

18A:39-11.2 to 18A:39-11.4

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2005 **CHAPTER:** 84

NJSA: 18A:39-11.2 to 18A:39-11.4 (Requires public entities to bid to provide pupil transportation services)

BILL NO: S1298 (Substituted for A3063)

SPONSOR(S): Sarlo and others

DATE INTRODUCED: March 8, 2004

COMMITTEE: **ASSEMBLY:** Education
SENATE: Education

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** March 14, 2005

SENATE: March 21, 2005

DATE OF APPROVAL: May 4, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (3rd reprint enacted)

S1298

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: Yes [6-21-2004](#)
[2-24-2005](#)

LEGISLATIVE FISCAL ESTIMATE: No

A3063

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** [Yes](#)

[SENATE:](#) No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 5/23/07

P.L. 2005, CHAPTER 84, *approved May 4, 2005*
Senate, No. 1298 (*Third Reprint*)

1 AN ACT concerning pupil transportation contracts ¹[, amending
2 N.J.S.18A:39-11]¹ and supplementing chapter 39 of Title 18A of
3 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[1. N.J.S.18A:39-11 is amended to read as follows:
9 18A:39-11. The boards of education of 2 or more school districts
10 may provide jointly for the transportation of pupils to and from any
11 school or schools within or outside the districts , provided that the
12 provisions of P.L. , c. (C.)(now pending before the Legislature as
13 this bill.) are met.

14 Whenever in the judgment of the county superintendent of schools
15 transportation of pupils to any qualified school other than a public
16 school could be more economically accomplished by joint
17 transportation with 2 or more school districts, he may order such joint
18 transportation, assign the administration to one board of education and
19 prorate the cost on a per pupil mileage basis to the other boards of
20 education involved.
21 (cf: P.L.1968, c.29, s.3)]¹

22
23 ¹[2. (New section)] 1.¹ a. ¹[The] Except as provided in
24 subsection g. of this section, the¹ provision of transportation services
25 to a local school district by a cooperative transportation services
26 agency, educational services commission, county special services
27 school district, jointure commission or other public entity ¹,¹ other
28 than a local school district ¹[which] using school buses it¹ owns or
29 leases ¹[its own school buses] ¹,¹ shall be subject to the bidding
30 requirements and requirements concerning the renewal of
31 transportation contracts set forth in chapter 39 of Title 18A of the
32 New Jersey Statutes, including the requirements concerning the
33 advertisement for bids, the submission of quotations and the renewal
34 of contracts.

35 b. The cooperative transportation services agency, educational
36 services commission, county special services school district, jointure
37 commission or other public entity other than a local school district

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted June 7, 2004.

² Senate floor amendments adopted June 21, 2004.

³ Assembly floor amendments adopted February 24, 2005.

1 shall adhere to every substantial bid specification for a pupil
2 transportation contract, including bonding requirements.

3 c. The cooperative transportation services agency, educational
4 services commission, county special services school district, jointure
5 commission or other public entity other than a local school district that
6 is intending to bid for transportation services shall be precluded from
7 preparing specifications. ¹[The Commissioner of Education shall
8 determine those entities that shall be permitted to prepare
9 specifications for transportation contracts] Specifications shall be
10 prepared by the local school district seeking transportation services or
11 by any other cooperative transportation services agency, as designated
12 by the Commissioner of Education, that is not bidding¹.

13 d. ¹The cooperative transportation services agency, educational
14 services commission, county special services school district, jointure
15 commission or other public entity other than a local school district
16 shall not charge any fee above the bid price.

17 e. A local school district may negotiate and award a contract for
18 transportation services with a cooperative transportation services
19 agency, educational services commission, county special services
20 school district, jointure commission or other public entity other than
21 a local school district if the provisions of subsection c. of
22 N.J.S.18A:18A-5 have been met.

23 f.¹ The following forms, prescribed by the Commissioner of
24 Education, shall be included in any bid submitted by a cooperative
25 transportation services agency, educational services commission,
26 county special services school district, jointure commission or other
27 public entity other than a local school district to provide transportation
28 services:

29 (1) if applicable, a membership form for the cooperative
30 transportation services agency, educational services commission,
31 county special services school district or jointure commission
32 indicating each member school district and the name of each member
33 school district's superintendent;

34 (2) a form indicating the transportation experience of the bidder;

35 (3) a non-collusion form indicating that the bidder has not drafted
36 specifications or route descriptions for the local board of education
37 that is seeking transportation services;

38 (4) an affirmative action statement; and

39 (5) a bidder's guarantee in an amount required pursuant to statute
40 and regulation.

41 ¹g. The provisions of this section shall not apply to ²:

42 (1)²an educational services commission or a jointure commission
43 for the provision of transportation services to pupils who reside in
44 school districts which, as of January 1, 2004, are members of the
45 educational services commission or jointure commission, if, as of that
46 date, the commission owns or leases school buses and is providing

1 pupil transportation²; ³[or]³

2 (2)³ an educational services commission or jointure commission for
3 the provision of transportation services to pupils who reside in school
4 districts which are located in a county of the first class and which are
5 not members of the educational services commission or jointure
6 commission and which, as of January 1, 1999, have been receiving
7 pupil transportation from that commission with buses the commission
8 owns or leases;

9 (3)³ a county special services school district for the provision of
10 transportation services to pupils who are enrolled in the county special
11 services school district or pupils enrolled in nonpublic schools who
12 reside within the county, if, as of January 1, 2004, the district owns or
13 leases school buses and is providing pupil transportation² ³; and

14 (4) a county special services school district for the provision of
15 special education transportation for pupils residing within that county
16 or within a contiguous county, if, as of January 1, 2004, the county
17 special services school district is located in a county of the fifth class,
18 and has been providing special education transportation with buses it
19 owns or leases³ .¹

20

21 ¹2. a. A board of education may, by resolution approved by a
22 majority of the board of education and subject to the provisions of
23 subsection b. of this section, disqualify a bidder who would otherwise
24 be determined to be the lowest responsible bidder for a pupil
25 transportation contract, if the board of education finds that it has had
26 prior negative experience with the bidder. The disqualification shall
27 be for a reasonable, defined period of time which shall not exceed
28 three years.

29 b. As used in this section, "prior negative experience" means any
30 of the following:

31 (1) the bidder has been determined to be "nonperforming" under a
32 pupil transportation contract after a hearing which shall include the
33 bidder, the superintendent of schools, and the county superintendent
34 of schools. The county superintendent of schools shall make the
35 determination as to nonperformance and this determination may be
36 appealed to Commissioner of Education and the State Board of
37 Education, as provided by law;

38 (2) the bidder defaulted on a transportation contract thereby
39 requiring the board of education to utilize the services of another
40 contractor to complete the contract;

41 (3) the bidder defaulted on a transportation contract thereby
42 requiring the board of education to look to the bidder's surety for
43 completion of the contract or tender of the costs of completion; or

44 (4) the bidder has at least a 10% ownership in any contractor that
45 had prior negative experience with the board of education as described
46 in paragraphs (1) through (3) of this subsection.¹

1 ¹[3. (New section) a. A local school district which owns or leases
 2 its own school buses may enter a joint transportation agreement with
 3 another local school district pursuant to N.J.S.18A:39-11 to provide
 4 transportation within or outside the districts only if the transporting
 5 district is providing transportation to a school attended by a student
 6 who is a resident of the transporting district and to whom the
 7 transporting district is providing transportation.

8 b. In the event that the student who is a resident of the transporting
 9 district no longer requires transportation during the school year, the
 10 joint transportation agreement shall continue in effect for the
 11 remainder of the school year. An adjustment in the apportionment of
 12 costs shall be made if deemed necessary by the county superintendent
 13 of schools.]¹

14

15 ¹[4. (New section)] 3.¹ A joint transportation agreement entered
 16 into ¹by a local school district and a cooperative transportation
 17 services agency, educational services commission, county special
 18 services school district, jointure commission or other public entity¹
 19 prior to the effective date of P.L. , c. (C.)(now pending before the
 20 Legislature as this bill) ¹which violates the provisions of this act¹ may
 21 continue in effect for the remainder of the school year in which the
 22 agreement was made.

23

24 ¹[5.] 4.¹ This act shall take effect immediately and shall first apply
 25 to the 2004-2005 school year.

26

27

28

29

30 _____

31 Requires certain public entities to competitively bid in order to provide
 pupil transportation services to a local school district.

SENATE, No. 1298

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 8, 2004

Sponsored by:

Senator PAUL SARLO

District 36 (Bergen, Essex and Passaic)

Senator ANTHONY R. BUCCO

District 25 (Morris)

Co-Sponsored by:

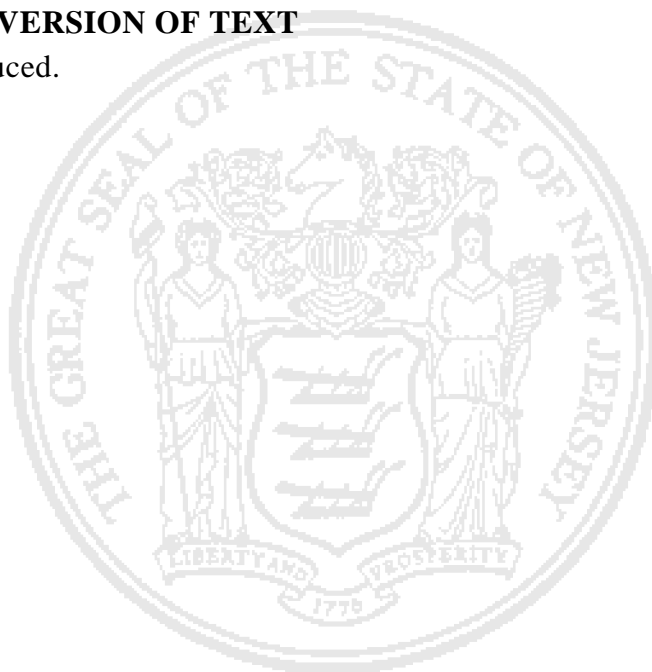
Senator Cardinale

SYNOPSIS

Requires certain public entities to competitively bid in order to provide pupil transportation services to a local school district.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/7/2004)

S1298 SARLO, BUCCO

2

1 AN ACT concerning pupil transportation contracts, amending
2 N.J.S.18A:39-11 and supplementing chapter 39 of Title 18A of the
3 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:39-11 is amended to read as follows:

9 18A:39-11. The boards of education of 2 or more school districts
10 may provide jointly for the transportation of pupils to and from any
11 school or schools within or outside the districts , provided that the
12 provisions of P.L. , c. (C.)(now pending before the Legislature as
13 this bill.) are met.

14 Whenever in the judgment of the county superintendent of schools
15 transportation of pupils to any qualified school other than a public
16 school could be more economically accomplished by joint
17 transportation with 2 or more school districts, he may order such joint
18 transportation, assign the administration to one board of education and
19 prorate the cost on a per pupil mileage basis to the other boards of
20 education involved.

21 (cf: P.L.1968, c.29, s.3)

22

23 2. (New section) a. The provision of transportation services to a
24 local school district by a cooperative transportation services agency,
25 educational services commission, county special services school
26 district, jointure commission or other public entity other than a local
27 school district which owns or leases its own school buses shall be
28 subject to the bidding requirements and requirements concerning the
29 renewal of transportation contracts set forth in chapter 39 of Title 18A
30 of the New Jersey Statutes, including the requirements concerning the
31 advertisement for bids, the submission of quotations and the renewal
32 of contracts.

33 b. The cooperative transportation services agency, educational
34 services commission, county special services school district, jointure
35 commission or other public entity other than a local school district
36 shall adhere to every substantial bid specification for a pupil
37 transportation contract, including bonding requirements.

38 c. The cooperative transportation services agency, educational
39 services commission, county special services school district, jointure
40 commission or other public entity other than a local school district that
41 is intending to bid for transportation services shall be precluded from
42 preparing specifications. The Commissioner of Education shall
43 determine those entities that shall be permitted to prepare
44 specifications for transportation contracts.

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 d. The following forms, prescribed by the Commissioner of
2 Education, shall be included in any bid submitted by a cooperative
3 transportation services agency, educational services commission,
4 county special services school district, jointure commission or other
5 public entity other than a local school district to provide transportation
6 services:

7 (1) if applicable, a membership form for the cooperative
8 transportation services agency, educational services commission,
9 county special services school district or jointure commission
10 indicating each member school district and the name of each member
11 school district's superintendent;

12 (2) a form indicating the transportation experience of the bidder;

13 (3) a non-collusion form indicating that the bidder has not drafted
14 specifications or route descriptions for the local board of education
15 that is seeking transportation services;

16 (4) an affirmative action statement; and

17 (5) a bidder's guarantee in an amount required pursuant to statute
18 and regulation.

19

20 3. (New section) a. A local school district which owns or leases
21 its own school buses may enter a joint transportation agreement with
22 another local school district pursuant to N.J.S.18A:39-11 to provide
23 transportation within or outside the districts only if the transporting
24 district is providing transportation to a school attended by a student
25 who is a resident of the transporting district and to whom the
26 transporting district is providing transportation.

27 b. In the event that the student who is a resident of the transporting
28 district no longer requires transportation during the school year, the
29 joint transportation agreement shall continue in effect for the
30 remainder of the school year. An adjustment in the apportionment of
31 costs shall be made if deemed necessary by the county superintendent
32 of schools.

33

34 4. (New section) A joint transportation agreement entered into
35 prior to the effective date of P.L. , c. (C.)(now pending before the
36 Legislature as this bill) may continue in effect for the remainder of the
37 school year in which the agreement was made.

38

39 5. This act shall take effect immediately and shall first apply to the
40 2004-2005 school year.

41

42

43

STATEMENT

44

45 This bill requires that the provision of transportation services to a
46 local school district by a cooperative transportation services agency,

1 educational services commission, county special services school
2 district, jointure commission or other public entity other than a local
3 school district which owns or leases its own school buses will be
4 subject to the bidding requirements and requirements concerning the
5 renewal of transportation contracts set forth in chapter 39 of Title 18A
6 of the New Jersey Statutes. The Commissioner of Education will
7 prescribe the following forms to be included in any bid submitted by
8 one of these public entities: if applicable, a membership form indicating
9 each member school district and the name of each member school
10 district's superintendent; a form indicating the transportation
11 experience of the bidder; a non-collusion form indicating that the
12 bidder has not drafted specifications or route descriptions for the local
13 board of education that is seeking transportation services; an
14 affirmative action statement; and a bidder's guarantee in an amount
15 required pursuant to statute and regulation.

16 The bill also precludes a local school district which owns or leases
17 its own school buses from entering into a joint transportation
18 agreement with another local school district unless the transporting
19 district is providing transportation to a school attended by a student
20 who is a resident of the transporting district and to whom the
21 transporting district is providing transportation. In the event that the
22 student who is a resident of the transporting district no longer requires
23 transportation during the school year, the joint transportation
24 agreement would continue in effect for the remainder of the school
25 year, and, if deemed necessary by the county superintendent of
26 schools, an adjustment in the apportionment of costs would be made.

27 The bill permits any joint transportation agreement entered into
28 prior to the effective date of the bill which violates the provisions of
29 this bill to continue in effect for the remainder of the school year in
30 which the agreement was made.

31 In recent years, some educational services commissions, boards of
32 education and other public entities have purchased or leased their own
33 school vehicles and have provided transportation to boards of
34 education. This pupil transportation has been provided absent the
35 competitive bidding process and in some instances the costs of the
36 services have exceeded the costs of contracts with private school bus
37 contractors. New Jersey is considered to be a State with one of the
38 highest pupil transportation costs. By requiring cooperative
39 transportation services agencies, educational services commissions,
40 county special services school districts, jointure commissions or other
41 public entities other than local school districts to bid along with school
42 bus contractors to provide transportation services to local school
43 districts, this bill ensures that the cost of pupil transportation will be
44 the lowest possible.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[Corrected Copy]

[Second Reprint]

SENATE, No. 1298

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2004

The Assembly Education Committee favorably reports Senate Bill No. 1298 (2R) (CC).

This bill requires that the provision of transportation services to a local school district by a cooperative transportation services agency, educational services commission, county special services school district, jointure commission or other public entity, other than a local school district, which owns or leases its own school buses, will be subject to the bidding requirements and requirements concerning the renewal of transportation contracts set forth in chapter 39 of Title 18A of the New Jersey Statutes. The bill specifies that if any of these public entities intends to bid for transportation services, the entity will be precluded from preparing specifications. This prohibition of course only applies to bid specifications prepared for the transportation services on which the entity intends to bid.

The bill's provisions will not apply to an educational services commission or a jointure commission for the provision of transportation services to pupils who reside in school districts which, as of January 1, 2004, are members of the commission, if, as of that date, the commission owns or leases school buses and is providing pupil transportation. The bill's provisions will also not apply to a county special services school district for the provision of transportation services to pupils who are enrolled in the county special services school district or pupils enrolled in nonpublic schools who reside within the county, if, as of January 1, 2004, the district owns or leases school buses and is providing pupil transportation.

The Commissioner of Education will prescribe the following forms to be included in any bid submitted by one of the public entities required to bid pursuant to the provisions of the bill: if applicable, a membership form indicating each member school district and the name of each member school district's superintendent; a form indicating the transportation experience of the bidder; a non-collusion form indicating that the bidder has not drafted specifications or route descriptions for the local board of education that is seeking

transportation services; an affirmative action statement; and a bidder's guarantee in an amount required pursuant to statute and regulation.

The bill permits any joint transportation agreement entered into prior to the effective date of the bill which violates the provisions of this bill to continue in effect for the remainder of the school year in which the agreement was made.

The bill also includes a provision that would permit a board of education to disqualify a bidder for a pupil transportation contract, if the board of education finds that it has had prior negative experience with the bidder. The disqualification would be for a reasonable, defined period of time that could not exceed three years.

As reported, Senate Bill No. 1298 (2R) is identical to Assembly Bill No. 3063 with Assembly committee amendments.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1298

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 7, 2004

The Senate Education Committee reports favorably Senate Bill No. 1298 with committee amendments.

As amended, this bill requires that the provision of transportation services to a local school district by a cooperative transportation services agency, educational services commission, county special services school district, jointure commission or other public entity other than a local school district which owns or leases its own school buses, will be subject to the bidding requirements and requirements concerning the renewal of transportation contracts set forth in chapter 39 of Title 18A of the New Jersey Statutes. This requirement, however, will not apply to an educational services commission or a jointure commission for the provision of transportation services to pupils who reside in school districts which, as of January 1, 2004, are members of the commission, if, as of that date, the commission owns or leases school buses and is providing pupil transportation.

The Commissioner of Education will prescribe the following forms to be included in any bid submitted by one of the public entities required to bid pursuant to the provisions of the bill: if applicable, a membership form indicating each member school district and the name of each member school district's superintendent; a form indicating the transportation experience of the bidder; a non-collusion form indicating that the bidder has not drafted specifications or route descriptions for the local board of education that is seeking transportation services; an affirmative action statement; and a bidder's guarantee in an amount required pursuant to statute and regulation.

The bill permits any joint transportation agreement entered into prior to the effective date of the bill which violates the provisions of this bill to continue in effect for the remainder of the school year in which the agreement was made.

The committee amended the bill to:

*provide that specifications for pupil transportation contracts will be provided by the local school district seeking transportation services or by any cooperative transportation agency, as designated by the Commissioner of Education, that is not bidding on the contract;

* provide that cooperative transportation services agencies,

educational services commissions, county special services school districts, jointure commissions or other public entities other than local school districts may not charge any fee above the bid price;

* permit a local school district to negotiate and award a transportation contract with a cooperative transportation services agency, educational services commission, county special services school district, jointure commission or other public entity if on two occasions no bids were received or the board of education rejected bids on two occasions for certain reasons;

*exempt educational services commissions and jointure commissions from the requirement of having to bid on certain pupil transportation contracts;

*permit a board of education to disqualify a bidder for a pupil transportation contract if the board of education finds that it has had prior negative experience with the bidder; and

*delete a provision that would have limited the ability of one local school district to provide pupil transportation services to another local school district.

STATEMENT TO

[First Reprint]

SENATE, No. 1298

with Senate Floor Amendments
(Proposed By Senator SARLO)

ADOPTED: JUNE 21, 2004

These amendments exempt county special services school districts from the requirement of having to bid on certain pupil transportation contracts, if the district as of January 1, 2004, owns or leases school buses and is providing pupil transportation.

STATEMENT TO
[Second Reprint]
SENATE, No. 1298

with Assembly Floor Amendments
(Proposed By Assemblywoman GREENSTEIN)

ADOPTED: FEBRUARY 24, 2005

These amendments exempt the following public entities from the requirement of having to bid on certain pupil transportation contracts:

1) an educational services commission or jointure commission providing transportation to pupils who reside in districts which are located in a county of the first class and which are not members of the commission and which, as of January 1, 1999, have been receiving pupil transportation from the commission; and

2) a county special services school district providing special education transportation for pupils residing within that county or a contiguous county, if as of January 1, 2004, the county special services school district is located in a county of the fifth class and has been providing special education transportation with buses it owns or leases.

ASSEMBLY, No. 3063

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JUNE 21, 2004

Sponsored by:

**Assemblywoman LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)**

Co-Sponsored by:

Assemblyman Scalera

SYNOPSIS

Requires certain public entities to competitively bid in order to provide pupil transportation services to a local school district.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2004)

1 AN ACT concerning pupil transportation contracts and supplementing
2 chapter 39 of Title 18A of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. Except as provided in subsection g. of this section, the
8 provision of transportation services to a local school district by a
9 cooperative transportation services agency, educational services
10 commission, county special services school district, jointure
11 commission or other public entity, other than a local school district
12 using school buses it owns or leases, shall be subject to the bidding
13 requirements and requirements concerning the renewal of
14 transportation contracts set forth in chapter 39 of Title 18A of the
15 New Jersey Statutes, including the requirements concerning the
16 advertisement for bids, the submission of quotations and the renewal
17 of contracts.

18 b. The cooperative transportation services agency, educational
19 services commission, county special services school district, jointure
20 commission or other public entity other than a local school district
21 shall adhere to every substantial bid specification for a pupil
22 transportation contract, including bonding requirements.

23 c. The cooperative transportation services agency, educational
24 services commission, county special services school district, jointure
25 commission or other public entity other than a local school district that
26 is intending to bid for transportation services shall be precluded from
27 preparing specifications. Specifications shall be prepared by the local
28 school district seeking transportation services or by any other
29 cooperative transportation services agency, as designated by the
30 Commissioner of Education, that is not bidding.

31 d. The cooperative transportation services agency, educational
32 services commission, county special services school district, jointure
33 commission or other public entity other than a local school district
34 shall not charge any fee above the bid price.

35 e. A local school district may negotiate and award a contract for
36 transportation services with a cooperative transportation services
37 agency, educational services commission, county special services
38 school district, jointure commission or other public entity other than
39 a local school district if the provisions of subsection c. of
40 N.J.S.18A:18A-5 have been met.

41 f. The following forms, prescribed by the Commissioner of
42 Education, shall be included in any bid submitted by a cooperative
43 transportation services agency, educational services commission,
44 county special services school district, jointure commission or other
45 public entity other than a local school district to provide transportation
46 services:

1 (1) if applicable, a membership form for the cooperative
2 transportation services agency, educational services commission,
3 county special services school district or jointure commission
4 indicating each member school district and the name of each member
5 school district's superintendent;

6 (2) a form indicating the transportation experience of the bidder;

7 (3) a non-collusion form indicating that the bidder has not drafted
8 specifications or route descriptions for the local board of education
9 that is seeking transportation services;

10 (4) an affirmative action statement; and

11 (5) a bidder's guarantee in an amount required pursuant to statute
12 and regulation.

13 g. The provisions of this section shall not apply to an educational
14 services commission or a jointure commission for the provision of
15 transportation services to pupils who reside in school districts which,
16 as of January 1, 2004, are members of the educational services
17 commission or jointure commission, if, as of that date, the commission
18 owns or leases school buses and is providing pupil transportation.

19

20 2. a. A board of education may, by resolution approved by a
21 majority of the board of education and subject to the provisions of
22 subsection b. of this section, disqualify a bidder who would otherwise
23 be determined to be the lowest responsible bidder for a pupil
24 transportation contract, if the board of education finds that it has had
25 prior negative experience with the bidder. The disqualification shall
26 be for a reasonable, defined period of time which shall not exceed
27 three years.

28 b. As used in this section, "prior negative experience" means any
29 of the following:

30 (1) the bidder has been determined to be "nonperforming" under a
31 pupil transportation contract after a hearing which shall include the
32 bidder, the superintendent of schools, and the county superintendent
33 of schools. The county superintendent of schools shall make the
34 determination as to nonperformance and this determination may be
35 appealed to Commissioner of Education and the State Board of
36 Education, as provided by law;

37 (2) the bidder defaulted on a transportation contract thereby
38 requiring the board of education to utilize the services of another
39 contractor to complete the contract;

40 (3) the bidder defaulted on a transportation contract thereby
41 requiring the board of education to look to the bidder's surety for
42 completion of the contract or tender of the costs of completion; or

43 (4) the bidder has at least a 10% ownership in any contractor that
44 had prior negative experience with the board of education as described
45 in paragraphs (1) through (3) of this subsection.

1 3. A joint transportation agreement entered into by a local school
2 district and a cooperative transportation services agency, educational
3 services commission, county special services school district, jointure
4 commission or other public entity prior to the effective date of P.L. ,
5 c. (C.)(now pending before the Legislature as this bill) which
6 violates the provisions of this act may continue in effect for the
7 remainder of the school year in which the agreement was made.

8
9 4. This act shall take effect immediately and shall first apply to the
10 2004-2005 school year.

11 12 13 STATEMENT 14

15 This bill requires that the provision of transportation services to a
16 local school district by a cooperative transportation services agency,
17 educational services commission, county special services school
18 district, jointure commission or other public entity, other than a local
19 school district which owns or leases its own school buses, will be
20 subject to the bidding requirements and requirements concerning the
21 renewal of transportation contracts set forth in chapter 39 of Title 18A
22 of the New Jersey Statutes. This requirement, however, will not apply
23 to an educational services commission or a jointure commission for the
24 provision of transportation services to pupils who reside in school
25 districts which, as of January 1, 2004, are members of the commission,
26 if, as of that date, the commission owns or leases school buses and is
27 providing pupil transportation.

28 The Commissioner of Education will prescribe the following forms
29 to be included in any bid submitted by one of the public entities
30 required to bid pursuant to the provisions of the bill: if applicable, a
31 membership form indicating each member school district and the name
32 of each member school district's superintendent; a form indicating the
33 transportation experience of the bidder; a non-collusion form
34 indicating that the bidder has not drafted specifications or route
35 descriptions for the local board of education that is seeking
36 transportation services; an affirmative action statement; and a bidder's
37 guarantee in an amount required pursuant to statute and regulation.

38 The bill permits any joint transportation agreement entered into
39 prior to the effective date of the bill which violates the provisions of
40 this bill to continue in effect for the remainder of the school year in
41 which the agreement was made.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3063

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2004

The Assembly Education Committee favorably reports Assembly Bill No. 3063 with committee amendments.

As amended, this bill requires that the provision of transportation services to a local school district by a cooperative transportation services agency, educational services commission, county special services school district, jointure commission or other public entity, other than a local school district, which owns or leases its own school buses, will be subject to the bidding requirements and requirements concerning the renewal of transportation contracts set forth in chapter 39 of Title 18A of the New Jersey Statutes. The bill specifies that if any of these public entities intends to bid for transportation services, the entity will be precluded from preparing specifications. This prohibition of course only applies to bid specifications prepared for the transportation services on which the entity intends to bid.

The bill's provisions will not apply to an educational services commission or a jointure commission for the provision of transportation services to pupils who reside in school districts which, as of January 1, 2004, are members of the commission, if, as of that date, the commission owns or leases school buses and is providing pupil transportation. The bill's provisions will also not apply to a county special services school district for the provision of transportation services to pupils who are enrolled in the county special services school district or pupils enrolled in nonpublic schools who reside within the county, if, as of January 1, 2004, the district owns or leases school buses and is providing pupil transportation.

The Commissioner of Education will prescribe the following forms to be included in any bid submitted by one of the public entities required to bid pursuant to the provisions of the bill: if applicable, a membership form indicating each member school district and the name of each member school district's superintendent; a form indicating the transportation experience of the bidder; a non-collusion form indicating that the bidder has not drafted specifications or route descriptions for the local board of education that is seeking transportation services; an affirmative action statement; and a bidder's

guarantee in an amount required pursuant to statute and regulation.

The bill permits any joint transportation agreement entered into prior to the effective date of the bill which violates the provisions of this bill to continue in effect for the remainder of the school year in which the agreement was made.

The bill also includes a provision that would permit a board of education to disqualify a bidder for a pupil transportation contract, if the board of education finds that it has had prior negative experience with the bidder. The disqualification would be for a reasonable, defined period of time that could not exceed three years.

The committee amended the bill to exempt county special services school districts from the requirement of having to bid on certain pupil transportation contracts, if the district as of January 1, 2004, owns or leases school buses and is providing pupil transportation.

As reported, Assembly Bill No. 3063 with Assembly committee amendments is identical to Senate Bill No. 1298 (2R) (CC).