



ASSISTED SCHOOL TRAVEL PROGRAM

2013 CONTRACT GUIDELINES

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GENERAL CONDITIONS

1. Background Information

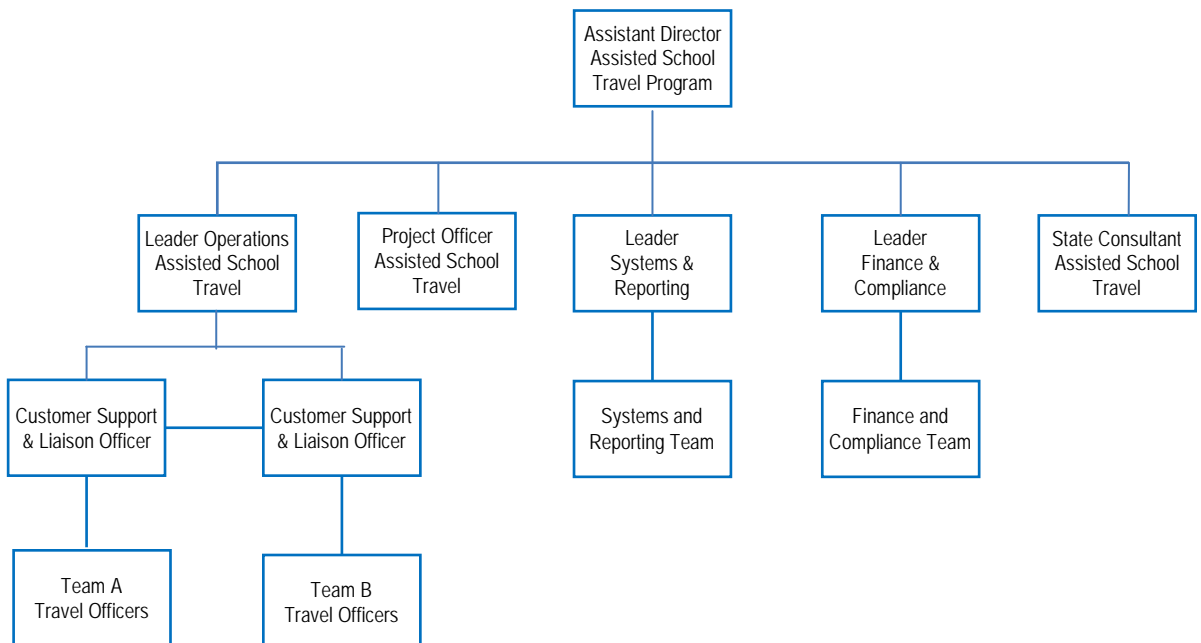
- 1.1.1 The Department of Education and Communities has created an Eligible Service Providers (ESP) list to select transport providers for the provision of transport services in support of the Department's Assisted School Travel Program (ASTP).
- 1.1.2 The ESP list has been established through an open tender, formal expression of interest process and an ongoing compliance evaluation process when the Department needs to expand the capacity of the ESP list.
- 1.1.3 The ESP list is not a contract to provide services for the Department and the Department makes no guarantee that being successfully added to the ESP list will result in transport contracts being awarded.

2 Purpose of the Contract Guide

- 2.1.1 The contract guide is designed to expand on the terms of the ASTP contract. It is based on the terms and conditions that formulate a contract between the "provider" and the Department to supply transport services.
- 2.1.2 This contract guide will be updated when required during the life of the ESP list.

3 Structure of the Assisted School Travel Program

- 3.1.1 The structure of the Assisted School Travel Program is provided to assist operators in understanding how the program is administered within the Department.
- 3.1.2 **Assistant Director Assisted School Travel Program.** The Assistant Director is the Department's officer responsible for the overall administration of the program.
- 3.1.3 **Assisted School Travel Unit.** The Assisted School Travel Unit (ASTU) is located in Wollongong and provides the daily management function of the program. The ASTU is responsible for allocating Runs and maintaining the ESP list. The diagram below shows the ASTU structure:



4 Management of the Eligible Service Providers List

4.1 ESP Management ASTU

- 4.1.1 ESP Management is responsible to assess all requests for modification or addition to the ESP list. This function is managed within the ASTU.

4.2 Applications to amend ESP Details

- 4.2.1 All providers successfully added to the ESP list can modify their details at any time. The modifications that can be made without evaluation. These modifications include change of contact details, increase or decrease of the number of vehicles offered for service, changes to vehicles due to upgrades, additions to vehicle categories offered for service and addition School Education Area's offered for service
- 4.2.2 Providers need to have a change of ABN approved by the Department.
- 4.2.3 Providers must apply for Run capacity increases.

4.3 Applications to Increase Run Capacity

- 4.3.1 Operators that are successfully added to the ESP list have been assessed for their capacity to conduct transport Runs. The ASTU can allocate transport Runs up to the maximum capacity of each operator. The Run allocation will depend on student needs and Run allocations to operators may change during the life of the ESP list.
- 4.3.2 The ASTU will not allocate Runs to operators above their approved limits. Operators that wish to increase their Run capacity apply to the Department and will be required to qualify under the conditions for increased capacity.
- 4.3.3 The process for applications to increase capacity can be found at <http://www.schools.nsw.edu.au/studentsupport/programs/astp/index.php>

4.4 New applications to the ESP List

- 4.4.1 Over the life of the ESP there may be a requirement to add operators to the ESP list. The ESP List Management Section will review the Run capacity of the ESP and vehicles offered for service in each School Education Area (SEA). If additional providers are required an update to the Departments web page <http://www.schools.nsw.edu.au/studentsupport/programs/astp/index.php> Applications will be accepted if the applications meet the specified requirements.
- 4.4.2 Applications will not be accepted for new entrants to the ESP unless the Department initiates the request for applications. Requests for applications will only be based on SEA's and vehicle categories where shortfalls have been identified.
- 4.4.3 All requests to be added to the ESP list outside the Departments initiation process will be retained. Contact Details for the prospective ESP operator will be recorded by the ESP Management cell and notifications of updates to the Departments web site will be notified by email.

5 Transport Run allocation Process

5.1 End of School Year Review

- 5.1.1 The Department will commence planning for Run allocation in Term 4 of each year. The planning process will review current Term 4 Runs. The assessment will consider student needs for the next school year. Operators of current Term 4 Runs will be contacted by the ASTU from December 2012 to either give

notification that their Run will continue into the following year or that services are no longer needed and the existing Run will cease at the end of the school year.

- 5.1.2 The Department will also review new student needs to determine if new Runs need to be created for the beginning of Term 1 in the new school year. Operators will be contacted from January each year should new Runs be required.

5.2 **Run allocation**

- 5.2.1 The Department will allocate students to a Transport Run where the vehicle type is best suited to match student needs and the Run is then offered to an operator. The operator is chosen from the ESP List based on the operators nominated School Education Zone (SEA) and vehicle category.
- 5.2.2 Payment to the Run operator is based on the vehicle selected for service, not the number of students on the Run. If the number of student allocated to the Run diminishes the department may select to conduct a review at the end of Terms 2, 3 and 4. Refer to paragraph 5.31 for an explanation of the process.

5.3 **Progressive Run review during the School year**

- 5.3.1 During each school term the Department will review Run allocations and if required the Department may choose to consolidate Runs to match student needs. Notice will be given to Operators if Runs are to be modified.

From the end of week 4 Term 1 2013 the notice of change to the Run will be given at the beginning of the Term after the review and the change will be actioned at the beginning of the next term following the notification.

For example where a Run has been determined not to be appropriate after the fourth week of Term 1 and should be terminated then the Operator will be informed at the end of the Term but will not have their payments cease until the end of Term 2.

- 5.3.2 For the first four weeks of each school year the notice of change will be provided immediately and the contractor will receive 20 days payment in compensation. This period has been isolated because of the significant number of changes that occur to Runs at the beginning of each year.
- 5.3.3 Where a Run has been terminated because there are no students then the Run will end immediately and the Operator will receive 20 days payment in compensation from the date when the Run finishes.

5.4 **Variation to a Run**

- 5.4.1 Payments will be varied when students are permanently removed from a Run. The variation will only apply to the "loaded kilometres" if the distance for the Run is reduced.
- 5.4.2 The category payment for the vehicle will not change as student decrease or increase. The category payment will remain while the Run is in operation. Refer to section 5.3 for the process if a Run is determined to require change on a permanent basis.
- 5.4.3 Variations will not be made to payments for temporary student absences.
- 5.4.4 Variations to payments will not be made for non-programmed short notice school closures such as Department strike action.
- 5.4.5 Variation to payments will be made if additional distances are required during respite care.
- 5.4.6 If a Run has a TSO the TSO rate is applicable. There will be no adjustment to the TSO rate for temporary absences. If the TSO is removed from the Run on a permanent basis the rate will immediately be changed to the relevant category non TSO rate.

6 Mapping of Runs

- 6.1.1 The Departmental rates for the supply of transport services include consideration of operator's capital costs, administrative costs and running costs. The rates also consider distances travelled by operators for unloaded kilometres and minor additional distances anticipated through mapping factors and the potential road transit conditions that may affect the total distance travelled.
- 6.1.2 The Department has decided to use Google Maps as a tool to determine the loaded kilometres of a Run which is then used for payment purposes.
- 6.1.3 A Run will be mapped based on the distance from the student pick up point to the nominated destination at the school. Where more than one student is allocated to a Run the Loaded kilometres will be calculated using the student located the furthest distance from the school and the route will be selected using the shortest most practical route to collect each student on the Run and deliver all students to the nominated school/schools.
- 6.1.4 The Department will not consider adjustments to the "loaded Kilometres" when determined by the Google Maps tool , unless an operator believes that the loaded kilometres determined by Google maps are significantly less or more than the actual loaded kilometres travelled. The operator may submit a claim for review but only if the claim for adjustment (loaded Kilometres) is greater or less than 1.5 "loaded kilometres" per trip as assigned by the Run card.(maximum variation of 3 km per Day)
- 6.1.5 If Department agrees with the submission from the operator a new "loaded kilometre" distance will be allocated to the Run and then become the basis for payment.

7 TSO Vehicle Rate for Run Operators

- 7.1.1 The Department has issued a rate for operators who are required to transport a Travel Support Officer (TSO). The rate is based on a 15% loading applied on the loaded kilometres travelled by the operator. The loading rate applies only to the loaded kilometres and does not apply to the minimum payment of 30 kilometres. For example (Sedan Rate) if the loaded kilometres allocated to a Run is 10 kilometres the TSO payment is based on a 15% increase to the 10 km base rate of \$78.00, this additional amount is \$11.70. You would then add the \$11.70 (15% loading) to the minimum payment at 30 kilometres; this amount is \$126.98. The \$11.70 and \$126.98 added together make the TSO payment rate for 10 loaded kilometres, sedan at \$138.68. This TSO rate is payable to all operators who have an assigned Run where a TSO is allocated and the TSO travels with the assigned student(s). Should the TSO no longer be required on that Run the operator will be notified by the Department and the Run card will be re issued TSO loading will cease.

8 Vehicle Categories

8.1 Departments Classification of Vehicle categories

- 8.1.1 The Department has determined the definition of vehicle categories. There are six categories defined by the Department and the vehicle category will be allocated to the Run. The definition as determined by the Department will be the basis of the category payment.
- 8.1.2 **Sedan.** A sedan is a motor vehicle seating up to four passengers and a driver with a fixed roof. A sedan must have 4-doors to allow access for passengers. A sedan must be fitted with approved seatbelts and must be fitted with working child

proof door locks. A sedan must be fitted with fully function air conditioning. The Departmental rate applicable to a sedan is designed for the transport of one up to a maximum of 4 passengers.

- 8.1.3 **People Mover.** A people mover is a motor vehicle built to carry people and seat up to 7 passengers and a driver. A people mover must be fitted with fully functional dual air conditioning system suitable for passenger area. A people mover must be fitted with approved seatbelts and must be fitted with working child proof door locks. Examples of types of vehicles that would be suitable in this category are as follows (not limited to):

Toyota Tarago
Kia Carnival
Kia Rondo
Chrysler Grant Voyager
Renault Grand Scenic
Volkswagen Caddy Maxi Life
Volkswagen Muti Van
Citroen Grand C4 Picasso
Mercedes- Benz R Class

- 8.1.4 **Mini Bus.** A mini bus is a motor vehicle built to carry people and seat 12 passengers and a driver a mini bus must be fitted with approved seatbelts and must be fitted with working child proof door locks. A mini bus must be fitted with fully functional dual air conditioning system suitable for passenger area. The Department has classified this vehicle to transport up to 12 passengers. (Examples of types of vehicles that would be suitable in this category are as follows (not limited to)

Toyota Hi Ace
Ford Transit
Volkswagen Transporter
Fiat Ducato II

- 8.1.5 **Maxi Bus.** A maxi bus is a motor vehicle built to carry people and seat up to 30 passengers (including the driver). A maxi bus must be fitted with approved seatbelts and must be fitted with working child proof door locks. A maxi bus must be fitted with fully functional air conditioning covering the entire passenger area. The Department has classified this vehicle to transport 13 or more passengers. The Department planning would consider the travel time when allocating students to a Maxi Bus and attempt to keep travel time no more than 90 minutes. The examples of the types of vehicles that would be suitable in this category are as follows (not limited to):

Toyota Coaster
Mitsubishi Rosa

- 8.1.6 **Wheel Chair Vehicle 1-3.** A wheel chair vehicle 1-3 is a motor vehicle modified to carry from one to a maximum of three passengers in wheel chairs. The modification to this vehicle category must comply with Australian Standard AS/NZS 10542.1 (2009) Technical Systems & Aids for Disabled or Handicapped persons-wheelchair tie down and Occupant system-restraint requirements and test methods for all systems or such other standards issued in replacement of the above from time to time. A wheel chair vehicle 1-3 may be fitted with additional seats to carry passengers that do not travel in a wheel chair. A wheel chair vehicle 1-3 must be fitted with approved seatbelts when configured for non-wheel chair passengers and must be fitted with working child proof door locks. A wheel chair vehicle 1-3 must be fitted with dual fully functional air conditioning system

- 8.1.7 The Department has classified this vehicle to transport up to three students in wheel chairs or a combination of wheel chair and seated students/TSO up to the capacity of the vehicle

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- 8.1.8 **Wheel Chair Vehicle 4+.** A wheel chair vehicle 4+ is a motor vehicle that is modified to carry four or more passengers in wheel chairs. The modifications to this vehicle must comply with Australian Standard AS/NZS 10542.1 (2009) Technical Systems & Aids for Disabled or Handicapped persons-wheelchair tie down and Occupant system-restraint requirements and test methods for all systems or such other standards issued in replacement of the above from time to time. A wheel chair vehicle 4+ may be fitted with additional seats to carry passengers that do not travel in a wheel chair. A wheel chair vehicle 4+ must be fitted with approved seatbelts when configured for non-wheel chair passengers and must be fitted with working child proof door locks. A wheel chair vehicle 4+ must be fitted with dual fully functional air conditioning system.
- 8.1.9 The Department has classified this vehicle to transport 4 or more students in wheel chairs and if addition seating exists on the vehicle the Department may allocate seated students/TSO up to the capacity of the vehicle.

9 Age of Vehicles

- 9.1.1 The ASTP contract states that the Department will not accept vehicles over the age of 15 years. In recognition of the allocation issues faced in 2012 it is reasonable to allow contractors a period of transition that recognises the capital costs of contractors. As an interim arrangement Runs that rollover from 2012 to 2013 can be allocated to vehicles over the age of 15 years if the operator understands that they will need to plan to replace the relevant vehicle in the following manner:
- Sedans and people movers will be required to be replaced within 3 months of the contract being issued;
 - Mini buses will be required to be replaced within 6 months of the contract being issued; and
 - Maxi buses will be required to be replaced within 9 months of the contract being issued.
- After these dates vehicles over the age of 15 years will only be considered under the exemption clause of the contract.
- 9.1.2 Following this period of transition the Department will not accept vehicles over 15 years of age; the only exception to this is where a critical vehicle category is required by the Department. The Department will assess the requirement based on students transport needs. An example of a critical vehicle category is a wheel chair vehicle; this vehicle type is a modified vehicle outside a standard vehicle configuration. This vehicle would have an approved engineering certificate approved by the Department of Roads and Maritime Services. This vehicle would be approved for transporting passengers in wheel chairs providing it meets vehicle category minimum standards i.e. dual air conditioning, seatbelts, childproof locks. The Department will not accept vehicles over 15 years where a critical need has not been identified.
- 9.1.3 If the Department decides to review an application for exemption the vehicle based on a critical need basis the Department will advise the operator that a vehicle inspection is required. The Department has nominated authorised inspection stations throughout NSW. Vehicles over 15 years will not be accepted for use by the department if the vehicle fails the authorised inspection process.
- 9.1.4 The vehicle inspections will be conducted through third party. Currently the ASTU is negotiating for RMS approved inspection stations to complete the inspections. These inspections will be conducted at operators cost.

10 Display of Drivers Licence

- 10.1.1 It is **no longer a requirement** to have on display a drivers licence. It is most important that the Department of Education and Community staff and parents of

students have access to identify the drivers of Student transport vehicles. This requirement is to ensure that the driver collecting students is the authorised driver.

- 10.1.2 Clause 10.8.1 and Clause 10.8.2 will be removed from the contract. Clause 10.8.3 will remain. Drivers of Student transport vehicles will be required to produce their drivers licence for the purpose of identification when requested by Departmental staff or Parents.
- 10.1.3 Operators such as taxis, public bus companies and private hire transport companies that are accredited under the Passenger Transport Act 1990 and the Passenger Transport Regulation 2007 are required to comply with all conditions of the existing legislation.

11 Sub Contracting services

- 11.1.1 An approved operator is permitted to sub-contract services to another provider, but only with approval of the Department. All applications to engage a sub-contract must be approved in writing by the Department before an operator will be permitted to sub-contract student transport Runs.
- 11.1.2 Operators that request to use a sub-contractor must complete the Sub-Contractor application form as a general guide for sub-contractor engagement. The following conditions will apply.
- 11.1.3 Operators must have a written agreement with each sub-contractor engaged. This agreement must include clauses to ensure that all provisions required under the prime contract with the Department are maintained. Sub-contractor will not be approved until a copy of the agreement has been sighted by the ASTU.
- 11.1.4 A copy of the signed sub-contractor agreement must be supplied to the Department when completed.
- 11.1.5 The operator must submit a statement from its subcontractors that acknowledges compliance with s175B Workers Act 1987, Schedule 2 Part 5 Payroll Tax Act 2007, and s127 Industrial Relations Act 1996. A copy of this form can be found at:
http://www.workcover.nsw.gov.au/formspublications/publications/Documents/subcontractors_statement_5483.pdf.

12 Complaints Procedure

It is the NSW Government's objective to ensure that industry is given every opportunity to win Government contracts.

https://detwww.det.nsw.edu.au/stattra/about_sts/complaints_handling.htm

Should any operator feel that it has been unfairly excluded or unfairly disadvantaged by the conditions of the ESP, they are invited to email to:

Assistant Director
Assisted School Travel Program
NSW Department of Education and Communities
operators.astp@det.nsw.edu.au

13 Definitions

"Assisted School Travel Program" or **"ASTP"** means the Department's Assisted School Travel Program for the provision of transport to selected students to and from school;

"Assisted School Travel Unit" or **"ASTU"** means the Assisted School Travel Unit within the Department which is responsible for the management of the Assisted School Travel Program;

“Business Days” means a day which banks are generally open for normal business in Sydney and excludes Saturdays, Sundays and public holidays;

“Commencement Date” means the date specified in Item 3 of Schedule 1 to this Agreement, or for additional Run/s allocated, the date that the Run/s were accepted by the Contractor;

“Contractor” / “Eligible Service Provider” or “ESP” means the organisation or individual who by the Agreement undertakes to provide or procure the provision of the Service required by the Agreement and, where the Contractor is an individual or partnership, the expression shall include the personal representatives of that individual or of the partners as the case may be and the expression shall also include any person to whom the benefit may be assigned by the Contractor with the consent of the Department;

“Department of Education and Communities”, “Department” or “the Department” means the NSW Department of Education and Communities;

“Designated Vehicle” means the vehicle approved by the Department for use by the Contractor in providing the Service/s;

“Driver” means a person holding a current drivers licence and driving a Designated Vehicle in providing the Service including relief drivers;

“Expression of Interest” or “EOI” means the Expression of Interest issued by the Department of Education and Communities for the addition of providers to the Eligible Service Provider List for the provision of transport services to the Assisted School Travel Program.

“GST” is a goods and services tax and has the same meaning as in the GST Law;

“GST Law” means a tax system (Goods and Services Tax) Act 1999 (Cth), related legislation and any delegated legislation made pursuant to such legislation;

“Loaded Kilometre Rate” means an all-inclusive rate which includes all costs associated with performing the Service and shall commence at collection of the first student and cease at the drop-off of the last student;

“Parties” means the Department and the Contractor;

“Personnel” means all employees, agents and Subcontractors of the Contractor (including, where relevant, taxi drivers, bailees of taxis) and includes all Drivers;

“Program” means the Department’s Assisted School Travel Program;

“RAMS” means Roads and Maritime Services (formerly the Roads and Traffic Authority of New South Wales);

“Recipient Created Tax Invoice (RCTI)” means a recipient created tax invoice as defined in the Goods and Services Tax (GST) legislation;

“Reportable Conduct” means grounds in accordance with NSW Child Protection Legislation to report allegations of any assault, neglect or ill-treatment of a child to the NSW Ombudsman, and in some cases to the NSW Police, the Department of Family and Community Services (FACS) and the Commission for Children and Young People (CCYP), as detailed in Schedule 3 of this Agreement;

“Request for Tender” means the Request for Tender issued by the Department.

“Run/s” means a route for the Service to be provided by a selected Contractor whether for one student or a group of students travelling together in one Designated Vehicle or Designated Vehicles to a specified locality or localities, generally to or from school or other destination nominated in writing by the Department

“Run Card” means a Run Card specifying any Run or Runs allocated to the Contractor from time to time, generally in the format of Schedule 2 and commonly (although not in all cases) for a period from the date of allocation of a Run until the end of the school year in which a Run is allocated.

“School Educational Area” or “SEA” means a geographical area determined by the Department, there are 44 SEA’s nominated by the Department for transport services.

“Service/s” means transportation of students and/or Travel Support Officers as provided for in this Agreement and as is the subject of a Run Card from time to time;

“Service Period” means the period commencing one hour before any part of the Service is due to be provided and ending one hour after any part of the Service is due to be provided;

“Special Conditions” means the special conditions, if any, set out in Schedule 4;

“State of New South Wales” means the Crown in right of the State of New South Wales;

“Student” means a student eligible and approved to receive transport assistance under the Program.

“Subcontractor” means a person engaged by the Contractor in any capacity whatsoever, either directly or through another person, to provide any part or all of the Services and who is not an employee of the Contractor;

“Term” means the term of this Agreement as detailed in Schedule 1, Item 3;

“Travel Support Officer” means a person engaged by the Department to provide additional supervision or support for students accessing the Service;

“Travel Support Officer Allowance” means an allowance payable to the Contractor equal to 15% of the daily remuneration for student travel and may be payable on Run/s where a Travel Support Officer has been allocated subject to certain criteria; (refer to section 14.2).

“WHS & R” means work, health, safety and rehabilitation;