

A-9303
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CHANGE ORDER NO. 4

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 **OZITUS INTERNATIONAL, INC.**, with offices located at 26 Hamton Court East, Robbinsville, New Jersey 08691-3642, hereinafter referred to as "**CONSULTANT**", pursuant to Resolution No. 360 adopted by the Council of the **CITY** on June 14, 2017, a copy of which is attached hereto and made a part hereof.

WHEREAS, the **CITY** and **CONSULTANT** entered into an Agreement authorized by Resolution No. 741 adopted by the Council of the **CITY** on December 14, 2016, to **PROVIDE TEMPORARY MIS SUPPORT SERVICES** in the amount of **THIRTY-FOUR THOUSAND DOLLARS (\$34,000.00)**; and

WHEREAS, it became necessary to do extra work described as follows: **ADDITIONAL MIS SUPPORT SERVICES IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)** to be known as **CHANGE ORDER NO. 1**.

WHEREAS, it was necessary to do extra work described as follows: **ADDITIONAL MIS SUPPORT SERVICES IN THE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000.00)** to be known as **CHANGE ORDER NO. 2**.

WHEREAS, it was necessary to do extra work described as follows: **ADDITIONAL MIS SUPPORT SERVICES IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00)** to be known as **CHANGE ORDER NO. 3**.

WHEREAS, it is again necessary to do extra work described as follows: **ADDITIONAL MIS SUPPORT SERVICES IN THE AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)** to be known as **CHANGE ORDER NO. 4**.

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, in consideration of the mutual covenants contained herein, the parties agree that the agreement authorized by Resolution No. 741 adopted by the Council of the CITY on December 14, 2016, is hereby changed to include the above referenced section in the amount of **TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)** for a new total not to exceed **ONE HUNDRED THIRTY-NINE THOUSAND DOLLARS (\$139,000.00)** to be known as **CHANGE ORDER NO. 4.**

CONSULTANT 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.

CONSULTANT 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 CONSULTANT 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: 7/13/17

WITNESS:

OZITUS INTERNATIONAL, INC.

Karen B. Carr

By: Vijay Verma
VIJAY K. VERMA
(PLEASE PRINT NAME ABOVE)

Date: 7/11/17

The within Agreement approved as to form and execution.

Date: 6/11/2017

By: 
Karl Timbers
Asst. City Solicitor

STATE OF NJ)
) ss.
COUNTY OF Atlantic)

I CERTIFY that on 7-11-17, 2017,
VIJAY K VERMA, 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
OZITUS INTERNATIONAL 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

Vijay Verma
Secretary or Asst. Secretary

July 11, 2017

Karen B. Carr

Notary Public of New Jersey
(Seal attached) **KAREN B. CARR**
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 6/27/2018

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)

N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance)

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Purchase & Property, CCAU, EEO Monitoring Program as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Purchase & Property, CCAU, EEO Monitoring Program for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

Company Name: OZISTUS INTERNATIONAL Inc.

Name: VIJAY K. VERMA

Title: President

Signature: Vijay Verma

Date: 7-11-17

Resolution of the City of Atlantic City

No. 360

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

Factual contents certified to by

Assistant City Solicitor /s/Karl Timbers

Business Administrator Jason Holt

Prepared by City Solicitor's Office

Council Members KURTZ & RANDOLPH present the following Resolution:

RESOLUTION APPROVING ADDITIONAL FUNDS FOR OZITUS INTERNATIONAL, INC.

WHEREAS, by Resolution No. 741 of December 14, 2016 the City of Atlantic City entered into an agreement with **OZITUS INTERNATIONAL, INC.**, for **TEMPORARY MIS SUPPORT** for a total sum of **THIRTY-FOUR THOUSAND DOLLARS (\$34,000.00)**; and

WHEREAS, it became necessary to do extra work described as follows: **ADDITIONAL MIS SUPPORT SERVICES** in the amount of **TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)** for a new total not to exceed **FIFTY-NINE THOUSAND DOLLARS (\$59,000.00)**; to be known as **CHANGE ORDER No. 1**; and

WHEREAS, it was necessary to do extra work described as follows: **ADDITIONAL MIS SUPPORT SERVICES** in the amount of **FORTY THOUSAND DOLLARS (\$40,000.00)**, for a new total not to exceed **NINETY-NINE THOUSAND DOLLARS (\$99,000.00)**; to be known as **CHANGE ORDER No. 2**; and

WHEREAS, it was necessary to do extra work as described as follows: **ADDITIONAL MIS SUPPORT SERVICES** in the amount of **FIFTEEN THOUSAND DOLLARS (\$15,000.00)**, for a new total not to exceed **ONE HUNDRED FOURTEEN THOUSAND DOLLARS (\$114,000.00)**; to be known as **CHANGE ORDER No. 3**; and

WHEREAS, it is necessary to do extra work as described as follows: **ADDITIONAL MIS SUPPORT SERVICES** in the amount of **TWENTY FIVE THOUSAND DOLLARS (\$25,000.00)**, for a new total not to exceed **ONE HUNDRED THIRTY-NINE THOUSAND DOLLARS (\$139,000.00)** and to extend the term of the agreement for up to 60 days pursuant to N.J.S.A. 40A: 11-15, extension of a contract when the award is pending; to be known as **CHANGE ORDER No. 4**; 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 **OZITUS INTERNATIONAL, INC.** to **INCLUDE** the aforementioned work to be known as **CHANGE ORDER No. 4**; and

Extension

BE IT FURTHER RESOLVED that a Certificate from the Chief Financial Officer is attached to this Resolution, showing the availability of funds and specifying the line item appropriation from the 2017 Budget to satisfy the aforesaid.

kc July 11, 2017 2:20 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.
CHENG	X						MARSH	X					
DELGADO	X						RANDOLPH	X				X	
GILLIAM	X						SHABAZZ	X					X
KURTZ	X						TIBBITT	X					
SMALL, 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: JUNE 14, 2017

 /s/ Paula Geletei, City Clerk