

Pupil Transportation

Cooperative Transportation Bids

Cooperative Transportation Contracts

This guideline addresses the procedures to be followed for cooperative contracts for pupil transportation services.

Under the provisions of §119-o of the General Municipal Law, school districts and BOCES have the power to enter into cooperation agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis, or for the provision of a joint service. Therefore, school districts and BOCES may procure services by cooperatively preparing specifications, advertising for and opening bids or requesting and reviewing proposals, and awarding contracts. Generally, in a cooperative bid or request for proposals (RFP), one of the parties acts as lead participant, coordinates the specification writing, receiving of bids or proposals, and provides the place for opening the bids/proposals, but the respective responsibilities for a particular bid/RFP are at the discretion of the participating districts and BOCES. If publication is required, it is the responsibility of each participating district and BOCES to ensure that the advertisement for the solicitation of bids/proposals is placed in the "official" newspapers of the district(s). The governing body of each of the participants also is responsible for awarding the contract by resolution at a public meeting.

A cooperative bid/RFP should only seek bids/proposals for transportation to locations when there is a reasonable, good faith expectation that any of the participants could require transportation to such location during the term covered by the contract. Additionally, only those school districts and BOCES that were parties to the cooperation agreement and participated in the original cooperative bid/RFP are authorized to enter into contracts or extensions based upon the bid/RFP.

School districts may enter into transportation contracts for a period not exceeding five years (see Education Law §1709[27]), so the cooperative bid/RFP should clearly state the term of the resulting contract.

The contract should also specifically refer to the underlying cooperative bid/proposal, and specifically incorporate by reference the substantive terms of the bid request/RFP unless already fully set forth in the contract. See, State Education Department Forms TC, TCS and TCE, as amended.

Each participating district or BOCES should enter into one contract, that includes all winning vendor(s) as parties, for any transportation services/locations reasonably anticipated during the term of the contract. A participating district or BOCES may seek an extension of the term of a contract based upon a cooperative bid/proposal, but may only extend with respect to those vendors party to the contract. An extension also may not include transportation to a location that was not included in the underlying cooperative bid/RFP.

School districts and BOCES should carefully consider whether participation in a cooperative

bid/RFP would result in the lowest cost or most benefit to the district or BOCES. School districts and BOCES should also refer to all relevant laws and other guidance pertaining to bidding and RFP requirements.