

A-824
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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 **L. FERIOZZI CONCRETE CO.** with offices located at 3010 Sunset Avenue, Atlantic City, NJ 08401, hereinafter referred to as "**CONTRACTOR**", pursuant to Resolution No. 918 adopted by the Council of the **CITY** on December 20, 2023, a copy of which is attached hereto and made a part hereof.

WHEREAS, by Resolution No. 252 adopted April 19, 2023, the City of Atlantic City entered into an Agreement with **L. FERIOZZI CONCRETE CO.** for **MAINE AVENUE PROMENADE IMPROVEMENTS** in the amount of **ONE MILLION ONE HUNDRED THIRTY-TWO THOUSAND THREE HUNDRED SIXTY-TWO DOLLARS AND FIFTY CENTS (\$1,132,362.50)**; and

WHEREAS, it was necessary **TO CHANGE THE SCOPE OF WORK FOR THE MAINE AVENUE PROMENADE IMPROVEMENTS TO INCLUDE THE COST OF REPAIRS TO THE BOARDS ALONG THE WATERSIDE OF THE EXISTING BULKHEAD ON MAINE AVENUE** in the amount of **TWENTY-FOUR THOUSAND FIVE HUNDRED THIRTY DOLLARS (\$24,530.00)** to be known as **AMENDATORY AGREEMENT No. 1.**; and

WHEREAS, it is necessary **TO CHANGE THE SCOPE OF WORK AGAIN FOR MAINE AVENUE PROMENADE IMPROVEMENTS FOR ADDITIONAL FIELD ADJUSTMENTS TO INCLUDE USE OF RUBBER MATTING AT EROSION SITES, INSTALL ADDITIONAL DECKING AND ADDITIONAL HANDRAILS AND REWORK EXISTING STAIRS ALONG THE PROMENADE**, at an additional project cost of **FORTY THOUSAND NINE HUNDRED**

SEVENTY-EIGHT DOLLARS AND SEVENTY-SEVEN CENTS (\$40,978.77) to be known as an **AMENDATORY AGREEMENT No. 2**; 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, BE IT RESOLVED in consideration of the mutual covenants contained herein, the parties agree that the Agreement authorized by Resolution No. 252 adopted by the Council of the **CITY** on April 19, 2023, is hereby amended to include the above referenced section outlined in Resolution No. 918 adopted by Council on December 20, 2023, in the amount of **FORTY THOUSAND NINE HUNDRED SEVENTY-EIGHT DOLLARS AND SEVENTY-SEVEN CENTS (\$40,978.77)** for a new total not to exceed **ONE MILLION ONE HUNDRED NINETY-SEVEN THOUSAND EIGHT HUNDRED SEVENTY-ONE DOLLARS AND TWENTY-SEVEN CENTS (\$1,197,871.27)** 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 will remain so for the term of this Agreement, Amendatory Agreement No. 1, and Amendatory Agreement No. 2, and failure to continue in compliance shall be deemed a breach of the Agreement, Amendatory Agreement No. 1 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.

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 Geletei
Paula Geletei, City Clerk

CITY OF ATLANTIC CITY

By: Marty Small
Marty Small, Sr., Mayor

Date: 1-19-24

WITNESS:

Nancy Skuntz

L. FERIOZZI CONCRETE CO.

By: Joseph L. Feriozzi
President

JOSEPH L. FERIOZZI
(PLEASE PRINT NAME ABOVE)

DATE: 01-18-24

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

Date: 1/18/24

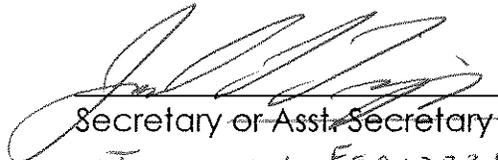
By: Peter T. Sallata
Peter T. Sallata, Esq.
Assistant City Solicitor

STATE OF NEW JERSEY)
) ss.
COUNTY OF ATLANTIC)

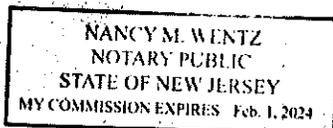
I CERTIFY that on JANUARY 18, 2024,
JOSEPH L. FERIOZZI ^(MYSELF) ^{AND SOLE CORPORATE OFFICER} the Secretary ~~or Assistant Secretary~~ of the Corporation, personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the secretary ~~or assistant secretary~~ of L. FERIOZZI CONCRETE COMPANY (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
JANUARY 18, 2024


Secretary or Asst. Secretary
JOSEPH L. FERIOZZI
PRESIDENT / TREASURER

Nancy M. Wentz



Resolution of the City of Atlantic City

No. 918

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

Factual contents certified to by

Assistant City Solicitor /s/ Karl Timbers

Uzoma Ahiarakwe /s/ City Engineer

Prepared by City Solicitor's Office

Council Members MARSHALL & RANDOLPH present the following Resolution:

RESOLUTION AMENDING AWARD OF CONTRACT TO L. FERIOZZI CONCRETE CO. TO REFLECT NEW SCOPE OF WORK IN THE AMOUNT OF \$40,978.77

WHEREAS, by Resolution No. 252 of April 19, 2023, the City of Atlantic City entered into an agreement with **L. FERIOZZI CONCRETE CO. FOR MAINE AVENUE PROMENADE IMPROVEMENTS** for a total delivered sum of **ONE MILLION ONE HUNDRED THIRTY-TWO THOUSAND THREE HUNDRED SIXTY-TWO DOLLARS and FIFTY CENTS (\$1,132,362.50)**; and

WHEREAS, it has become necessary to **CHANGE THE SCOPE OF WORK FOR MAINE AVENUE PROMENADE IMPROVEMENTS FOR ADDITIONAL FIELD ADJUSTMENTS TO INCLUDE USE OF RUBBER MATTING AT EROSION SITES, INSTALL ADDITIONAL DECKING AND ADDITIONAL HANDRAILS AND REWORK EXISTING STAIRS ALONG THE PROMENADE** at an additional project cost of **FORTY THOUSAND NINE HUNDRED SEVENTY-EIGHT DOLLARS AND SEVENTY-SEVEN CENTS (\$40,978.77)** to be known as an **AMENDATORY AGREEMENT 1**.

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** at an additional cost of **FORTY THOUSAND NINE HUNDRED SEVENTY-EIGHT DOLLARS AND SEVENTY-SEVEN CENTS (\$40,978.77)** for a new total amount not to exceed **ONE MILLION ONE HUNDRED SEVENTY-THREE THOUSAND THREE HUNDRED FORTY-ONE DOLLARS AND TWENTY-SEVEN CENTS (\$1,173,341.27)** for the aforementioned change of scope of work to be known as an **AMENDATORY AGREEMENT 1**.

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

January 11, 2024 10:34 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					X	SHABAZZ	X					
KURTZ	X						TIBBITT	X				X	
MARSHALL	X						WEEKES	X					
MORSHED				X			ZIA	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: DECEMBER 20, 2023


 /s/ Paula Geletei, City Clerk