

7233

I N S E N A T E

May 7, 2014

Introduced by Sen. DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the family court act and the education law, in relation to contracts for the transportation of children

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (b) of subdivision 3 of section 236 of the family
2 court act, as amended by chapter 424 of the laws of 2012, is amended to
3 read as follows:

4 (b) Such order shall further require that such transportation shall be
5 provided within thirty days of the issuance of such order, and, shall be
6 provided as part of a municipal cooperation agreement, as part of a
7 contract awarded to the lowest responsible bidder in accordance with the
8 provisions of section one hundred three of the general municipal law, or
9 as part of a contract awarded pursuant to an evaluation of proposals to
10 the extent authorized by paragraphs e and f of subdivision fourteen of
11 section three hundred five of the education law and otherwise consistent
12 with the provisions of this subdivision, and that buses and vehicles
13 utilized in the performance of such contract shall meet the minimum
14 requirements for school age children as established by the commissioner
15 of transportation. WHEN, IN THE CITY OF NEW YORK, THE BOARD OF EDUCATION
16 OR THE CITY SCHOOL DISTRICT AWARDS A CONTRACT OR CONTRACTS FOR TRANSPOR-
17 TATION, THE BOARD OR CITY SCHOOL DISTRICT SHALL INCLUDE EMPLOYEE
18 PROTECTION PROVISIONS RATIONALLY RELATING TO THE PROMOTION OF A POOL OF
19 QUALIFIED WORKERS AND THE AVOIDANCE OF LABOR DISPUTES, INCLUDING BUT NOT
20 LIMITED TO PROVISIONS FOR THE PREFERENCE IN HIRING OF EMPLOYEES PERFORM-
21 ING WORK FOR EMPLOYERS UNDER CONTRACTS WITH THE BOARD OF EDUCATION OR
22 THE CITY SCHOOL DISTRICT, THE PRESERVATION OF WAGES, BENEFITS AND
23 SENIORITY FOR SUCH EMPLOYEES, AND OTHER PROVISIONS RELATING TO THE
24 HIRING, COMPENSATION, AND RETENTION OF EMPLOYEES.

25 S 2. Paragraph a of subdivision 14 of section 305 of the education
26 law, as amended by chapter 273 of the laws of 1999, is amended to read
27 as follows:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 a. All contracts for the transportation of school children, all
2 contracts to maintain school buses owned or leased by a school district
3 that are used for the transportation of school children, all contracts
4 for mobile instructional units, and all contracts to provide, maintain
5 and operate cafeteria or restaurant service by a private food service
6 management company shall be subject to the approval of the commissioner,
7 who may disapprove a proposed contract if, in his opinion, the best
8 interests of the district will be promoted thereby. Except as provided
9 in paragraph e of this subdivision, all such contracts involving an
10 annual expenditure in excess of the amount specified for purchase
11 contracts in the bidding requirements of the general municipal law shall
12 be awarded to the lowest responsible bidder, which responsibility shall
13 be determined by the board of education or the trustee of a district,
14 with power hereby vested in the commissioner to reject any or all bids
15 if, in his opinion, the best interests of the district will be promoted
16 thereby and, upon such rejection of all bids, the commissioner shall
17 order the board of education or trustee of the district to seek, obtain
18 and consider new proposals. PROVIDED, FURTHER, THAT ALL CONTRACTS FOR
19 CITIES WITH A POPULATION OF ONE MILLION OR MORE SHALL INCLUDE EMPLOYEE
20 PROTECTION PROVISIONS RATIONALLY RELATING TO THE PROMOTION OF A POOL OF
21 QUALIFIED WORKERS AND THE AVOIDANCE OF LABOR DISPUTES, INCLUDING BUT NOT
22 LIMITED TO PROVISIONS FOR THE PREFERENCE IN HIRING OF EMPLOYEES PERFORM-
23 ING WORK FOR EMPLOYERS UNDER CONTRACTS WITH THE BOARD OF EDUCATION OR
24 THE CITY SCHOOL DISTRICT, THE PRESERVATION OF WAGES, BENEFITS AND
25 SENIORITY FOR SUCH EMPLOYEES, AND OTHER PROVISIONS RELATING TO THE
26 HIRING, COMPENSATION, AND RETENTION OF EMPLOYEES. All proposals for such
27 transportation, maintenance, mobile instructional units, or cafeteria
28 and restaurant service shall be in such form as the commissioner may
29 prescribe. Advertisement for bids shall be published in a newspaper or
30 newspapers designated by the board of education or trustee of the
31 district having general circulation within the district for such
32 purpose. Such advertisement shall contain a statement of the time when
33 and place where all bids received pursuant to such advertisement will be
34 publicly opened and read either by the school authorities or by a person
35 or persons designated by them. All bids received shall be publicly
36 opened and read at the time and place so specified. At least five days
37 shall elapse between the first publication of such advertisement and the
38 date so specified for the opening and reading of bids. The requirement
39 for competitive bidding shall not apply to an award of a contract for
40 the transportation of pupils or a contract for mobile instructional
41 units, if such award is based on an evaluation of proposals in response
42 to a request for proposals pursuant to paragraph e of this subdivision.
43 The requirement for competitive bidding shall not apply to annual, bien-
44 nial, or triennial extensions of a contract nor shall the requirement
45 for competitive bidding apply to quadrennial or quinquennial year exten-
46 sions of a contract involving transportation of pupils, maintenance of
47 school buses or mobile instructional units secured either through
48 competitive bidding or through evaluation of proposals in response to a
49 request for proposals pursuant to paragraph e of this subdivision, when
50 such extensions (1) are made by the board of education or the trustee of
51 a district, under rules and regulations prescribed by the commissioner,
52 and, (2) do not extend the original contract period beyond five years
53 from the date cafeteria and restaurant service commenced thereunder and
54 in the case of contracts for the transportation of pupils, for the main-
55 tenance of school buses or for mobile instructional units, that such
56 contracts may be extended, except that power is hereby vested in the

1 commissioner, in addition to his existing statutory authority to approve
2 or disapprove transportation or maintenance contracts, (i) to reject any
3 extension of a contract beyond the initial term thereof if he finds that
4 amount to be paid by the district to the contractor in any year of such
5 proposed extension fails to reflect any decrease in the regional consum-
6 er price index for the N.Y., N.Y.-Northeastern, N.J. area, based upon
7 the index for all urban consumers (CPI-U) during the preceding twelve
8 month period; and (ii) to reject any extension of a contract after ten
9 years from the date transportation or maintenance service commenced
10 thereunder, or mobile instructional units were first provided, if in his
11 opinion, the best interests of the district will be promoted thereby.
12 Upon such rejection of any proposed extension, the commissioner may
13 order the board of education or trustee of the district to seek, obtain
14 and consider bids pursuant to the provisions of this section. The board
15 of education or the trustee of a school district electing to extend a
16 contract as provided herein, may, in its discretion, increase the amount
17 to be paid in each year of the contract extension by an amount not to
18 exceed the regional consumer price index increase for the N.Y.,
19 N.Y.-Northeastern, N.J. area, based upon the index for all urban consum-
20 ers (CPI-U), during the preceding twelve month period, provided it has
21 been satisfactorily established by the contractor that there has been at
22 least an equivalent increase in the amount of his cost of operation,
23 during the period of the contract.
24 S 3. This act shall take effect immediately.