

## **Guidance for Licensees in Developing a Transportation Services Contract**

Below are considerations for developing a contract for transportation services with a focus on ensuring that licensing requirements are incorporated into your agreement. As with any contract you should consult with your attorney before finalizing a contract agreement.

### **Contractual**

- What are start and end dates of the contract?
- Is there an automatic renewal clause?
- Under what situations can there be a termination of contract, what notice period needed if termination of contract before agreed upon end date termination of contract, under what conditions by either party, what is time frame of notification of the other party?
- What provisions for possible changes in regulations that occur during a valid contract period, how will changes be addressed?
- Who is the primary contact at transportation company and for licensee, who are the secondary contacts?
- What is acceptable form of communication between parties, email, text, etc.?
- Is there an additional insured endorsement required?

### **Co-employment**

- Be clear about employees being employed by the transportation company and not your program.
- How is supervision and disciplinary action managed?
- What are the expectations of the contractor notifying your program about any personnel performance issues or disciplinary action?

### **Performance**

- Are there any performance metrics for transportation services, billing submissions, payment turnaround time, provision of required documentation to licensee, etc.?
- Are there financial hold backs for performance related issues?

### **Policies**

- Specify how the licensee Transportation Plan and if applicable, Transportation Oversight Plan, are shared with contractor's employees.
- What happens in event of weather closure, how is this communicated to the transportation company/transportation personnel, what effect on billing?
- What if the program decides on a delayed opening or early closing, how is this communicated to the transportation company/transportation personnel, what effect on billing?
- What provisions for holiday closure, other shutdown situations, if vehicle not available due to mechanical or other circumstances; what effect on billing?
- Incorporate your program policies and EEC plans as part of the contract.

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Specify ALL the EEC requirements to be met:

- 7.13(3)(c) Provisions for transportation company to notify the licensee of any accidents, vehicle breakdowns, and moving violations that are cited while children are being transported.
  - Specify how this information is shared at the transportation company from driver to company and who at the company will notify the licensee, is there a specific person at the licensee to contact (suggest Transportation Coordinator role as required 7.13(3)(a)1).
- 7.13(4)(a) and (b) Vehicle and driver conform to school bus or 7D requirements
  - Specify the documentation that needs to be given to the licensee and when/how updates will be managed.
- 7.13(4)(c) and (d)
  - When will contractor provide licensee with copies of vehicle registration, required vehicle annual inspection sticker/7D Inspection Decal 2 times a year/School bus Inspection Decal 3 times a year, copies of driver license/certification, monitor identification?
- 7.13(4)(e)
  - Contractor must make provisions for transportation personnel to attend required orientation to licensee transportation plan and oversight plan, are transportation personnel paid for time for this orientation, who pays personnel?
- 7.13(4)(f) First Aid and CPR training,
  - Is this paid training time for transportation personnel?
  - Does training need to be pediatric training, ensure training complies with EEC requirements of content and approved providers?
  - Make clear CPR training needs to be conducted annually regardless of duration allowed by trainer?
- 7.13(4)(h) ensure one particular driver is regularly assigned to each route,
  - Process for this to occur?
  - Does licensee want same provision for monitors?
- 7.13(4)(i)
  - How will substitute transportation personnel be identified and assigned, what is procedure for absence of transportation personnel, who is contacted at contractor, is there a substitute pool, will licensee be notified of substitute driver, ensure substitute drivers meet the EEC requirements not just RMV requirements; if no substitute driver and route is cancelled, what payment impact?
- 7.13(4)(k)
  - Will smoking be allowed on vehicles regardless of whether children are present?
- 7.13(6)(b)
  - Who provides car seats, who inspects them, what frequency of inspection, how documented?
- 7.13(6)(l) Every accident is reported in accordance with applicable accident reporting laws and requirements
  - Specify communication path, specify what needs to be reported, specify timeline for reporting; what repercussions if not followed?

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### **Rates**

- Rate paid to contractor is negotiated between licensee and contractor.
- EEC reimbursement rates may be a component of that negotiation but contractors are not required to accept the EEC rate nor is the licensee required to pay the EEC rate to the contractor.
- When do rates increase?
- What happens if the State increases the transportation rate, does any/some/all get passed on to contractor?
- What provisions, if any, for mid-contract period rate increase requests?

### **Recordkeeping**

- What documentation of registration and 7D/school bus inspection compliance will be provided and when?
- Specify type of insurance minimums per 7.13(5) and what documents you need to receive from contractor to verify insurance levels for the specific vehicles used for your program.
- Must vehicles used be consistently provided or can the vehicles be from a pool of vehicles, what impact on document collection?
- How many days can an alternate vehicle or transportation personnel be assigned to your program before updated documents must be supplied to your program?
- Specify if a vehicle registration is revoked or fails an inspection, will provider be notified, when, by whom, what repercussions and what is backup service plan?
- Who owns the child car seats, who responsible for inspection, who responsible for installation?

### **Specific Policy Expectations for:**

- COVID or other health emergency situations that may require additional reporting.
- Suspicion of abuse or neglect, 51A reporting on transportation personnel—what are responsibilities of contractor to notify licensee and vice versa; what provisions for return of personnel to work.
- Substitute staff provision—All transportation personnel must comply with RMV and EEC requirements including substitute transportation personnel.