Transportation Contracts

How to complete
FORM TC
to submit an eligible contract
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.

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.”
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.

7. Fill in Service dates. Note: TC Form is School Year Only. School Year dates must be between Sept. 1st and June 30th. Summer service dates (used with Form TCS) can only be July 1st thru Aug 31st. ONLY contracts that are for Maintenance or Operations & Maintenance can be July 1st thru June 30th. 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 other unit cost basis for providing such transportation on a suitable conveyance.

Total Anticipated Annual Cost $ ________

### Instructions

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 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.

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.)
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 1st for students without disabilities, July 1st 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 1st 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
Office of Pupil Transportation

Please feel free to contact our office for further information:

Educational Management (518) 474-6541

or

Transportation@nysed.gov