

# Emergency Contracts

Information on  
submitting  
an eligible Emergency Contract

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## What is an Emergency Contract?

Section 305 (14) (b) of Education Law authorizes a board of education to award an emergency transportation contract, without competitive bidding, for a period not to exceed one month (**31 CALENDAR days**). Such contracts may be awarded in the case of an emergency arising out of an accident or other unforeseen occurrence, where a board of education must take immediate action which cannot await competitive bidding.

\*\*\*\*Note: 31 Calendar Days = All days in a week (Not just business days)\*\*\*\*  
Be sure to include weekends when counting the period of 31 calendar days.  
However, only calculate the anticipated cost using *actual days* of service.

## What is the purpose of an Emergency Contract?

The purpose of this statutory provision is to give a board of education a one-month period (31 calendar days) in which to advertise for competitive bids for a contract to cover the remainder of the school year. Where possible, it is a good practice for the board of education, before awarding an emergency contract, to adopt a resolution declaring an emergency and setting forth the facts upon which the declaration is based.

**NOTE:** Prior to submitting an emergency contract, please verify there is not an existing contract in place, with an add/delete clause, that would cover the unexpected route. If there is an existing contract, with appropriate clauses, please just submit an addendum to the existing contract to cover any new, eligible expenses.

## What is the difference between a Partial Year Contract and an Emergency Contract?

PARTIAL-YEAR contracts are unanticipated, begin part way through the school year and cost \$20,000 or less. Partial year contracts may be awarded without competitive bidding only if two or more such contracts are not anticipated, in which the aggregate would exceed \$20,000. If the partial contract aggregate is more than \$20,000, then the partial contracts must be bid (possibly resulting in an emergency situation).

In the case of an EMERGENCY, where immediate action must be taken which cannot await competitive bidding, a one-month (31 **CALENDAR** day), non-bid, Emergency contract may be awarded, to give a district time to advertise for bids on a contract to cover the remainder of the school year. If no bids are received, it is necessary to advertise a second time.

## What if a second Emergency contract is required?

An initial Emergency contract will be assigned a six-digit contract # with a suffix letter **F** (first). In rare cases, a school district may need to request a second Emergency contract (ex: no bids are received and more time is needed to advertise a second time).

**PLEASE REQUEST SED permission for a second Emergency Contract prior to submittal.** If not, the contract will be disapproved with the following message:

The Section 305(14) of Education Law authorizes a Board of Education to award an Emergency Contract without competitive bidding for a period not to exceed One Month. Please explain in writing why your district exceeded the One Month Emergency Period.

With sufficient explanation, a second Emergency contract can be submitted to SED and will be assigned the same contract number as the first, with a suffix letter **S** (second). **NOTE:** A Second Emergency **MUST BE** followed by a remainder contract that has been put out to bid (summer contracts are the only exception to this rule).

However, it is recommended to complete the bidding processed within the initial 31 CALENDAR days and then submit a contract with the winning bidder. This contract will be assigned the same contract number as the first, with a suffix letter **R** (remainder).

Please **NOTE:** with the exception of Summer contracts, a **Second** emergency contract **MUST BE** followed by a bid, **Remainder** contract in order to be State Aidable.

# Completing an Emergency Contract

An emergency contract is completed following the same rules and guidelines as a TC form.

Form TC

\_\_\_\_\_ (SED CODE)      The State Education Department  
 Transportation Unit, Room 475 EBA  
 Albany, New York 12234      C \_\_\_\_\_  
 Contract Number  
 (SED will fill in)

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

Contact Person	<input type="checkbox"/> Special Education Pupils - Transportation required as a related service. <input type="checkbox"/> Contract will begin part way through the school year and cost \$20,000 or less. <input type="checkbox"/> <u>One-month emergency contract -31 Calendar Days.</u> <input type="checkbox"/> Contract for bus maintenance only. <input type="checkbox"/> District will supply contractor with fuel.
School District/BOCES	<b>Specifications include:</b> <input type="checkbox"/> Provision for attendants, escorts or monitors. <input type="checkbox"/> Clause for increasing or decreasing service.
Street or P.O. Box	
City      State      Zip Code	

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 \_\_\_\_\_ (Contractor), party of the second part.

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 \_\_\_\_\_

NOW, THEREFORE, the said party of the first part hereby agrees to pay to the said party of the second part the sum of \$ \_\_\_\_\_ (If lump sum contract) or \$ \_\_\_\_\_ (Unit Cost) if 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 \_\_\_\_\_ (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 this contract has been authorized by the voters in accordance with Section 1709(27) of the Education Law, and 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.**

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Please be sure to check the applicable box for an Emergency contract.

One-month emergency contract -31 Calendar Days.

Please be sure the service dates are 31 calendar days or less.

# 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 the forms contain all required **signatures**.
- Send **each contract only once** to SED (keep the original documents in district files). We do not need multiple copies of a contract and its documentation.
- Have someone **review** contract submission prior to sending to SED.
- Submit the contract to SED **within 120 days** of 1<sup>st</sup> day of service.
- **Thank you** for your attention to detail in submitting your district's contracts. Your time and efforts are much appreciated.

# Office of Pupil Transportation

Please feel free to contact our office for further information:

Educational Management Services (518) 474-6541

[transportation@nysed.gov](mailto:transportation@nysed.gov)

