

6A:27-7.9 Vehicle records

School bus owners shall retain all records of inspection and maintenance reports for the life of the vehicle. Such records shall be available for review by the New Jersey Motor Vehicle Commission.

Amended by R.2005 d.259, effective August 1, 2005.
See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).

Substituted "New Jersey Motor Vehicle Commission" for "Division of Motor Vehicles in the Department of Transportation".

SUBCHAPTER 8. STATE AID**6A:27-8.1 General provisions**

(a) District boards of education shall be entitled to State transportation aid for eligible resident public, nonpublic and charter school students in accordance with N.J.S.A. 18A:7F-57.

(b) State aid shall be calculated according to the transportation funding formula and administered in the manner determined by the Commissioner of Education.

(c) A choice school district shall be entitled to State aid for each eligible choice school student transported.

(d) District boards of education shall submit all data necessary for the calculation of State transportation aid.

Amended by R.2010 d.085, effective June 7, 2010.

See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

Updated the N.J.S.A. reference.

6A:27-8.2 School transportation efficiency and corrective action plans

District boards of education shall submit all data for the calculation of their vehicle utilization rating and shall submit corrective action plans and reports, as necessary, in the manner prescribed by the Commissioner of Education.

SUBCHAPTER 9. CONTRACTING FOR TRANSPORTATION SERVICES**6A:27-9.1 General provisions**

(a) District boards of education shall administer student transportation contracts in accordance with the requirements of this subchapter. Boards of education reserve the right to assign their transportation contracts to another board of education upon approval of both boards of education.

(b) Any contract drawn which fails to meet the requirements of this subchapter shall be set aside by the district board of education.

(c) All contracts require the approval of the Executive County Superintendent of Schools.

1. Notwithstanding the Executive County Superintendent's contract approval, State aid shall be subject to modifications by the Commissioner of Education for good cause shown.

Amended by R.2010 d.085, effective June 7, 2010.

See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

In (a), inserted the last sentence; in the introductory paragraph of (c), inserted "Executive"; and in (c)1, substituted "Executive County Superintendent's" for "county superintendent's".

6A:27-9.2 Responsibilities of district boards of education

(a) Prior to the opening of school and in sufficient time to publicly advertise for bids, district boards of education shall assess their student transportation needs. If the assessment indicates that student transportation services are anticipated or in the aggregate shall exceed the statutory bid limit, except for contracts qualifying for renewal, all transportation services shall be bid in accordance with N.J.S.A. 18A:39-3.

1. District boards of education shall assess their school related activities transportation needs. If the assessment indicates that these services are anticipated or in the aggregate will exceed the statutory bid limit, except for contracts qualifying for renewal, this transportation shall be bid.

(b) District boards of education shall have the option of annually bidding all transportation contracts or awarding annual extensions of existing contracts. No contract for the transportation of students to and from school or school related activities shall be made when the amount to be paid during the school year for such transportation exceeds the bid threshold limit, unless the district board of education making such contract shall have first publicly advertised for bids. Such advertisement shall be published once in a newspaper circulating in the school district at least 10 days prior to the date fixed for receiving proposals for such transportation. All bids shall be advertised with the time and place fixed to each advertisement for submission of proposals to the district board of education. No proposal shall be opened prior to the hour designated in the advertisement and none shall be received thereafter. The district board of education or designated official shall unseal bids in the presence of those in attendance and publicly announce the contents.

(c) District boards of education shall designate a committee, official or employee to prepare the specifications for which proposals are sought. Prior to the advertisement for bids, a copy of the specifications shall be submitted to the Executive County Superintendent of Schools for review for compliance with this chapter. The specifications and advertisement for bids shall be approved and authorized by formal action of the district board of education.

(d) The officer of the district board of education responsible for distributing specifications to prospective bidders shall maintain a bidders' list and keep a list of all persons who take copies of the specifications.

(e) If any person operating a school bus under contract with a district board of education shall fail to comply with any of the rules governing student transportation, the district board of education shall immediately notify such person in writing of his or her failure to comply.

1. If the violation is repeated, the district board of education may require the violator to show cause at a hearing why his or her failure to comply should not be deemed a breach of contract.

2. If, after due notice and hearing, the district board of education determines that a breach of contract exists, it may call upon the bondsperson or surety company, as the case may be, to perform the contract or to reimburse the district board of education for any financial loss resulting from the breach of the contract, and may annul the contract.

Amended by R.2005 d.259, effective August 1, 2005.
See: 37 N.J.R. 851(a), 37 N.J.R. 2865(b).

In (a), added paragraph 1; in (b), added "or school related activities" following "to and from school", added "school" preceding "district at least 10 days", added "district" following "submission of proposals to the"; rewrote (c); and in (e), deleted paragraph 3.

Amended by R.2010 d.085, effective June 7, 2010.

See: 41 N.J.R. 4004(a), 42 N.J.R. 1029(a).

In the introductory paragraph of (a) and in (a)1, inserted "are anticipated or"; and in (c), inserted "Executive".

6A:27-9.3 Bid specifications

(a) Specifications drawn for purposes of competitive bidding shall be drafted in a manner designed to encourage free, open and competitive bidding. Specifications shall not knowingly discriminate, exclude prospective bidders by reason of the impossibility of performance or bidding by any one bidder. All bidding practices shall be designed to prevent fraud, favoritism and extravagance, to safeguard the taxpayers and protect the lowest responsible bidder. The bid specifications must be definite, precise, impose common standards and shall protect against discrimination in accordance with N.J.S.A. 10:5-31 et seq. When bid specifications are formed to deter rather than to invite genuine competition, an award to the favored bidder shall be set aside.

(b) Any revisions to the bid specifications shall be furnished to all prospective bidders and shall not restrict competitive bidding. Modifications to the specifications shall not invalidate the award of a contract to the successful bidder when it appears that all such bulletins were received in advance of the submission of bids by all prospective and actual bidders. If, in good faith, a district board of education finds it has made a mistake in its specifications that cannot be corrected, bids shall not be accepted based upon those specifications.

(c) Variations from the bid specifications required by this subchapter shall be reasonable and are subject to review by the Commissioner of Education.

(d) Bid specifications shall contain a number to identify each bid and language that requires contractors to comply with all current applicable State and Federal laws pertaining to student transportation and shall be prepared to include, but not be limited to, the requirements of this subchapter.

1. The bid specifications shall include a separate route description for each individual route to and from school.

i. A route is a selected or an established course of travel by a vehicle with definite stops for the purpose of loading and unloading students. A route for the transportation of regular public school students shall be described from the first bus stop to the destination listing each street traveled and the schedule for arriving and departing.

ii. A route for the transportation of special education students, vocational school students and nonpublic school students shall, at a minimum, be described listing each bus stop, the schedule for arriving and departing and the vehicle capacity. The statement "the direction of the vehicle from the last stop shall be along the safest most direct route to the destination" shall also be included in the route description. In addition, language shall be included which requires the successful bidder to submit to the district board of education, within 10 days of the start of the contract, a description of the actual streets traveled.

iii. Transportation routes shall be arranged so that the buses shall transverse the highways that serve the largest number of students within a reasonable time limit and at a minimum cost.

2. The trip description for school related activities transportation shall include any or all, but shall not be limited to, the following criteria which shall define the basis of the bid:

- i. The destination(s);
- ii. The time of departure and return;
- iii. The vehicle type and capacity;
- iv. The need for special equipment and instructions;
- v. The need for an aide; and
- vi. The number of vehicles required per trip.

3. The bid specifications shall state that the district board of education shall reserve the right, with the approval of the Executive County Superintendent of Schools, to change the route or trip. If any change results, adjustment in the contract price shall be made in accordance with the bid.

4. The specifications shall include language that describes the following district board of education requirements: