

SIXTH AMENDATORY AGREEMENT

THIS SIXTH 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 **MOUNT CONSTRUCTION CO., INC.** with offices located at 427 S. White Horse Pike, Berlin, NJ 08009, hereinafter referred to as "**CONTRACTOR**", pursuant to Resolution No. 520 adopted by the Council of the **CITY** on July 17, 2024, a copy of which is attached hereto and made a part hereof.

WHEREAS, by Resolution No. 80 adopted February 21, 2022, the City entered into an Agreement with **CONTRACTOR FOR GARDNER'S BASIN DREDGING & BULKHEAD REPAIRS IN THE AMOUNT OF ONE MILLION EIGHTY-TWO THOUSAND FOUR HUNDRED THIRTY-ONE DOLLARS (\$1,082,431.00)**; and

WHEREAS, pursuant to Resolution No. 298 adopted by City Council on May 18, 2022, City agreed to extend the **AGREEMENT COMPLETION TIME FROM 90 DAYS TO 180 DAYS** for an additional amount of **TEN THOUSAND FOUR HUNDRED FIFTY-NINE DOLLARS AND SIXTY-TWO CENTS (\$10,459.62)**, to be known as the **FIRST AMENDATORY AGREEMENT**; and

WHEREAS, pursuant to Resolution No. 277 adopted by City Council on April 19, 2023, it was necessary due to changed field conditions at Gardner's Basin, to remove and replace existing stringers in the existing wood deck in the amount of **SIXTY-NINE THOUSAND THREE HUNDRED SIXTY-ONE DOLLARS AND THIRTY CENTS (\$69,361.30)** to be known as the **SECOND AMENDATORY AGREEMENT**; and

WHEREAS, pursuant to Resolution No. 296 adopted by City Council on April 19, 2023, it was necessary due to unforeseen conditions at Gardner's Basin, for the emergency replacement of deteriorated pilings in the amount of **THREE HUNDRED THIRTY-EIGHT THOUSAND FIVE DOLLARS AND EIGHT CENTS (\$338,005.08)** to be known as the **THIRD AMENDATORY AGREEMENT**; and

WHEREAS, pursuant to Resolution No. 516 adopted by City Council on July 19, 2023, it was necessary to change the scope work to permit the removal and disposal of concrete, regrade the land, install new sidewalk, import/place topsoil, fertilizer, and seed, in the amount of **SIXTY-NINE THOUSAND NINETY-FIVE DOLLARS AND ONE CENT (\$69,095.01)** to be known as the **FOURTH AMENDATORY AGREEMENT**; and

WHEREAS, pursuant to Resolution 515 of 2023, adopted on July 19, 2023, it has become necessary to do additional work to permit the removal and replacement of a corner tie-rod, longitudinal tie rod and repair walers in the amount of **ONE HUNDRED SEVENTY-ONE THOUSAND TWO HUNDRED FIFTY-THREE DOLLARS AND NINETY-EIGHT CENTS (\$171,253.98)** to known as the **FIFTH AMENDATORY AMENDMENT**; and

WHEREAS, there was a reduced cost in the amount for the Dredging and Bulkhead Repairs at the Garden's Basin Marina in the amount of **SEVENTY-THREE THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS AND EIGHTY-FOUR CENTS (-\$73,975.84)** for a new total contract amount not to exceed **ONE MILLION SIX HUNDRED SIXTY-SIX THOUSAND SIX HUNDRED THIRTY DOLLARS AND FIFTEEN CENTS (\$1,666,630.15)** to be known as **THE SIXTH AMENDATORY AGREEMENT**.

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. 80 adopted by the Council of

the CITY on February 21, 2022 is hereby amended to include the above referenced section whereby the total contract amount is being reduced by **SEVENTY-THREE THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS AND EIGHTY-FOUR CENTS (\$73,975.84)** for a **NEW TOTAL NOT TO EXCEED ONE MILLION SIX HUNDRED SIXTY-SIX THOUSAND SIX HUNDRED THIRTY DOLLARS AND FIFTEEN CENTS (\$1,666,630.15)**, to be known as the **SIXTH AMENDATORY AGREEMENT**.

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, and will remain so for the term of this Sixth Amendatory Agreement, and failure to continue in compliance shall be deemed a breach of the Agreement and this Sixth Amendatory Agreement.

[SIGNATURE PAGE TO FOLLOW]

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

This SIXTH AMENDATORY AGREEMENT is effective as of the date of complete execution hereof.

IN WITNESS WHEREOF, the CITY and CONTRACTOR have caused this SIXTH AMENDATORY 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: 2-4-25

WITNESS:

[Signature]

MOUNT CONSTRUCTION CO., INC.

By: [Signature]
President

Michael Mazzarella

(PLEASE PRINT NAME ABOVE)

DATE: 1/31/25

The within Sixth Amendatory Agreement approved as to form and execution.

Date: 2/3/25

By: [Signature]
Peter T. Sallata, Esquire
Assistant City Solicitor

Resolution of the City of Atlantic City

No. 80

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

Factual contents certified to by

Assistant City Solicitor /s/ Karl Timbers

Director Public Works /s/ Paul Jerkins

Prepared by City Solicitor's Office

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

RESOLUTION TO AWARD A CONTRACT TO MOUNT CONSTRUCTION COMPANY, INC., FOR ENGINEERING SERVICES FOR GARDNER'S BASIN DREDGING & BULKHEAD REPAIRS IN THE AMOUNT OF ONE MILLION EIGHTY-TWO THOUSAND FOUR HUNDRED THIRTY-ONE DOLLARS (\$1,082,431.00)

WHEREAS, the City of Atlantic City requires the services for **PROFESSIONAL ENGINEERING SERVICES FOR GARDNER'S BASIN DREDGING & BULKHEAD REPAIRS**; and

WHEREAS, the City of Atlantic City has a need to retain **MOUNT CONSTRUCTION COMPANY, INC.**, as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, **MOUNT CONSTRUCTION COMPANY, INC.**, has completed and submitted a Business Entity Disclosure Certification which certifies that **MOUNT CONSTRUCTION COMPANY, INC.**, has not made any reportable contributions to a candidate or political committee in the City of Atlantic City that will prohibit **MOUNT CONSTRUCTION COMPANY, INC.**, from contracting with the City of Atlantic City; and

WHEREAS, the Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution; 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 agreement with **MOUNT CONSTRUCTION COMPANY, INC.**, for the hereinabove purpose, for a total sum not to exceed **ONE MILLION EIGHTY-TWO THOUSAND FOUR HUNDRED THIRTY-ONE DOLLARS (\$1,082,431.00)**; and

BE IT FURTHER RESOLVED that a Certificate from the Chief Financial Officer has been attached to this Resolution, showing the availability of funds from Account Nos. G-02-41-731-A20-923 from the 2022 Budget to satisfy the aforesaid award of contract.

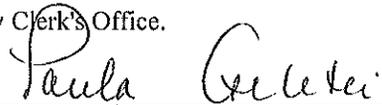
BE IT FURTHER RESOLVED that Public Notice of this Resolution shall be PUBLISHED in THE PRESS at least once pursuant to the requirements of N.J.S.A. 40A:11-1, et seq., as amended.

cr February 4, 2025 3:26 PM

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					X
KURTZ	X						SHABAZZ	X				X	
MARSHALL	X						WEEKES	X					
MORSHED	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: FEBRUARY 23, 2022


 /s/ Paula Geletei, City Clerk