEEN THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$814,575.00); and

WHEREAS, by Resolution No. 559 of August 20, 2025 it was necessary to revise the scope of services to include THE USE OF DSS LUMBER IN LIEU OF #2 PINE, THE REMOVAL OF ADDITIONAL SUBSURFACE CONCRETE BENEATH THE EXISTING SIDE BOARDWALK RAMP, AND THE REMOVAL, RECONFIGURATION, AND RELOCATION OF THE EXISTING BULKHEAD CAP RAILING, at an additional cost of SIXTY-FIVE THOUSAND THREE HUNDRED FIFTY-FOUR DOLLARS AND ELEVEN CENTS (\$65,354.11), known as AMENDATORY AGREEMENT NO. 1; and

WHEREAS, it is necessary to amend the Maine Avenue Promenade-Phase 2 project on final as-built quantity adjustments and supplemental items in the sum of TWENTY THOUSAND EIGHTY-SIX DOLLARS AND NINETY-NINE CENTS (\$20,086.99); to be known as 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 NO. 2 with L. FERIOZZI CONCRETE COMPANY at an additional cost of TWENTY THOUSAND EIGHTY-SIX DOLLARS AND NINETY-NINE CENTS (\$20,086.99), for a new total amount not to exceed NINE HUNDRED THOUSAND SIXTEEN DOLLARS AND TEN CENTS (\$900,016.10), for the aforementioned change of scope of work to be known as AMENDATORY AGREEMENT NO. 2.

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. G-02-41-756-024-931 and specifying the line-item appropriation from the 2026 Budget to satisfy the aforesaid award of this amendatory agreement and pursuant to State approval.

January 28, 2026 9:53 AM

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	MOT.	SEC.
AHMBD	X						KURTZ	X					
BAILY	X						LACCA	X					
CROUCH	X					X	MARSHALL	X					
DUNSTON				X			SHABAZZ	X				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: JANUARY 21, 2026

Paula Geletel

/s/ Paula Geletel, City Clerk