

RESOLUTION NO. 2021-231

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING CONTRACT TO JPC GROUP INC. IN ACCORDANCE WITH N.J.S.A. 40A:11-5(3) FOR THE MYSTIC ISLAND WEST PHASE 1 & ATLANTIS MAINTENANCE DREDGING PROJECT

WHEREAS, Mystic Island West Phase 1 & Atlantis Maintenance Dredging Project was previously advertised, and bids sought, with three bids opened on August 4, 2021 and rejected by Resolution 2021-167, as all substantially exceeded the estimates for the cost of the project as well as the amount budgeted for the project, and the project was readvertised and re-bid; and

WHEREAS, on September 3, 2021 the Township of Little Egg Harbor opened and read bids on second occasion for the Mystic Island West Phase 1 & Atlantis Maintenance Dredging Project; and

WHEREAS, the Township received two bids for the project, all which substantially exceed the estimates for the cost of the project as well as the amount budgeted for the project; and

WHEREAS, the Local Public Contracts Law provides that a municipality may reject all bids when the lowest bid substantially exceeds the funds appropriated for the goods or services required; and

WHEREAS, the governing body rejected all bids sought on second occasion for Mystic Island West Phase 1 & Atlantis Maintenance Dredging Project and authorized the interim Township Administrator, the Township Engineer and Township Attorney to negotiate with each responsible bidder and as otherwise authorized pursuant to N.J.S.A. 40A:11-5(3); and

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WHEREAS, the terms, conditions, restrictions, and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding pursuant to N.J.S.A. 40A:11-4; and

WHEREAS, any minor amendment or modification of any of the terms, conditions, restrictions, and specifications, which were the subject of competitive bidding are stated in the resolution awarding the contract; and

WHEREAS, since on the second occasion the bids received were rejected as unreasonable as to price, the Township notified each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afforded each bidder a reasonable opportunity to negotiate, as well as other interested responsible vendors; and

WHEREAS, the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for goods or services.

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 does hereby award 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.
2. That the minor amendments or modification of any of the terms, conditions, restrictions, and specifications, which were the subject of competitive bidding are noted in the October 8, 2021 correspondence from T&M Associates, and that use of

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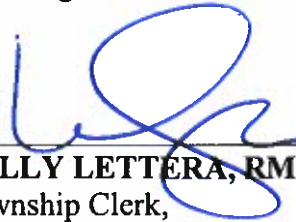
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an AUD shall be by consent of the Township and subject to terms and conditions approved by the Township Attorney and the Township Engineer.

3. That the Mayor and the Township Clerk are hereby authorized to execute a contract with 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.
4. That the governing body specifically approves the bid specifications, designs and plans prepared in connection with the construction of the Mystic Island West Phase 1 and Atlantis Maintenance Dredging Project.
5. That a Certificate of Availability of Funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for this contract: _____
ORDINANCE 2021-09 ; 2021-10
6. 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 14th day of **October, 2021**.



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

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CERTIFICATE OF AVAILABILITY OF FUNDS

I, **RODNEY R. HAINES**, Chief Financial Officer for the Township of Little Egg Harbor, do hereby certify that adequate funds are available for a contract with JCP Group, Inc. 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.

The funds which are available for this contract are found in the following line item appropriations or ordinances:

ORDINANCES 2021-09 ; 2021-10



RODNEY R. HAINES, Chief Financial Officer
Township of Little Egg Harbor