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CHANGE ORDER NO. 2

THIS CHANGE ORDER, 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 **FIRST VEHICLE SERVICES, INC.**, with offices located at 600 Vine Street, Suite 1400, Cincinnati, Ohio, 45202, hereinafter referred to as "**CONTRACTOR**", pursuant to Resolution No. 691 adopted by the Council of the **CITY** on November 16, 2016, a copy of which is attached hereto and made a part hereof.

WHEREAS, by Resolution No. 736 of 2013, the City of Atlantic City entered into an Agreement with **FIRST VEHICLE SERVICES, INC.** for **FLEET MANAGEMENT, MAINTENANCE AND REPAIR** for a period of (3) years with and option of two (2) one (1) year extensions in the amount of **SIX MILLION NINE HUNDRED SEVENTY-THREE THOUSAND THREE HUNDRED DOLLARS AND SEVENTY-THREE CENTS (\$6,973,300.73)** commencing October 1, 2013 and ending September 30, 2016; and

WHEREAS, by Resolution 730 of 2015, the City and First Vehicle, Inc. agreed to amend the contract price for year three (3) to Two Million Forty Four Thousand Four Hundred Thirty Three Dollars (\$2,044,433.00) for the period commencing on October 1, 2015 and ending September 30, 2016 for a total reduction of price in the amount of \$280,000.00; and

WHEREAS, it was necessary to **EXTEND THE EXISTING CONTRACT FOR AN ADDITIONAL THREE (3) MONTHS from OCTOBER 1, 2016 TO DECEMBER 31, 2016** in the amount of **SIX HUNDRED ELEVEN THOUSAND ONE HUNDRED EIGHT DOLLARS AND TWENTY-SIX CENTS (\$611,108.26)** to be known as **CHANGE ORDER No. 1**.

WHEREAS, it is necessary again to **EXTEND THE EXISTING CONTRACT FOR AN ADDITIONAL THREE (9) MONTHS from JANUARY 1, 2017 TO SEPTEMBER 30, 2017** in the amount of **ONE MILLION FIVE HUNDRED NINETY-FIVE THOUSAND EIGHT HUNDRED TWENTY-FOUR DOLLARS AND SEVENTY-FIVE CENTS (\$1,595,824.75)** to be known as **CHANGE ORDER 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 **FIRST VEHICLE SERVICES, INC.**, to **INCLUDE** the aforementioned extension of contract for (9) months January 1, 2017 to September 30, 2017 in the total amount of **ONE MILLION FIVE HUNDRED NINETY-FIVE THOUSAND EIGHT HUNDRED TWENTY-FOUR DOLLARS AND SEVENTY-FIVE CENTS (\$1,595,824.75)** to be known as **CHANGE ORDER 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 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 Change Order is effective as of the date of the Mayor's signature.

IN WITNESS WHEREOF, the **CITY** and **COUNSEL** have caused this Agreement to be executed on or as of the day and year first below written.

ATTEST:

CITY OF ATLANTIC CITY

Paula Geletei
Paula Geletei, City Clerk

By: Donald A. Guardian
Donald A. Guardian, Mayor

Date: 4/10/17

WITNESS:

FIRST VEHICLE SERVICES, INC.

Julia DeLeon

By: Dale R. Domish
President

Dale R. Domish
(PLEASE PRINT NAME ABOVE)

DATE: 3-24-17

The within Agreement approved as to form and execution.

Date: 4-11-17

By: Michael J. Perugini
Michael J. Perugini, Esquire
Deputy City Solicitor

STATE OF Ohio)
) ss.
COUNTY OF Hamilton)

I CERTIFY that on March 27, 2017,

Michael L. Petrucci, 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 First Vehicle Services, Inc.
(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

Michael Petrucci
Asst. Secretary or Asst. Secretary

March 27, 2017

GAYLA S. MAXWELL
Notary Public, State of Ohio
My Commission Expires 03-12-2019

Gayla S. Maxwell
Notary Public of New Jersey Ohio
(Seal attached)

Resolution of the City of Atlantic City

No. 84

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

Factual contents certified to by

Deputy City Solicitor /s/ Michael J. Perugini

Director/s/ Paul Jerkins, Public Works

Prepared by City Solicitor's Office

Council Members RANDOLPH & TIBBITT present the following Resolution:

RESOLUTION AUTHORIZING NINE MONTH EXTENSION OF CONTRACT WITH FIRST VEHICLE SERVICES, INC. FOR FLEET MAINTENANCE

WHEREAS, by Resolution No. 736 of 2013, the City of Atlantic City entered into an Agreement with **FIRST VEHICLE SERVICES, INC.** for **FLEET MANAGEMENT, MAINTENANCE AND REPAIR** for a period of (3) years with and option of two (2) one (1) year extensions in the amount of **SIX MILLION NINE HUNDRED SEVENTY-THREE THOUSAND THREE HUNDRED DOLLARS AND SEVENTY-THREE CENTS (\$6,973,300.73)** commencing October 1, 2013 and ending September 30, 2016; and

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WHEREAS, it was necessary to **EXTEND THE EXISTING CONTRACT FOR AN ADDITIONAL THREE (3) MONTHS from OCTOBER 1, 2016 TO DECEMBER 31, 2016** in the amount of **SIX HUNDRED ELEVEN THOUSAND ONE HUNDRED EIGHT DOLLARS AND TWENTY-SIX CENTS (\$611,108.26)** to be known as **CHANGE ORDER No. 1.**

WHEREAS, it is necessary to **EXTEND THE EXISTING CONTRACT FOR AN ADDITIONAL THREE (9) MONTHS from JANUARY 1, 2017 TO SEPTEMBER 30, 2017** in the amount of **ONE MILLION FIVE HUNDRED NINETY-FIVE THOUSAND EIGHT HUNDRED TWENTY-FOUR DOLLARS AND SEVENTY-FIVE CENTS (\$1,595,824.75)** inclusive of the reduction of price, to be known as **CHANGE ORDER 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 **FIRST VEHICLE SERVICES, INC.**, to **INCLUDE** the aforementioned extension of contract for (9) months January 1, 2017 to September 30, 2017 in the total amount of **ONE MILLION FIVE HUNDRED NINETY-FIVE THOUSAND EIGHT HUNDRED TWENTY-FOUR DOLLARS AND SEVENTY-FIVE CENTS (\$1,595,824.75)** to be known as **CHANGE ORDER No. 2.**

