

**Port Jervis**  
SCHOOL DISTRICT

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**To:** Tom Bongiovi  
Board of Education

**From:** Lorelei Case *LC*

**Date:** October 25, 2016

**Subject:** Transportation RFP

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On November 15, 2016, the Board of Education will be asked to award Transportation Advisory Services (TAS) to serve as a consultant for the RFP development of the proposal for student transportation services.

The cost for this service is \$13,200, plus expenses.

An RFP (vs. bid) is recommended because nine additional factors aside from cost are considered in the proposal.

TAS has provided an informative bid versus RFP document for board review.

LC:mo

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October 21, 2016

Lorelei Case  
Assistant Superintendent for Business  
Port Jervis City School District  
9 Thompson Street  
Port Jervis, New York 12771

Re: Request for Proposal – Student Transportation Consulting Services

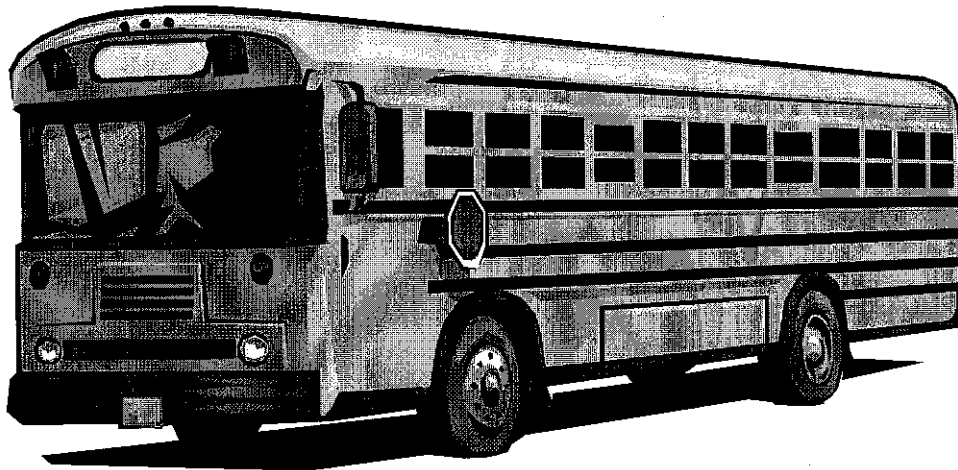
Dear Ms. Case:

As per your request, enclosed please find a Proposal to complete a Bid/RFP development and management process for your School District's transportation program. To assist you with a determination of whether you wish to use a Bid request or a Request for Proposals (RFP) to seek a Contractor to provide the student transportation services you need, information on the differences between these two methodologies is also enclosed.

**TAS** is *uniquely qualified* to assist the District with this challenging project. Over the past 29 years we have worked with over 550 school districts and agencies in 21 states, reviewing all types and styles of programs. Within New York State, there has been over 350 transportation program reviews. Based upon the number of school district clients we have served and the number of states in which we have worked, we are the largest dedicated student transportation consulting firm in the United States. These numbers are unmatched by any other firm even though they may call themselves the "largest". Furthermore, we believe that our experience as a New York State based transportation consulting firm with substantial knowledge of State student transportation requirements is important for a School District that is seeking new Bid/RFP specifications for the operation of its transportation program.

As you know, and as shown in our complete client list that is available on our web site at [www.TransportationConsultants.com](http://www.TransportationConsultants.com), we have worked with other school districts in your area completing various types of efficiency studies and in Bid/RFP development. We have also completed Bid specifications for the Port Jervis City School District previously. Therefore, we are knowledgeable of the School District. I believe you will find that our consulting services more than pay for themselves by assisting the School District with the ability to improve efficiencies and to enable the District to provide greater oversight of its contracted transportation service. Additionally, our independent perspectives and educational system experiences allow us to provide the School District with services that will withstand the typical rigorous public scrutiny.

**BID/RFP DEVELOPMENT PROPOSAL  
for  
STUDENT TRANSPORTATION SERVICES  
PORT JERVIS CITY SCHOOL DISTRICT**



Submitted by:

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October 21, 2016

marketing the Bid/RFP opportunity in ways that may not be typical for a School District-run Bid/RFP process. Based upon our extensive experience, our industry contacts are second to none! The placement of any mandated legal advertisements shall be the sole responsibility of each School District.

3. **Pre-Bid/Proposal Conference** - TAS will schedule and conduct a pre-Bid/Proposal conference with prospective contractors to answer any questions about the program as well as the Bid/RFP process. It will be important that the School District's official(s) be present at this session to answer any program-related questions that may arise. TAS will also assist in insuring that all questions and clarifications are dealt in an accurate, complete, and fair fashion. Should addenda to the specifications be required based upon questions that arise at this meeting, TAS will assist in the development of this document.
4. **Bid/RFP Opening and Review** - TAS will assist the School District with the Bid/RFP opening and with analyzing the Bid/RFP submissions to identify the most appropriate and responsive Bid/Proposal.

The School District is responsible for obtaining the opinion of its legal counsel concerning any legal issues, disputes, or protests occurring in connection with the opening, Bid/RFP analysis, and contract award including, but not necessarily limited to: the acceptance, rejection or withdrawal of any Bid(s)/Proposal(s); collusion or conflict of interest on the part of any Bidder/Proposer, School District officer or employee; the legal sufficiency of any Bid(s)/Proposal(s) as the basis for a contract award; the responsibility of any Bidder(s)/Proposer(s); the adequacy of any required security; the form of the award, and any post-Bid/RFP contract documents.

The School District shall hold TAS harmless against any suits, claims, proceedings, or actions by any Proposer or other third party, arising from the decision of the School District to award a contract to any particular Bidder/Proposer or to reject any or all Bids/RFPs, and shall indemnify TAS for any costs, attorney's fees, settlements, or judgment incurred by TAS in connection with the same.

5. **Award Recommendation** - As mentioned above, TAS will assist the School District in the review of all Bid/RFP submissions, including a technical review for specification compliance and contacts to verify references. With an RFP, we will also provide technical assistance to the School District with its review of the Proposals and the points to be awarded in each of the ten categories that have been established as qualities of service. Whenever appropriate, TAS will work with the School District to formulate any suggestions that may be appropriate to discuss with selected Contractors during any negotiations that may be required.

TAS will complete the computations of the price submissions for the requested Bids/Proposals and will provide the School Districts with a hard copy of this information as well as a copy of the means by which the computations were made.

## METHODOLOGY

TAS would be prepared to begin working with the School District in November 2016 to review any proposed changes to the School District's operating program prior to the finalization of the program description that is contained in the specifications.

Subsequent to the finalization of the proposed operating program, for the 2017-2018 school year, TAS will develop a draft Bid/RFP document, and submit this to the School District for its review. This draft document will be based upon a review of the School District's current specifications, modified to reflect any routing or program changes, and structured to address any operational issues that may have arisen. The appropriate School District personnel, the School District's legal counsel, and its insurance consultant should then review the Bid/RFP specifications, with an eye toward having the completed documents available for distribution at the earliest possible date.

While it is our intention to work with the School District to establish a definitive time schedule for the entire process, the general time frame for a Bid/RFP could be as follows:

<b>Contract with TAS</b>	<b>November 2016</b>
<b>Program review</b>	<b>November 2016</b>
<b>Submission to School District of Draft Specifications</b>	<b>December 2016</b>
<b>Publication and Distribution of Specifications</b>	<b>December 2016/January 2017</b>
<b>Pre-Bid/RFP Meeting with Contractors</b>	<b>January 2017</b>
<b>Bid/RFP Submissions and Review by School District</b>	<b>January/February 2017</b>
<b>Contract Award</b>	<b>February 2017</b>

TAS would expect to have reasonable access to the School District's personnel and records, and the School District may be asked to facilitate a meeting with its Contractor, if it is necessary. One official from the School District should be designated as our liaison to facilitate our access to information and to ensure that we provide the School District with the type of document that it desires. Additionally, detailed comments from School District personnel relative to current specification issues will be important.

While TAS will prepare the Bid/RFP specifications consistent with the requirements of New York State law and the requirements of the State Education Department, the specifications will also reflect the requirements and needs of the School District. For an RFP, this includes the point values of each of the ten categories required to be included in the RFP and the means to determine the awarding of points in each category.

process for the Bid/RFP award.

6. Following the pre-Bid/Proposal Conference, any questions about the Bid/RFP specifications are to be received by the School District. In turn, these should be forwarded to the TAS Project Consultant so he can prepare a draft response for the School District to review and for the School District to incorporate in any addenda it feels necessary to publish. The School District's response is to be sent to all prospective Bidders/Proposers of record.
7. For an RFP, the recommendation is that the review of the Proposals be completed by a School District committee of three persons working independently of one another at the same time. TAS will act as a technical advisor to the committee and assist with the interpretation of the submissions, the awarding of points within the mandated ten categories for review, and contribute its knowledge as well as its experience to the School District's determination of the successful Proposer.
8. The Bid/RFP award is to be made by the School District consistent with the terms of the Bid/RFP specifications.
9. The School District will notify all Bidders/Proposers who are not receiving an award that an award has been made.
10. Preparation of contracts and forms to be submitted to the State Education Department is the responsibility of the School District.

Any modifications to the approved program will be detailed in writing, and the School District's approval will be requested. The estimated costs of these modifications, if any, will be made available to the School District prior to approval.

## FEE STRUCTURE

This proposal has been based upon the development of a Bid/RFP, as included in the Scope of this Proposal. Our fee for a Bid development and management engagement is \$11,440.00. For an RFP, the fee is ~~\$13,200.00~~. The expenses for both formats is capped at \$750.00.

### TERMS:

1. A payment of \$3,800.00 for a Bid or \$4,400.00 for an RFP from the School District after the initial on-site meetings.
2. A progress payment of \$3,800.00 for a Bid or \$4,400.00 for an RFP after the submission of the draft specifications.
3. The contracted balance of \$3,840.00 for a Bid or \$4,400.00 for an RFP from the School District is due within 30 days of the submission of the process summary letter. This letter would be completed as soon as possible after the Bid/RFP opening and review, unless circumstances should exist as a result of the opening, which makes an analysis of the most responsive Bid/RFP a process that requires a delay in the completion.

The final payment will include a maximum of \$750.00 in expenses that are related to the performance of this engagement.

4. The capped expenses of \$750.00 will consist of mileage at the IRS approved level (currently, 54 cents per mile for 2016), tolls, mailing/shipping charges, meals, parking, and any other direct expenses related to the Bid/RFP development and management service that are approved by the School District.

Normal and customary out-of-pocket costs for the preparation, advertising and distribution of specifications shall be the responsibility of the School District. As a part of the Bid/RFP solicitation process, TAS may recommend to the School District various solicitation methods including advertisements in various publications. Any costs for reviews conducted by the School District's attorney, insurance advisor, or independent auditor of the specifications or related documents, consulting engagement, Bid/Proposal submissions, or contract documents shall be the financial responsibility of the School District.

Expense reimbursements are due within 30 days of submission to the School District and are usually submitted on a monthly basis.

The travel related expenses as detailed in this section will not exceed the cap without the specific prior approval of the School District.

This Bid/RFP development and management service fee structure for the Port Jervis City School District of ~~\$13,200.00 for an RFP plus expenses~~ or \$11,440.00 for a Bid plus expenses has been based upon our projection of the activities that will be necessary, including but not limited to the following:



## **Bid vs. Request for Proposal (RFP)**

A competitive Bid is the historical means of soliciting prices for services, and the regulations governing this process are included in General Municipal Law §103. Specifically, the School District establishes the requirements of the requested service and the award is made to the lowest responsible Bidder. Low price is the determinant for an award once it has been established that the Bidder met the minimum qualifications. This being said, over the past several years Bid specifications for transportation services have become more sophisticated than they were in the past, and many requirements in good Bid specifications now mirror the categorical requirements of the RFP. What this means is that while the lowest price from a responsible Bidder remains the sole criteria for an award, the School District can include requirements for the Bidder and for service that are similar, if not identical, to that which is contained in an RFP. However, unlike the RFP, some subjectivity in the interpretation of whether or not a Bidder meets the School District's requirements does not exist. Also, consideration of the degree to which a Bidder meets a requirement can not be a consideration. Finally, any desire to make an award to a particular service provider who may not be the low Bidder is not possible.

Established in 1995, the Request for Proposal (RFP) process to seek transportation services is recent in New York State and is used when a School District wishes to attract or retain a particular service provider and/or where the quality of service is more important than price. In New York State a submittal to provide service is not based solely on the lowest price from a responsible service provider, but includes ten indicators as determinants of the quality of service. These are found in the §305(14) of the Education Law and Commissioner of Education's Regulations (NYCRR 156.12). They are as follows:

1. Previous experience of the Contractor in transporting pupils
2. The name of each transportation company the Contractor has been an owner or a manager
3. A description of any safety programs implemented by the Contractor
4. A record of accidents in motor vehicles under the control of the Contractor
5. Driving history of employees of the Contractor
6. Inspection records and model year of the motor vehicles under the control of the Contractor
7. Maintenance schedule of the motor vehicles under the control of the Contractor



receive the award at a higher price. Other Contractors sometimes come forward with a request for a Bid in order to avoid the scrutiny of some or all of the qualitative aspects of service that an RFP can provide or the subjectivity of the RFP process. We offer a *caveat* in involving a Contractor or giving serious weight to any Contractor's request to use either a Bid or an RFP. Such requests from some Contractors can be self-serving and don't always represent the best interests of the School District.

The above information is general and is provided based upon our experience as transportation consultants. Many aspects of a Bid or RFP process entail meeting legal and regulatory mandates. Therefore, the advice of experienced legal counsel throughout the process should be sought. The decision – Bid or RFP – belongs with the School District, and the decision as to what format is to be used should reflect what is in the best interests of the School District.