Emergency Contracts

Information on submitting an eligible 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.

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 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.
Office of Pupil Transportation

Please feel free to contact our office for further information:

Educational Management (518) 474-6541

Transportation@nysed.gov