SENATE, No. 3239

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 10, 2020

Sponsored by:
Senator PAUL A. SARLO
District 36 (Bergen and Passaic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(cf: P.L.2007, c.260, s.66)

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

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

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

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

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

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

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

(3) a description of any safety programs implemented by the contractor;

(4) a record of accidents of the school buses under the control of the contractor;

(5) the driving history of the employees of the contractor;

(6) the inspection records and model year of the school buses under the control of the contractor;

(7) the maintenance schedule of the school buses under the control of the contractor;

(8) a financial analysis of the contractor; and

(9) compliance with insurance requirements.

4. This act shall take effect immediately.

STATEMENT

This bill provides a board of education with the option of entering into a contract for pupil transportation services through a request for proposals process. Under current law at N.J.S.18A:39-3, if the amount of a contract for pupil transportation services will exceed the public bidding threshold, the board of education is required to advertise and publicly bid the contract.

Under the bill's provisions, when a board of education elects to award a pupil transportation contract in response to a request for proposals, the board will evaluate each proposal from a responding contractor in accordance with criteria established by the Commissioner of Education. The bill stipulates that the criteria must include at a minimum:

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

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

(3) a description of any safety programs implemented by the contractor;

(4) a record of accidents of the school buses under the control of the contractor;

(5) the driving history of the employees of the contractor;

(6) the inspection records and model year of the school buses under the control of the contractor;

(7) the maintenance schedule of the school buses under the control of the contractor;

(8) a financial analysis of the contractor; and

(9) compliance with insurance requirements.