

RESOLUTION NO. 2022-059

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A HOLD HARMLESS AGREEMENT WITH JPC GROUP INC. AS TO MYSTIC ISLAND WEST PHASE 1 & ATLANTIS MAINTENANCE DREDGING PROJECT

WHEREAS, the governing body awarded a contract to JPC Group, Inc. the lowest responsible bidder, after negotiations under N.J.S.A. 40A:11-5(3), for the construction of Mystic Island West Phase 1 and Atlantis Maintenance Dredging Project (Base Bid (\$8,075,000.00), Alternate Bid 'A' (\$1,275,000.00) and Alternate Bid 'B' (\$93.00) for a total of \$9,350,093.00 pursuant to Resolution 2021-231; and

WHEREAS, pursuant to the Contract documents, specifically, Appendix 1 of the Bid Specifications, JPC Group is obligated to abide by the following as to dredging on private property:

Alternate Bid 'B' shall establish a cost for property owners to have their boat slips and dock areas dredged by the Contractor. Said cost shall be on a CY basis for up to 100 CY per boat slip. It shall be the property owner's responsibility to secure all required permits for said work. The Contractor shall make this private boat slip dredging available to property owners in the previously dredged area of Mystic Island, East of Radio Road, as well. Any payments associated with Alternate Bid 'B' shall be made directly by the property owner to the Contractor[.]; and

WHEREAS, the Department of Environmental Protection has indicated that individual permits will not be processed by the DEP and that the residential dredging should be conducted



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under a modification to the LUR Permit, 1500-17-0001.1, LUP2000001, by which the Township of Little Egg Harbor is Permittee; and

WHEREAS, the Township of Little Egg Harbor shall agree to amend and modify said LUR Permit to include the residential dredging, originally contemplated under the Bid Specification to be authorized under individual permits, in consideration of JPC Group, Inc. defending and indemnifying the Township of Little Egg Harbor (hereinafter "Township") for any dredging work done under this Contract for private residential dredging contemplated pursuant to the Mystic Island West Phase 1 and Atlantis Maintenance Project.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the governing body authorizes the execution of the "Township of Little Egg Harbor Release and Indemnification Agreement for Residential Dredging by JPC Group for Mystic Island West Phase 1 and Atlantis Maintenance Project" attached hereto as Schedule A.
2. That the Mayor is authorized to execute and the Township Clerk to attest to the aforesaid Release and Indemnification Agreement with JPC Group, Inc.
3. That a certified copy of this resolution, together with a copy of the contract between the parties, shall be forwarded to the Chief Financial Officer, the Township Engineer and JPC Group, Inc.

CERTIFICATION

I, **KELLY LETTERA, RMC**, Township Clerk of the Township of Little Egg Harbor, do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the 13th day of **January 2022**.



KELLY LETTERA, RMC
Township Clerk,
Township of Little Egg Harbor

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TOWNSHIP OF LITTLE EGG HARBOR
RELEASE AND INDEMNIFICATION AGREEMENT FOR RESIDENTIAL DREDGING
BY JPC GROUP FOR MYSTIC ISLAND WEST PHASE 1 AND ATLANTIS MAINTENANCE
DREDGING PROJECT

WHEREAS, JPC Group, Inc. was awarded a contract by the Township of Little Egg Harbor to conduct dredging for the Mystic Island West Phase 1 and Atlantis Maintenance Project; and

WHEREAS, pursuant to the Contract documents, specifically, Appendix 1 of the Bid Specifications, JPC Group is obligated to abide by the following as to dredging on private property:

Alternate Bid 'B' shall establish a cost for property owners to have their boat slips and dock areas dredged by the Contractor. Said cost shall be on a CY basis for up to 100 CY per boat slip. It shall be the property owner's responsibility to secure all required permits for said work. The Contractor shall make this private boat slip dredging available to property owners in the previously dredged area of Mystic Island, East of Radio Road, as well. Any payments associated with Alternate Bid 'B' shall be made directly by the property owner to the Contractor[.]; and

WHEREAS, the Department of Environmental Protection has indicated that individual permits will not be processed by the DEP and that the residential dredging should be conducted under a modification to the LUR Permit, 1500-17-0001.1, LUP2000001, by which the Township of Little Egg Harbor is Permittee; and

WHEREAS, the Township of Little Egg Harbor shall agree to amend and modify said LUR Permit to include the residential dredging, originally contemplated under the Bid Specification to be authorized under individual permits, in consideration of JPC Group, Inc. defending and indemnifying the Township of Little Egg Harbor (hereinafter "Township") for any dredging work done under this Contract for private residential dredging contemplated pursuant to the Mystic Island West Phase 1 and Atlantis Maintenance Project.

NOW, THEREFORE, it is agreed to by the parties as follows:

1. In consideration of defense and indemnification by JPC Group, Inc. more specifically described below, for dredging work performed for private residential dredging as contemplated pursuant to the Mystic Island West Phase 1 and Atlantis Maintenance Project Contract, Township agrees to modify LUR Permit, 1500-17-0001.1, LUP2000001, so as to include individual residential dredging in the area of Mystic Island West Phase 1 and Atlantis Maintenance Project under the Permit.
2. In further consideration of modifying the LUR Permit to include private residential areas for dredging, JPC Group, Inc. and its employees, agents, or successors accept all risk to their health, and of their injury or death that may occur while they are acting within the course and scope of their activities as workers and hereby release Township, its officers, employees and representatives from any liability to JPC Group, Inc., its personal

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representatives, estate, heirs, next of kin, and assigns for any and all claims and causes of action for loss of or damage to property and for any and all illness or injury to any person, including death, that may result from or occurring during their activities in dredging at or upon individual residential properties under Mystic Island West Phase 1 and Atlantis Maintenance Project.

3. In further consideration of modifying the LUR Permit to include private residential areas for dredging, JPC Group, Inc. acknowledges that Township has no responsibility whatsoever for the dredging activity on individual residential properties. By signature affixed below, JPC Group agrees to indemnify, defend and hold harmless the Township, its officers, agents and employees against any and all liability, penalties (including violations from NJDEP), damages and expenses including attorneys' fees and judgments, loss of claim arising out of or from, or relate to the dredging of individual private residential properties.

WITNESS AND ATTEST:

TOWNSHIP OF LITTLE EGG HARBOR



KELLY LETTERA, RMC
Township Clerk
(Seal)

By



JOHN KEHM, Mayor

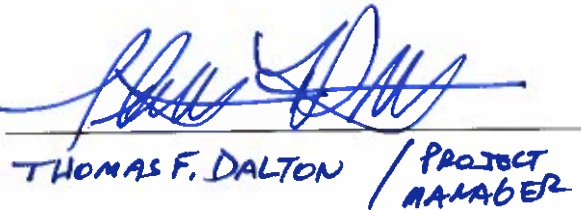
WITNESS AND ATTEST:

JPC GROUP, INC.



WANDA BROUN
EEO OFFICER

By



THOMAS F. DALTON / **PROJECT**
MANAGER

Dated:

rmshc

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