

BOARD ADMINISTRATIVE PROCEDURE	
<i>Administrative Procedure</i>  <b>Bus Operator Contracted Services</b>	<i>Administrative Procedure Number</i>  <b>1302</b>
<i>Directional Policy</i>  <b>1300 – Student Transportation</b>	

**Title of Administrative Procedure:**

Bus Operator Contracted Services

**Date Approved:**

November, 2022

**Projected Review Date:**

2027

**Directional Policy Alignment:**

The Peterborough Victoria Northumberland and Clarington Catholic District School Board is aligned with Directional Policy 1300 Transportation as the Board is committed to supplying safe and effective transportation to students through contracted services with bus operators.

**Alignment with Multi-Year Strategic Plan:**

This administrative procedure aligns with our strategic priorities by ensuring that our contractual relationship with each of our bus operators is transparent, maintains public trust, and is fiscally responsible.

[PVNCCDSB Board Vision, Mission and Strategic Priorities](#)

### **Action Required:**

This administrative procedure provides guidance relating to the following processes supporting the Board's relationship with its contracted bus operators, as administered through Student Transportation Services of Central Ontario:

- payment to bus operators,
- procurement of bus routes,
- limitations on holding of bus contracts,
- bus insurance,
- inclement weather and strike action affecting bus contracts,
- transfer of bus contracts,
- bus safety checks,
- vehicle/route inspections,
- maximum age of vehicles, and
- two-way communication.

As a minimum, contract agreements shall address the following items:

#### **1. Payment to Operators**

- Payment to operators, in consideration of transportation services provided, will be a monthly amount determined as ten percent (10%) of the total contract price for each route. Payments for the first few months of the school year will be based on estimates, with reconciliations and final monthly payments determined after student count dates as noted in the contracts.

#### **2. Procurement of Bus Routes**

- The Transportation Authority and Superintendent responsible for transportation will, when required or requested, meet with representatives of all school bus operators serving the Board to discuss and negotiate contract issues that arise during a contract term, or while a new contract term is being entered into.

- In accordance with the Broader Public Sector Procurement directives, a competitive procurement process may be developed in order to secure transportation services.
- When new regular daily bus routes are required to be established in the ordinary course of a school year they may be offered to an existing bus operator with capacity. Failing that, the new routes may be offered for public tender.
- Contracts will be reviewed prior to expiry of a term in order to assess where changes and/or improvements may result for future terms. Student Transportation Services officials shall advise the Board of contracts that, due to contract performance issues, should not be considered for renewal for the upcoming contract term.
- The term of existing contracts may be extended when a public procurement process is not contemplated for a renewal period. In those circumstances, existing contracts may be discontinued at the renewal date upon the following conditions:
  - (i) if the Board is dissatisfied with the services being received from the present operators, or
  - (ii) if there is a substantial change in bus routes due to population shifts, etc., and the Board wishes to reach a satisfactory new agreement with the existing operator, or
  - (iii) if it is considered that the Board is paying more than is justified for a particular route and is unable to agree on a satisfactory adjustment with the existing operator.

### **3. Limitation on holding of bus contracts**

- It is an objective of the Board to achieve or maintain a limit on the number of bus routes to be serviced by one (1) operator at twenty-five percent (25%) of the total number of routes administered by the Board, and a limit on the amount to be paid to any one (1) operator at twenty-five percent (25%) of total transportation costs. It is to be expected that this limit will be approached gradually through the process of attrition applied to the entire bussing system.
- Approval will not be granted to award additional routes or transfer existing contracts to operators if it will result in any one (1) person or entity, or their affiliates, directly or indirectly holding contracts for more than twenty-five percent (25%) of the total number of routes administered by the Board, or which total more than twenty-five percent (25%) of total transportation costs.
- Notwithstanding the foregoing, the Board of Trustees, in its absolute discretion, may grant exceptions to this Policy in respect of any particular contract if it is of the view that it is in the best interests of the Board to do so.

- If any one (1) person or entity, or their affiliates, presently doing business with this Board, directly or indirectly, holds contracts for more than twenty-five percent (25%) of the total number of routes administered by the Board, or which equal more than twenty-five percent (25%) of the total transportation costs of the Board, that person or entity and their affiliates will not be allowed to acquire new routes until they come within the percentage requirements noted above.
- Notwithstanding the foregoing, the Board of Trustees, in its absolute discretion, may grant exceptions to this Policy in respect of any particular contract if it is of the view that it is in the best interests of the Board to do so.

*NOTE FOR CLARIFICATION: An example of an ultimate owner, major shareholder or holding company is if company X is purchased by company Y but still operates under the name of company X, and, if company X holds contract at or in excess of twenty-five percent (25%), company Y would not be allowed to acquire routes under the company Y name or under any other name. The contracts held by the holding company are deemed to be those of the parent company or major shareholder thereof.*

- When a public procurement process is contemplated for securing new transportation contracts, any changes to the percentages noted above will be considered by the Board prior to issuing a tender or Request for Proposal.

#### **4. Bus Insurance**

- A certificate of the insurance being carried by the contracted operator is to be filed with the Transportation Authority prior to the first day of operation in a given school year.
- All contracts will contain a clause acceptable to legal counsel for the Board, administration, and the Chief Administrative Officer requiring the operator to maintain sufficient general public liability and property damage insurance with a reputable insurance company authorized to transact business in Ontario, against claims arising out of operation of a public vehicle according to the Public Vehicles Act and the Regulations thereunder, and which insurance shall name the Board as an additional named insured.
- The limits of insurance to be carried will be specified in the actual contract agreements and will reflect both Ministry requirements and industry recommended levels.

#### **5. Inclement Weather and Board Strike Action Affecting Bus Contracts**

- When any bus route service is temporarily canceled by the Boards, including for inclement weather, the operator shall receive compensation in keeping with provisions contained within the annual Contract Agreement between Board and operator.

- In the event of a Peterborough Victoria Northumberland and Clarington Catholic District School Board strike and/or lockout whereby transportation services are cancelled, payment shall be in accordance with the following:

Number of Days Cancelled Daily Rate

6 - 15 days 85% of the per diem

16 - 35 days 75% of the per diem

36 days & over 50% of the per diem

(per diem calculated by the annual rate divided by the number of school days in the school year)

- In the event of an operator job action, no payment shall be made.

## **6. Transfer of Bus Contracts**

- In order to deal expeditiously with requests for transfer of school bus contracts, the Chairperson of the Board and the Director of Education, or designate, are authorized to grant such request up to a maximum involvement of five (5) routes, subject to the limitations on holding bus contracts as noted above.
- The transfer of bus contracts dealing with more than five (5) routes can only be approved by the full Board. The Superintendent responsible for transportation, or designate, shall submit a detailed report, including a recommendation to approve or deny the transfer request, to the Board for its review and decision.
- The Director of Education, or designate, shall ensure that the proposed new operator of the contract can provide the necessary service and is able to meet all other requirements pertaining to vehicle loading and safety for students. The Director of Education, or designate, shall also determine the ultimate owner, major shareholders, or holding company of the proposed new operator to ensure that it is known if this new operator has contracts with the Board under any other names.

## **7. Bus Safety Checks**

- The Transportation Authority is empowered to require any operator to have the operator's vehicle or vehicles inspected by a certified mechanic of the Board's choice or by Ministry of Transportation officials, and, if there is indeed a fault, the cost of such check will be borne by the operator; if no fault is discovered the cost will be borne by the Board.
- All vehicles used to transport students to and from school shall comply with the regulations as set down in the Highway Traffic Act and Public Vehicles Act and any other municipal and provincial laws/regulations governing their operation.

## **8. Vehicle/Route Inspections**

- The Board recognizes the need to maintain safe bus routes and to ensure compliance with any Ministry of Education regulations. There is also a need to confirm/review distance claims, vehicle sizes, and compliance to Ministry of Transportation regulations as submitted by operators. A minimum of the Board's total bus routes and any new routes should be audited annually through field audits. These audits should focus on:
  - (a) route efficiency;
  - (b) distance claims by operators;
  - (c) visual inspection of vehicle;
  - (d) safety of pick-up and drop-off location;
  - (e) driver skills; and
  - (f) public vehicle licensing requirements.

### **9. Maximum Age of Vehicles**

- Operators shall not use vehicles for the transportation of students that have been in service for more than twelve (12) years without the annual approval of the Transportation Authority, in writing.

### **10. Two-way Communication**

- The operator shall, at his or her expense, purchase, arrange for, and provide all vehicles with two-way communication equipment. The equipment must:
  - be able to provide mobile-to-mobile communication as well as mobile-to-base;
  - be able to have dispatch and/or central monitoring from a location or several locations;
  - be able to communicate with a base from everywhere in the area where the operator generally operates for the Board, e.g., charter work for the Board and its schools;
  - be able to operate under adverse weather or other conditions, e.g., should hydro fail to the tower site, radio system should not be inoperative;
  - be as technically simple as possible;
  - be transferrable from one (1) vehicle to another in the event that a spare bus is being used, or spare buses be equipped with the same type of radios; and
  - have central monitoring with direct and continuous access to necessary parties to further rider safety or for dispatch of emergency services.

**Responsibilities:****The Board of Trustees is responsible for:**

- Reviewing this Administrative Procedure to ensure its alignment with Directional Policy 1300 Student Transportation
- Reviewing the Bus Operator Contracted Services Administrative Procedure as part of its regular policy and procedures review cycle.
- Approving transfers of bus contracts.
- Approving exceptions to this Administrative Procedure when it is in the best interests of the Board to do so
- Approving renewals to contract terms

**The Director of Education is responsible for:**

- Overseeing implementation of this Administrative Procedure
- Approving bus transfers when the number of routes is less than five.

**Superintendent responsible for transportation is responsible for:**

- Supporting STSCO during the procurement process, and contract renewals
- Ensuring that recommendations regarding bus transfers and contract renewals are properly supported for the Board of Trustees approval.

**Progress Indicators:**

- Bus contract renewals or bus transfers are completed on a timely basis, with no interruption of service to students.

**Definitions:**

- Transportation Authority  
For the jurisdictions of the Board in Peterborough, Northumberland, and Clarington, the Transportation Authority is Student Transportations Services of Central Ontario, through its Chief Administrative Officer. For the City of Kawartha Lakes, the Transportation Authority is Trillium Lakelands District School Board, through its Transportation Supervisor.

- Total Transportation Costs

Total Transportation Costs are defined as the sum total of the costs of all transportation contracts for a school year as determined on 31 October of that school year.

**References:**

- Ontario Public Vehicles Act and Regulations thereunder
- Ontario Highway Traffic Act and Regulations thereunder