

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY**

RESOLUTION

WHEREAS, the Township of Berkeley Heights (the “Township”) currently owns and operates a wastewater system servicing the residents and property owners (the “Customers”) within the geographic boundaries of the Township (the “System”); and

WHEREAS, the Township determined that it is in the best interests of the Customers to assess a potential sale of the System to an entity with the necessary experience and expertise in owning and operating such systems in order to meet all of the demands associated with such systems; and

WHEREAS, the Township prepared and distributed a Request for Bids for the Sale of the Wastewater System (the “RFB”) dated May 15, 2025 requesting bids for the purchase of the System pursuant to N.J.S.A. 40:62-1 et seq. (the “Public Utilities Law”); and

WHEREAS, on July 1, 2025, in accordance with the process set out in the RFB, the Township received one bid from New Jersey American Water, Inc. (“NJAW”), a regulated wastewater company (the “Bid”); and

WHEREAS, Township’s Administrator and Special Counsel to the Township reviewed the Bid and recommend that the Bid be rejected as non-responsive to the requirements of the RFB, specifically the Bid does not comply with the required capital improvement investment as set forth in Section 3.10 of the RFB; and

WHEREAS, the Township Council has determined the Bid is non-responsive on the basis that it does not comply with the required capital improvement investment as set forth in Section 3.10 of the RFB and wishes to reject the Bid.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that the Bid from NJAW for the provision of the “Sale of the Wastewater System” which was received and opened on July 1, 2025 is hereby rejected as non-responsive to the requirements of the RFB.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and NJAW shall be notified of this action.

Approved this 15th day of July, 2025.

ATTEST:

Angela Lazzari, RMC
Township Clerk

ROLL CALL	Aye	Nay	Abstain	Absent
COUTO				
FOSTER				
ILLIS				
MACHADO				
MORAN				
POAGE				
TIE:				
MAYOR DEVANNEY				