



# LINCOLN PUBLIC SCHOOLS

BUCKNER M. CREEL  
ADMINISTRATOR FOR BUSINESS AND FINANCE

October 27, 2015

To: School Committee  
Becky McFall  
From: Buckner Creel

Subject: Contract amendment and option exercise – Bus transportation

**Background.** On January 24, 2013, the School Committee entered into a contract with Doherty’s Garage, Inc. for the transportation of resident Lincoln School students. The contract included pricing for three contract years of service (2013-2016) and for two options years (2016-2017 and 2017-2018).

**Discussion.** Municipal contracts are governed by the provision of the Uniform Procurement Act, Chapter 30B of the Massachusetts General Laws (MGL 30B). Section 12 of MGL 30B allows the awarding authority to exercise options to extend the contract performance period if the options were included in both the original solicitation and the contract, if the contract provides the awarding authority with the sole discretion to exercise the option and if the awarding authority determines that exercising the option is advantageous.

The 2013 contract pricing for the two option years provides increases; the increase from FY16 to FY17 is 6.1%, and from FY17 to FY18, 5.7%. The administration initially considered a new competition for transportation services, but then asked Doherty’s to provide new pricing for the option years.

Section 13 (5) of MGL 30B says that “the governmental body, with the agreement of the contractor, may reduce the unit price for supplies or services or both specified in a contract to be paid by the governmental body at any time during the term of the contract or when an option to renew, extend or purchase is exercised.” After some discussion and assessment on their part, Doherty’s would not agree to a decrease for Option Year 1. The factors influencing their decision revolves around the increasing difficulty in retaining experienced and competent drivers, which required them to increase their wage rates more than was anticipated when the contract was bid in 2013. The cost history and resultant prices are shown below.

Period	Cost for 7 bus routes	Percent increase	Per diem bus rate
Prior Contract ( FY10)	\$354,060		\$281
Prior Contract ( FY11)	\$364,140	2.8%	\$289
Prior Contract Option 1 ( FY12)	\$374,220	2.8%	\$297
Prior Contract Option 2 ( FY13)	\$378,000	1.0%	\$300
Contract Year 1 (FY14 )	\$378,000	0.0%	\$300
Contract Year 2 (FY15 )	\$396,900	5.0%	\$315
Contract Year 3 (FY16 current )	\$415,800	4.8%	\$330
<b>Option Year 1 (FY17)</b>	\$441,000	6.1%	\$350
<b>Option Year 2 (FY18)</b>	\$466,200	5.7%	\$370

**Comparisons** Below are some comparative per diem bus rates for FY16, the current fiscal year:

<u>School District</u>	<u>Per Diem</u>
Lexington	\$439.00
Webster	\$367.00
Seekonk	\$354.89
Belmont	\$350.00
Needham	\$348.00
Easton	\$346.50
West Bridgewater	\$345.00
Wellesley	\$330.00
<b>Lincoln</b>	<b>\$330.00</b>
Shrewsbury	\$328.17
Sudbury	\$324.77
Wayland	\$317.83
Auburn	\$310.00
Dracut	\$304.45
Taunton	\$301.11
Westford	\$296.00
Danvers	\$283.96

**Conclusions & Recommendations.** It appears from the comparisons that the prices offered by Doherty's are reasonable. I have determined that the price offered through open competition by Doherty's Garage, is likely to be the same as the price expected from an new open competition.

A contract amendment is required to exercise the option included in the original contract; the proposed amendment is attached. The ability to exercise multiple option years was confirmed by both the Committee's counsel and counsel for the State Inspector General's office, the Massachusetts proponents for MGL 30B, but at this time, the administration recommends exercising only Option Year 1.

Accordingly, I recommend that the School Committee VOTE to amend the contract with Doherty's Garage, Inc. to exercise the contract option for bus service for Option Year 1.



# Lincoln Public Schools

Ballfield Road  
Lincoln, Massachusetts 01773  
781-259-9401 • FAX: 781-259-9246 • www.lincnet.org

---

**Amendment 1 to  
CONTRACT  
For  
School Bus Transportation  
Lincoln Public Schools  
Lincoln, Massachusetts**

On January 1, 2013, the Lincoln Public School Committee, Lincoln Public Schools, Ballfield Road, Lincoln, MA 01773 ("Committee") and Doherty's Garage, Inc., 161 Lincoln Road, Lincoln, MA 01773 ("Contractor") (collectively, the "Parties") entered into a contract for the transportation of school pupils. The contract included pricing for three (3) contract years of service (2013-2016) and for two (2) options years (2016-2017 and 2017-2018). The Committee wishes to exercise its right to unilaterally accept the pricing for Option Year 1 and amend the contract to reflect this option exercise.

No other understandings or representations, oral or otherwise, regarding amendments to the original Contract shall be deemed to exist or bind the Parties, and all other terms and conditions of the Contract remain in full force and effect. Provided, however, that nothing herein shall be construed as to limit the ability of the parties to further amend the contract by mutually acceptable written instrument or to limit the ability of the Lincoln School Committee to exercise any option it may have under the original contract.

IN WITNESS WHEREOF, the Committee has caused this Amendment to be executed under seal by its authorized officers on November \_\_\_\_\_, 2015.

LINCOLN SCHOOL COMMITTEE

By \_\_\_\_\_  
Jennifer Glass  
Chair, School Committee

By \_\_\_\_\_  
Becky McFall  
Superintendent, Lincoln Public Schools