

# Transportation Contracts

How to complete

**FORM TC**

to submit an eligible contract

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# Contract Categories

Contracts are broken down into several Categories:

TC Contract – **new school year** (September – June) for **Home to School & Spec Ed.**

This set of instructions deals with TC contracts.

-- separate contract(s) used for new school year (Sept - June) for **Athletic & Field Trips.**

TCS Contract – Summer transportation, July – August Only.

-- *Special Education* is contracted separately from *Non-Special Education*.

CE Contract – School Year Extension contracts for Home to School & Spec Ed.

-- as with original contracts, separate school year contracts used for Athletic & Field Trips.

CES Contract – Summer Service Extension contracts, July – August Only.

-- as with original contracts, *Special Education* remains separate from *Non-Special Education*.

# FORM TC

## INSTRUCTIONS

Form has been broken into several sections with specific instructions on how to complete each section.

**Form TC**

**The State Education Department**  
**Transportation Unit, Room 475 EBA**  
**Albany, New York 12234**

**TRANSPORTATION CONTRACT**  
 (Do not use for Addendums or Extensions - See Note on Reverse)

**Check if applicable:**

( ) Special Education Pupils - Transportation required as a related service.  
 ( ) Contract will begin part way through the school year and cost \$20,000 or less.  
 ( ) One-month emergency contract -31 Calendar Days.  
 ( ) Contract for bus maintenance only.  
 ( ) District will supply contractor with fuel.

**Specifications include:**

( ) Provision for attendants, escorts or monitors.  
 ( ) Clause for increasing or decreasing service.

If this is Special Needs, "X" box  
 If this is a Partial Year Contract, "X" box  
 Is this a 31 CALENDAR Day Emergency, "X" Box  
 Contract is Maintenance or Operations Only, "X" box  
 District Supplying Fuel?, "X" box  
 Provision for Attendants/Monitors, "X" box\*\*  
 Clause for increase/ decrease service, "X" box\*\*

1. Please fill in SED # (first six digits of BEDS CODE).
2. The contract number will be issued by SED for new contracts.
3. Fill in School District Contact information. Please include email. BOCES: if you are filling out paperwork please use school name and address, not BOCES.
4. Make sure to check applicable boxes\*\*:

**\*\*Keep in mind:** this is where you have an "Add/ Delete Clause". If Bid Specs have this wording, you may Add Service, Attendants, Routes Etc. See next page for example of an add/delete clause.

A transportation contract may not be materially altered or modified. However, where the contract specifications include language which authorizes additional service or a change of service, such modifications can be made (**Add/Delete Clause**). In addition, the contractor's bid proposal must include a specific price for the additional service or change of service. NOTE: An addendum, which may simply be a letter describing any modifications to the contract amount, must be submitted to the Department.

## **Example of an “Add / Delete Clause”**

(The add/delete clause can be added to a contract as its own section, or it may be included under an appropriate section(s) within a proposed contract)

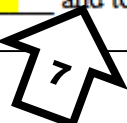
“The District reserves the right to make changes to any of the proposed routes, and reserves to itself the right of approval on all routes. All routes shall be designated consistent with Board Policy, and shall be designated to maximize efficiency and minimize costs to District. There is no guarantee as to the number of pupils on a bus run at any given time. Students may be added and deleted, routes may be added and deleted, and monitors/attendants may be added and deleted based on the needs of the District.”

# Contract Agreement

 This AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between \_\_\_\_\_, County of \_\_\_\_\_, N.Y.  
(Name of School District or BOCES)  
party of the first part and \_\_\_\_\_, party of the second part.  
(Contractor) 

5. Agreement date is the date the BOE has voted to enter into this contract (Example: the Bid Opening date is Jan. 6, 2017. The BOE meets on Jan 22, 2017. The AGREEMENT DATE IS JAN 22, 2017).
6. Fill in School District or BOCES, County and Contractor.

## Service Dates

WITNESSETH. That whereas party of the first part is duly empowered (by the provisions of Section 1604, 1709, 2021, 2503, 4401 and 4402 of the Education Law) to enter into a contract for the purpose of providing transportation for children of said district for the period of service to begin \_\_\_\_\_ and to end \_\_\_\_\_  
Month Day Year Month Day Year 

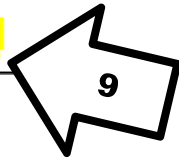
7. Fill in Service dates. **Note**: TC Form is School Year Only. School Year dates must be between Sept. 1<sup>st</sup> and June 30<sup>th</sup>. Summer service dates (used with Form TCS) can only be July 1<sup>st</sup> thru Aug 31<sup>st</sup>. ONLY contracts that are for Maintenance or Operations & Maintenance can be July 1<sup>st</sup> thru June 30<sup>th</sup>. Also **REMEMBER**: Sept. year and June year will be **different**.



## Lump Sum/Unit Cost & ANTICIPATED Total Cost

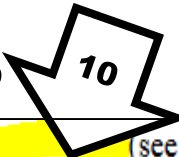
NOW, THEREFORE, the said party of the first part hereby agrees to pay to the said party of the second part the sum of \$ \_\_\_\_\_ or \$ \_\_\_\_\_ if on a per-bus, per-diem, per-mile or  
(If lump sum contract) (Unit Cost)  
 other unit cost basis for providing such transportation on a suitable conveyance.

Total Anticipated Annual Cost \$ \_\_\_\_\_



8. Enter Lump Sum or Unit Cost (On your bid specs, what was the unit you were asking for? Per pupil per month / Per bus per day / Per bus per hour, with matron and/ so on).
9. Enter Total Anticipated Cost (For a multi-year contract, only enter the first year cost & attach spreadsheet with anticipated costs for consecutive years).

## RFP Date & SIGNATURES

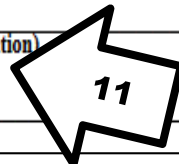


If awarded through a request for proposals, date of request of such proposals \_\_\_\_\_ (see note on reverse)

IN WITNESS WHEREOF, The parties have set their hands the day and year above written.

\_\_\_\_\_  
(Signature of Trustee or President of Board of Education) (Party of the First Part) (Post Office Address)

\_\_\_\_\_  
(Signature of Contractor) (Party of the Second Part) (Post Office Address)



10. If contract was awarded using the RFP process, fill in the date of bid opening.
11. Obtain BOE signature and Contractor signature. **NOTE:** Please only send ORIGINAL inked/signed contract to SED.

# Superintendent's Signature

If awarded through a request for proposals, date of request of such proposals \_\_\_\_\_ (see note on reverse)

IN WITNESS WHEREOF, The parties have set their hands the day and year above written.

\_\_\_\_\_  
(Signature of Trustee or President of Board of Education) (Party of the First Part) (Post Office Address)

\_\_\_\_\_  
(Signature of Contractor) (Party of the Second Part) (Post Office Address)

**COMPLIANCE CERTIFICATION.** I certify that this contract was awarded in accordance with the competitive bidding provisions of Section 103 of the General Municipal Law, Section 305 (14) of the Education Law, and Section 156.1(b) of Commissioner of Education Regulations, or in accordance with the request for proposals provisions of Section 305(14) of the Education law and Section 156.12 of Commissioner of Education Regulations. I also certify that the contract has been authorized by the voters in accordance with Section 1709(27) of the Education Law, and that the contract has been approved by the Superintendent of Schools in accordance with Section 3625(1) of the Education Law.

Approval Date: \_\_\_\_\_ Filed by: \_\_\_\_\_  
(Date of Superintendent's Approval) (Signature of Superintendent or Designee)

**SUBMIT ORIGINAL TO THE STATE EDUCATION DEPARTMENT. RETAIN A COPY FOR YOUR SCHOOL DISTRICT RECORDS.**

3/15

Just One Original

12

13

12. Superintendent's and All Other Signatures must be in ORIGINAL ink. Please only send original signatures to SED (And please only send one original contract to SED. We do not require duplicates/copies.)
13. Fill in DATE OF APPROVAL BY SUPERINTENDENT. **NOTE:** THIS DATE MUST BE ON OR AFTER THE BOE AGREEMENT DATE (used in Step 5.)

# TC FORM, Page 2

## Bid Information

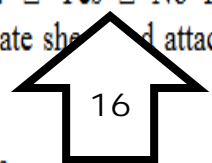
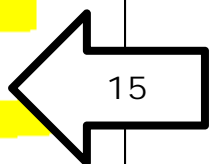
MINIMUM STATUTORY INSURANCE REQUIREMENTS as provided in Section 370 of New York State Vehicle and Traffic Law must be complied with.

If **COMPETITIVELY BID** date of bid opening                      Complete **BID TABULATION** below:

1. <u>                                    </u> (Name)	<u>                                    </u> (Amount of Bid)	3. <u>                                    </u> (Name)	<u>                                    </u> (Amount of Bid)
2. <u>                                    </u> (Name)	<u>                                    </u> (Amount of Bid)	4. <u>                                    </u> (Name)	<u>                                    </u> (Amount of Bid)

Was contract awarded to the lowest responsible bidder?  Yes  No If not awarded to the lowest bidder, state reasons why. Give detailed and completed reasons on a separate sheet and attach to this contract. If no bids are received, it is necessary for the district to re-advertise.

Attach Affidavits of Publication which you can secure from the newspapers. Also, attach one printed copy of each Notice to Bidder which appeared in the papers. If detailed specifications were used, kindly forward a copy.



- 14. Fill in bid opening date that was advertised in your Ad.
- 15. List all contractors that submitted bids and the amount bid.
- 16. Indicate if award was made to lowest bidder. Please read all directions carefully. Note: Does not apply to RFP process.



## Multi-Year Contracts

**MULTI-YEAR CONTRACT:** A separate line item shall be included in the Annual Budget and Budget Brochures. Also a footnote to that line item shall indicate: " \_\_\_\_\_ year (first, second, etc.) of a \_\_\_\_\_ - year (two, three, etc.) contract, the total cost of which is \$ \_\_\_\_\_ " (total cost of multi-year contract).

17. If awarding a Multi-Year Contract, please make sure to obtain prior voter approval. A separate line must be included in the budget brochure.

**NOTE:** Please provide to SED a copy of the budget brochure that includes the line item and footnote.

# Things to Remember

## Competitive Bid

- **Seven Day Rule** - Make sure there are at least 5 full days in between the date the ad is in the paper and the bid opening date (Applies to both Competitive and RFP processes).
- **Deadline Dates** – Advertisements for bids must be placed prior to June 1<sup>st</sup> for students without disabilities, July 1<sup>st</sup> for students with disabilities.
  - Contract must be approved by the Superintendents of Schools and filed within **120 calendar days** of the first day of service; otherwise, an aid deduction will be taken for each school day that a contract is late.
- **ONE CONTRACT for each contractor** - Wherever possible, combine in a single contract all bid items awarded to a particular contractor through a single bid opening. This can be done by attaching a list of the various routes or destinations along with the bid price for each. On the face of the contract write "see attached" where the contract price normally would be entered. Also, complete the Total Anticipated Annual Cost entry for the aggregate cost of all the routes or destinations listed. (**Note:** Summer, Field trip and Athletic contracts are still separate)

## Co-operative Bid

- **No “Piggybacking”**- School districts may join together with other school districts or BOCES for the purpose of a cooperative bid for pupil transportation services. However, every school district which is part of a cooperative bid must sign its own contract with the winning vendor. One district may not enter into a contract on behalf of all the others and then sign “cross-contracts” for service with those other districts. That would be “piggybacking”, which is not permissible under the law.
- **Use “Zero” Contracts** – A district may award contracts to destinations within the district even if there is no current need, but a future need is possible. In these cases, a quantity of more than zero must be listed for an item to be awarded. Award the contract with \$1.00, then when the need for the destination arises, send an addendum letter to SED stating the new cost.

## 3 types of Bids: Competitive, Cooperative, or RFP

### **Competitive:**

- Must advertise in official newspaper
- 7 Day Rule = at least 5 days between bid ad and bid opening (more time is better)
- Must have defined quantities in bid specs
- Not too restrictive – age of buses
- Bid many contract types at same time, but can be awarded separately – School Year, Summer, field trips & sports

### **Cooperative:**

- Greater Quantity = Greater Savings
- Allowed by GML section 109-o
- Districts CAN share the bus
- Only parties to the cooperative bid can award a contract
- May not “piggyback” on another district’s contract with a vendor.
- Every participating district awards to all successful bidders (Zero contracts OK)

Three ways to share service:

1. District owned bus
2. BOCES CoSers
3. Cooperative Bid

(SED will help districts with cooperatives/consortiums, regional shared services to non-publics, special needs, homeless students.)

### **RFP:**

- Have a problem contractor? RFP allows for more selective process, over lowest bid.
- Ed Law 305 (14), 8 NYCRR 156.12
- Advertising and bid specifications
- Minimum 10 Criterion (must be in ad and specs)
- No single criteria can be weighted more than 50%
- Establish minimum score to award
- Score all proposals by committee, even if only one proposal received
- SED approval required for RFPs

# Contract Submission to SED

- When submitting contracts to SED, please include a **cover sheet** listing each contract being submitted. This helps us verify that we have received the full contract submission.
- The cover sheet can also include any **explanations** that may be required for submission (missed deadlines, linked to prior emergency contract, etc.)
- Please also verify that all **dates are completed** and are in logical & necessary sequence.
- Verify that all **3** required **signatures are in original ink.**
- Send only **one original** to SED (keep other 2 original documents in district files). We do not need multiples of contracts or copies. This helps us all cut down on paper waste.
- Have someone **review** contract submission prior to sending to SED.
- Mail **within 120 days** of 1<sup>st</sup> day of service & mail with return receipt for proof.
- **Thank you** for your attention to detail in submitting your district's contracts. Your time and efforts are much appreciated.

# Form TC Key

Form TC

(SER CODE) \_\_\_\_\_

The State Education Department  
Transportation Unit, Room 475 EBA  
Albany, New York 12234

Contract Number \_\_\_\_\_  
(SED will fill in)

**TRANSPORTATION CONTRACT**  
(Do not use for Addendums or Extensions - See Note on Reverse)

Check if applicable:

- ( ) Special Education Pupils - Transportation requested as a related service.
- ( ) Contract will begin part way through the school year and cost \$20,000 or less.
- ( ) One-month emergency contract -31 Calendar Days.
- ( ) Contract for bus maintenance only.
- ( ) District will supply contractor with fuel.

Specifications include:

- ( ) Provision for attendants, escorts or monitors.
- ( ) Clause for increasing or decreasing service.

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

This AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between \_\_\_\_\_, County of \_\_\_\_\_, N.Y. party of the first part and \_\_\_\_\_ party of the second part.

WITNESSETH, That whereas party of the first part is duly empowered by Sections of Section 1604, 1709, 2021, 2503, 4401 and 4402 of the Education Law) to enter into a contract for the purpose of providing transportation for children of said district for the period of service to begin \_\_\_\_\_ and to end \_\_\_\_\_

NOW, THEREFORE, the said party of the first part hereby agrees to pay to the said party of the second part the sum of \$ \_\_\_\_\_ on a per-bus, per-diem, per-mile or other unit cost basis for providing such transportation on a suitable conveyance.

Total Anticipated Annual Cost \$ \_\_\_\_\_

If awarded through a request for proposals, date of request of such proposals \_\_\_\_\_

IN WITNESS WHEREOF, The parties have set their hands the day and year above written.

COMPLIANCE CERTIFICATION. I certify that this contract was awarded in accordance with the competitive bidding provisions of Section 103 of the General Municipal Law, Section 305 (14) of the Education Law, and Section 156.1(b) of Commissioner of Education Regulations, or in accordance with the request for proposals provisions of Section 305(14) of the Education Law and Section 156.12 of Commissioner of Education Regulations. I also certify that this contract has been authorized by the voters in accordance with Section 1709(27) of the Education Law, and approved by the Superintendent of Schools in accordance with Section 3625(1) of the Education Law.

Approval Date: \_\_\_\_\_ Filed by: \_\_\_\_\_

SUBMIT ORIGINAL TO THE STATE EDUCATION DEPARTMENT. RETAIN A COPY FOR YOUR SCHOOL DISTRICT RECORDS.

The party of the second part covenants with the party of the first part that in consideration of the payments hereinbefore stated and of the covenants and agreements set forth that said school children will be conveyed safely, that said duties and obligations in relation thereto pursuant to this contract will be faithfully performed, at all times exercising proper supervision over said children and that said party of the second part will abide by all reasonable rules and regulations and that the driver will be at least 21 years of age and duly licensed and that said driver will be currently approved by the chief school administrator. And the party of the second part further covenants and agrees that the vehicle shall come to a full stop before crossing the tracks of any railroad and before crossing any State highway and that it shall at all times comply with the rules and regulations of the Department of Transportation applying to such vehicles.

It is mutually agreed that this contract shall not become valid and binding upon either party thereto until the same shall be signed by the trustee or president of the board of education and the contractor. This contract or any right, title or interest therein may not be assigned by the party of the second part without the previous consent in writing of the party of the first part. This contract shall be void and of no effect unless the party of the second part shall comply with all applicable provisions of the Workman's Compensation Law in respect to employees engaged in the performance of this contract. The party of the second part will comply with the Labor Law.

"The contractor hereby consents to an audit of any and all financial records relating to this contract by the Department of Audit and Control." "The contractor further agrees to provide to the board of education, trustee(s), or the Commissioner of Education, upon request, any information relating to this contract including financial data."

State aid will be computed on account of this contract in accordance with the total sum specified. Any expenditure in excess of this total sum will not be considered in computing State aid. For school districts eligible for transportation aid, no aid shall be allowed for a period greater than 120 days prior to the filing of the contract in accordance with Section 3625 of the State Education Law.

MINIMUM STATUTORY INSURANCE COVERAGE as provided in Section 370 of New York State Vehicle and Traffic Law must be complied with.

If COMPETITIVELY BID date of bid opening \_\_\_\_\_ Complete BID TABULATION below:

1. _____ (Name) _____ (Amount of Bid)	3. _____ (Name) _____ (Amount of Bid)
2. _____ (Name) _____ (Amount of Bid)	4. _____ (Name) _____ (Amount of Bid)

Was contract awarded to the lowest responsible bidder?  Yes  No If not awarded to the lowest bidder, state reasons why. Give detailed and completed reasons on a separate sheet and attach to this contract. If no bids are received, it is necessary for the district to re-advertise.

Attach Affidavits of Publication which you can secure from the newspaper. Also, attach one printed copy of each Notice to Bidder which appeared in the papers. If detailed specifications used, kindly forward a copy.

MULTI-YEAR CONTRACT: A separate line item shall be included in the Annual Budget and Budget Brochure with a footnote to that line item shall indicate: " \_\_\_\_\_ year (first, second, etc.) of a \_\_\_\_\_ - year (two, three, etc.) contract, the total cost of which is \$ \_\_\_\_\_" (total cost of multi-year contract).

REQUEST FOR PROPOSALS: If contract was awarded through a request for proposals (RFP), submit evidence of the date of the request, the forms and instructions used in making the request, the contract specifications, all proposals received, the criteria used in evaluating the proposals, the weights assigned to each criterion, and the scores used to assess each category of the criteria, in accordance with the provisions of Section 156.12 of Commissioner of Education Regulations.

EXTENSIONS AND ADDENDUMS: An Extension of Contract (Form CE) must be filed for all extensions. Please notify the Department by letter of any additions to a contract after it has been filed with the Department. Such additions can only be made where authorized by the contract specifications.

8/10/01

# Office of Pupil Transportation

Please feel free to contact our office for further information:

Educational Management (518) 474-6541

Denise O'Brien

- (518) 474-3927
- [Denise.Obrien@nysed.gov](mailto:Denise.Obrien@nysed.gov)

Heather Zogas

- (518) 473-0210
- [Heather.Zogas@nysed.gov](mailto:Heather.Zogas@nysed.gov)

