

ASSEMBLY, No. 3921

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 4, 2014

Sponsored by:

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblyman TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Allows board of education to award pupil transportation contracts that exceed bid threshold through request for proposals.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/23/2015)

1 AN ACT concerning pupil transportation contracts, amending
2 N.J.S.18A:39-3 and P.L.2001, c.65, and supplementing chapter
3 39 of Title 18A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S.18A:39-3 is amended to read as follows:

9 18A:39-3. a. **[No]** Except as otherwise provided pursuant to
10 section 3 of P.L. , c. (C.) (pending before the Legislature as
11 this bill), no contract for the transportation of pupils to and from
12 school shall be made, when the amount to be paid during the school
13 year for such transportation shall exceed \$7,500.00 or the amount
14 determined pursuant to subsection b. of this section, and have the
15 approval of the executive county superintendent of schools, unless
16 the board of education making such contract shall have first
17 publicly advertised for bids therefor in a newspaper published in the
18 district or, if no newspaper is published therein, in a newspaper
19 circulating in the district, once, at least 10 days prior to the date
20 fixed for receiving proposals for such transportation, and shall have
21 awarded the contract to the lowest responsible bidder.

22 Nothing in this chapter shall require the advertisement and
23 letting on proposals or bids of annual extensions, approved by the
24 executive county superintendent, of any contract for transportation
25 entered into through competitive bidding when--

26 (1) Such annual extensions impose no additional cost upon the
27 board of education, regardless of the fact that the route description
28 has changed; or

29 (2) The increase in the contractual amount as a result of such
30 extensions does not exceed the rise in the Consumer Price Index as
31 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that
32 school year, regardless of the fact that the route description has
33 changed or an aide has been added or removed; or

34 (3) (Deleted by amendment, P.L.1982, c.74.)

35 (4) The increase in the contractual amount as a result of an
36 extension exceeds the rise in the Consumer Price Index as defined
37 in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that school year,
38 but the following apply to the extensions:

39 (a) The increase is directly attributable to a route change to
40 accommodate new student riders or safety concerns as provided for
41 in the original bid, or the increase is directly attributable to the
42 addition of an aide as provided for in the original bid; and

43 (b) The school destination remains unchanged from the original
44 contract.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 Any such extension as described in this paragraph shall require
2 the approval of the executive county superintendent of schools.

3 Nothing in this chapter shall require the immediate bid of any
4 contract renewal for the remainder of a school year in which the
5 only change, in addition to route description, is the bus type.
6 However, any such extension shall be approved by the executive
7 county superintendent of schools and shall be bid for the next
8 school year.

9 b. The Governor, in consultation with the Department of the
10 Treasury, shall, no later than March 1 of each odd-numbered year,
11 adjust the threshold amount set forth in subsection a. of this section,
12 or subsequent to 1985 the threshold amount resulting from any
13 adjustment under this subsection or section 17 of P.L.1985, c.469,
14 in direct proportion to the rise or fall of the Consumer Price Index
15 for all urban consumers in the New York City and the Philadelphia
16 areas as reported by the United States Department of Labor. The
17 Governor shall, no later than June 1 of each odd-numbered year,
18 notify all local school districts of the adjustment. The adjustment
19 shall become effective on July 1 of each odd-numbered year.
20 (cf: P.L.2007, c.260, s.66)

21
22 2. Section 3 of P.L.2001, c.65 (C.18A:39-3.1) is amended to
23 read as follows:

24 3. A board of education shall consult with the appropriate
25 nonpublic school administrators seeking such consultation prior to
26 preparing bus routes for the transportation of nonpublic school
27 pupils for the school year and in a timely manner that allows
28 sufficient time to publicly advertise for bids or issue a request for
29 proposals.

30 (cf: P.L.2001, c.65, s.3)

31
32 3. (New section) a. Notwithstanding the provisions of
33 N.J.S.18A:39-3 or any other section of law to the contrary, a board
34 of education may award a contract for the transportation of pupils to
35 and from school, that exceeds the amount determined pursuant to
36 subsection b. of N.J.S.18A:39-3 and has the approval of the
37 executive county superintendent of schools, through an evaluation
38 of proposals submitted in response to a request for proposals issued
39 by the board.

40 b. When a board of education elects to award a pupil
41 transportation contract in response to a request for proposals, the
42 board shall evaluate each proposal from a responding contractor
43 according to criteria established by the Commissioner of Education
44 that shall include at a minimum:

45 (1) the previous experience of the contractor in transporting
46 pupils;

47 (2) the name of each transportation company of which the
48 contractor has been an owner or manager;

- 1 (3) a description of any safety programs implemented by the
- 2 contractor;
- 3 (4) a record of accidents of the school buses under the control of
- 4 the contractor;
- 5 (5) the driving history of the employees of the contractor;
- 6 (6) the inspection records and model year of the school buses
- 7 under the control of the contractor;
- 8 (7) the maintenance schedule of the school buses under the
- 9 control of the contractor;
- 10 (8) a financial analysis of the contractor; and
- 11 (9) compliance with insurance requirements.
- 12
- 13 4. This act shall take effect immediately.
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16 STATEMENT

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18 Under current law at N.J.S.18A:39-3, if the amount of a contract

19 for pupil transportation services will exceed the public bidding

20 threshold, the board of education is required to advertise and

21 publicly bid the contract. This bill provides the board of education

22 with the option of entering into such a contract through a request for

23 proposals process.

24 Under the bill's provisions, when a board of education elects to

25 award a pupil transportation contract in response to a request for

26 proposals, the board will evaluate each proposal from a responding

27 contractor in accordance with criteria established by the

28 Commissioner of Education. The bill stipulates that the criteria

29 must include at a minimum:

- 30 (1) the previous experience of the contractor in transporting
- 31 pupils;
- 32 (2) the name of each transportation company of which the
- 33 contractor has been an owner or manager;
- 34 (3) a description of any safety programs implemented by the
- 35 contractor;
- 36 (4) a record of accidents of the school buses under the control of
- 37 the contractor;
- 38 (5) the driving history of the employees of the contractor;
- 39 (6) the inspection records and model year of the school buses
- 40 under the control of the contractor;
- 41 (7) the maintenance schedule of the school buses under the
- 42 control of the contractor;
- 43 (8) a financial analysis of the contractor; and
- 44 (9) compliance with insurance requirements.