Board Office Use: L	egislative File Info.
File ID Number	16-2467
Introduction Date	11/30/2016
Enactment Number	16-1848
Enactment Date	11/30/16 05



Community Schools, Thriving Students

Memo	
то	Board of Education
From	Vernon Hal, Senior Business Officer Sondra Aguilera, Deputy Chief Student Services
Board Meeting Date	November 30, 2016
Subject	AMENDMENT to the Agreement between the District And Friendly Transportation, Inc.
Action Requested	Approval of Amendment to the Agreement between the District And Friendly Transportation, Inc.
Background and Discussion	By Enactment No. 14-1134, the Board approved an Agreement with the Friendly Transportation, Inc. to provide transportation services to special education students as provided in the student's IEP or alternative arrangements with the family. The purpose of the amendment is to extend the term of the Agreement to cover the period from July 1, 2015 through June 30, 2018. The Amendment is retroactive to July 2015 because no contract was in place for the school 2015-16 school year and invoices cannot be processed. There are no further changes in the Agreement.
Recommendation	Approval of Amendment to the Agreement between the District And Friendly Transportation, Inc.
Fiscal Impact	Resource – Special Education Fund
Attachments	AmendmentAgreement



CONTRACT JUSTIFICATION FORM This Form Shall Be Submitted to the Board Office With Every Consent Agenda Contract.

Legislative File ID No. 16-2467	
Department: All Se in s	
Vendor Name: Friendly Transportation	
Contract Term: Start Date: 7-1-20156/3/8	
Annual Cost: \$_not to exceed \$200,000	
Approved by: Senior Business Officer	
Is Vendor a local Oakland business? Yes 🚺 No	
Why was this Vendor selected?	
This vendor has continued to provide transportation services to OUSD students.	
Summarize the services this Vendor will be providing.	
Friendly Transportation will provide transportation services to special education students as provided in the students' IEP or alternative arrangements with the family.	

Was this contract competitively bid? Yes No

If No, answer the following:

1) How did you determine the price is competitive?

2)	Pleas	se check the competitive bid exception relied upon:
		Educational Materials
		Special Services contracts for financial, economic, accounting, legal or administrative services
		CUPCCAA exception (Uniform Public Construction Cost Accounting Act)
		Professional Service Agreements of less than \$87,800 (increases a small amount on January 1 of each year)
		Construction related Professional Services such as Architects, DSA Inspectors, Environmental Consultants and Construction Managers (require a "fair, competitive selection process)
		Energy conservation and alternative energy supply (e.g., solar, energy conservation, co-generation and alternate energy supply sources)
		Emergency contracts [requires Board resolution declaring an emergency]
		Technology contracts
		electronic data-processing systems, supporting software and/or services (including copiers/printers) over the \$87,800 bid limit, must be competitively advertised, but any one of the three lowest responsible bidders may be selected
		contracts for computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus, including E-Rate solicitations, may be procured through an RFP process instead of a competitive, lowest price bid process
		Western States Contracting Alliance Contracts (WSCA)
		California Multiple Award Schedule Contracts (CMAS) [contracts are often used for the purchase of information technology and software]
		Piggyback" Contracts with other governmental entities
		Perishable Food
		Sole Source
		Change Order for Material and Supplies if the cost agreed upon in writing does not exceed ten percent of the original contract price

Other, please provide specific exception

Board Office Use: Le	gislative File Info.
File ID Number	16-2467
Introduction Date	11/30/2016
Enactment Number	16-1848
Enactment Date	11/30/16 8

AMENDMENT TO THE AGREEMENT Between OAKLAND UNIFIED SCHOOL DISTRICT and FRIENDLY TRANSPORTATION, INC.

- By Enactment 14-1134, the Board approved an agreement with the Friendly Transportation, Inc. to provide transportation services to special education students as provided in the student's IEP or alternative arrangements with the family. The purpose of the amendment is to extend the term of the Agreement to cover the period from July 1, 2015 through June 30, 2018.
- 2. This Amendment is incorporated by reference into the Agreement, which is attached hereto.
- 3. Except as expressly provided above, the Agreement is unchanged.
- 4. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: The Parties certify to the best of their knowledge and belief, that they are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or CONTRACTOR according to Federal Acquisition Regulation Subpart 9.4, and by signing this contract, verifies that this vendor does not appear on the Excluded Parties List. <u>https://www.sam.gov/portal/public/SAM</u>
- 5. All understandings, agreements, covenants, and representations express or implied, oral or written between the Parties are contained and merged herein. No other agreements, covenants, or representations, express or implied, oral or written, have been made by or between the Parties concerning the subject of this Amendment. This is an integrated agreement. It may not be altered, modified or otherwise changed in any respect except in a writing signed by each party.

IN WITNESS WHEREOF, the parties hereto agreed to be bound and have executed this Amendment to the Agreement.

FRIENDLY TRANSPORTATION, INC.

ERK, MMNN Nec.

Print Name and Title

OAKLAND UNIFIED SCHOOL DISTRICT

President, Board of Education Oakland Unified School District

Superintendent and Secretary, Board of Education Oakland Unified School District

Approved As to Form

Williams

Marion McWilliams General Counsel

Board Office Use: LegislaFile ID NumberIntroduction DateEnactment NumberEnactment Date	tive File Info. + 0593 6/25/14 + 1/34 + 25/14 Community Schools, Thriving Students
Memo	
То	The Board of Education
From	Gary Yee, Ph.D., Superintendent By: Maria Santos, Deputy Superintendent, Instruction, Leadership & Equity-in-Action Vernon Hal, Deputy Superintendent, Business & Operations
Board Meeting Date (To be completed by Procurement)	
Subject	Professional Services Contract - <u>Friendly Transportation, Inc., Oakland, CA</u> (contractor, City State) <u>Programs for Exceptional Children</u> (site/department)
Action Requested	Approval of a professional services contract between Oakland Unified School District and <u>Friendly Transportation, Inc.</u>
Background A one paragraph explanation of why the consultant's services are needed.	Some students' Free and Appropriate Public Education requires accessing special education services/programs in another district. In these cases, the district of residence is responsible for transporting students to the recommended school site. The District's contract with the school bus company only covers transport to schools within the Oakland Unified School District. A contract with a company that provides an
Discussion One paragraph summary of the scope of work.	A contract for services between OUSD and Friendly Transportation, Inc., Oakland, CA, for the latter to provide transportation services as requested by the District each school day to follow school calendar. Friendly Transportation, Inc.uses reasonable efforts to coordinate transportation of students including the pick up and drop off times and locations during each school day to ensure that the student will arrive to school and home
Recommendation	Approval of professional services contract between Oakland Unified School District and <u>Friendly Transportation, Inc.</u>
Fiscal Impact	Funding resource name (please spell out) Special Education Special Education not to exceed \$ 200000
Attachments	 Professional Services Contract including scope of work Fingerprint/Background Check Certification Commercial General Liability Insurance Certification TB screening documentation Statement of qualifications

Independent Contractor Agreement for the Provision of Transportation Services

THIS INDEPENDENT CONTRACTOR AGREEMENT ("Agreement") is entered into as of July 1, 2013 between Friendly Transportation, Inc. ("Contractor") and Oakland Unified School District (the "District"), with the following facts.

- A. Certain student(s) of the District require transportation to and from school and/or other transportation services as requested by the District.
- B. The District will reimburse the Contractor for the provision of such services, in accordance with the terms and provisions of this Agreement.

NOW THEREFORE, for a valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Contractor Services

District may request, from time to time, that Contractor perform transportation services, which Contractor may agree to perform. To the extent accepted by Contractor, Contractor agrees to provide such transportation services and District agrees to pay Contractor in accordance with the provisions of this Agreement. The Contractor's services provided pursuant to this Agreement are sometimes referred to herein as the "Services."

2. Term

There term of this agreement shall commence on July 1, 2013, and shall terminate June 30, 2015. With the possibility of extending yearly agreed upon by both parties.

3. Fees for Services

The Contractor shall be paid the agreed sum based on fees outline on Attachment 1. The Contractor shall invoice the District for the provision of the Services on a monthly basis and shall be paid therefore within thirty (30) days after the District's receipt of the Contractor's invoice for the provision of the Services for the relevant month.

4. Vehicles

The Contractor agrees to supply, at its sole cost and expense, such vehicles, (the "Vehicles") as may be necessary to lawfully perform the Services. All such Vehicles shall fully comply with all applicable laws and regulations. The Contractor shall be solely responsible for all Vehicles used in transporting students.

5. Accidents or Emergencies

Contractor shall require that its employees and/or independent contractors or agents to notify CONTRACTOR'S dispatcher by phone or radio in the event of any traffic accident or medical emergency that involves a vehicle used in the performance of this Agreement. CONTRACTOR'S

Independent Contractor Agreement for the Provision of Transportation Services

1

dispatcher shall promptly advise the appropriate authorities, parent/guardian (or emergency contact if parent/guardian is not available), and Oakland Unified designee of the accident or emergency. OUSD Designee:

page 2

Mary Conner, Special Education Coordinator Phone: 510-874-3732 Email: mary.conner@ousd.k12.ca.us

Robin Sasada, Special Education SELPA Program Manager Phone: 510-874-3702 Email: <u>robin.sasada@ousd.k12.ca.us</u>

6. Contractors Personnel

The Contractor shall, at its sole cost and expense, provide qualified and properly licensed personnel as required by laws and regulations and as deemed appropriate by the Contractor to perform the Services. While Contractor may use independent contractor drivers to provide Services under this Agreement, Contractor shall at all times remain responsible for the provision of Services under this Agreement. The Contractor expressly represents and warrants to the District that its personnel, including independent contractor drivers, are trained, tested and properly licensed to perform the Services.

7. Contractors Insurance

The Contractor shall at its sole cost and expense obtain and maintain in full force and effect during the term of this agreement general liability and automobile (common carrier) insurance issued by carrier(s) admitted in California, with minimum primary limits of One Million Dollars (\$1,000,000).

Additionally, the Contractor shall, at its sole cost and expense, obtain and maintain in full force and effect during the term of this agreement, umbrella or excess insurance coverage in an amount not less than Five Million Dollars (\$5,000,000), following the form of the underlying coverage.

The District shall be named as an additional insured party of the policy or policies, and shall be furnished with a certificate of insurance (COI) requiring notice to District of at least thirty (30) days prior to cancellation of any such policy or policies (except 10 days for non-payment).

8. Fingerprinting of Employees and Agents.

The fingerprinting and criminal background investigation requirements of Education Code section 45125.1 apply to Contractor's services under this Agreement and Contractor certifies its compliance with these provisions as follows: "Contractor certifies that Contractor has complied with the fingerprinting and criminal background investigation requirements of Education Code section 45125.1 with respect to all Contractor's employees, subcontractors, agents, and subcontractors' employees or agents ("Employees") regardless of whether those Employees are paid or unpaid, concurrently employed by OUSD, or acting as independent contractors of Contractor, who may have contact with OUSD pupils in the course of providing services pursuant to the Agreement, and the California Department of Justice has determined that none of those Employees has been convicted of a felony, as that term is defined in Education Code section 45122.1. Contractor further certifies that it has received and reviewed fingerprint results for each of its Employees and Contractor has requested and

Independent Contractor Agreement for the Provision of Transportation Services

page · 3

reviews subsequent arrest records for all Employees who may come into contact with OUSD pupils in providing services to the District under this Agreement. Contractor shall not permit its employees or agents to come into contact with students until CDOJ and FBI clearance is ascertained.

9. Health and Safety (Tuberculosis Testing)

The Contractor shall require that all independent contractor drivers and other individuals who may come in contact with student(s) provide verification of having been tested for tuberculosis (TB) and cleared to work with students, as evidenced by a state licensed medica doctor's signature. The Contractor shall keep a copy of said information in the independent contractor driver or employee file.

10.Drug-Free / Smoke Free Policy

Contractor understands that OUSD does not permit drugs, alcohol, and/or smoking at any time in any buildings and/or grounds on OUSD property. Contractor shall not permit its employees, independent contractors or agents to smoke in vehicles used to transport OUSD students and will adhere to OUSD's drug free/smoke free policy. Contractor shall take reasonable steps to prevent its employees from exposing any pupil to impropriety of word or conduct. Contractor shall require that drivers comply with all safety laws and regulations, including but not limited to the prohibition against driving while under the influence of drugs or alcohol. Such prohibition shall extend to the use of prescription and non-prescription drugs that impair the safe operation of the vehicle.

11.Drug and Alcohol Testing

The Contractor shall require that all employees and independent contractor drivers and other individuals who may come in contact with student(s) shall be subjected to pre-employment or precontract, just cause and on-going random drug and alcohol testing in accordance with the requirements of federal law. Contractor agrees to immediately dismiss any employee or independent contractor driver who tested positive for drugs or alcohol in violation of applicable law, rule or regulation.

12. Non-Discrimination

Consistent with the policy of OUSD in connection with all work performed under Contracts, Contractor shall not engage in unlawful discrimination in employment on the basis of actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, sex or sexual orientation. Contractor agrees to comply with applicable Federal and California laws including, but not limited to, the California Fair Employment and Housing Act beginning with Government Code Section 12900 and Labor Code Section 1735 and OUSD policy. In addition, Contractor agrees to require like compliance by all its subcontractor(s). Contractor agrees to comply with applicable Federal and California laws prohibiting discrimination against students.

13.Assignment of Contractor's Rights

Except as it relates to the hiring of independent contractor drivers, the Contractor shall have no right to assign its rights or obligations under this Agreement, it being understood that this is a personal services agreement.

Independent Contractor Agreement for the Provision of Transportation Services

14.Indemnity of the District

The Contractor hereby agrees to indemnify defend and hold the District, its Board Members, employees, agents, officers and assigns, free and harmless from and against all claims, causes of action, liabilities, damages, expenses and costs (including, but not limited to, attorney fees and court costs) arising out of (a) any injury to any person or property sustained by the District and/or Contractor and/or any student(s), in connection with the provision of the Services, however caused, and (b) any injury to any person or property sustained by any person or entity which is caused or alleged to be caused by any act, neglect, fault or omission on the part of the Contractor in connection with the provisions of the Services, whether or not said injury or damage occurs on or off District property.

15. Independent Contractor

In providing the Services, the Contractor shall be and act as an independent contractor in all respects and shall not, for any purpose hereunder, be or act as an employee or agent of the District. Nothing contained in this Agreement shall be deemed to create a partnership or joint venture between either of the parties to this Agreement with each other. The Contractor understands and agrees that as an independent contractor, it will not be eligible to participate in any benefits or privileges given or extended by the District to its employees. The Contractor shall be solely responsible for the payment when due to appropriate taxing authorities of all federal and state income taxes and related obligations of any nature whatsoever on any consideration paid pursuant to this Agreement, as well as any interest, penalties or other sums due thereon and shall indemnify, defend and hold the District, its Board Members, Officers, employees and agents free and harmless therefrom.

16.Non-Solicitation

District agrees during the term of this Agreement and for a period of twelve (12) months following the termination of this Agreement, District will not, directly or indirectly, or by acting in concert with others, employ, attempt to employ, or solicit for employment, any employee, independent contractor or other person who has performed services for Contractor during the one (1) year period preceding the date of this agreement and thereafter.

17.Notices

All notices or other communication required or permitted hereunder shall be in writing, and shall be personally delivered (including by means of professional messenger service) or sent by registered or certified mail, postage prepaid, return receipt requested, or by facsimile or email transmission followed by delivery of a "hard" copy, and shall be deemed received upon the date of receipt thereof.

To District:

Transportation Coordinator Oakland Unified School District 2850 West Street, Oakland, CA 94608

To Contractor:

Friendly Transportation, Inc. 4849 E. 12th Street Oakland, CA 94601

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independent Contractor Agreement for the Provision of Transportation Services

Notice of change of address shall be given by written notice in the manner detailed in this paragraph

18.Entire Agreement

This Agreement and the attached proposal constitute its entire Agreement between the parties with respect to the provision of the Service and may not be amended except by a writing signed by each of the parties.

19.Waivers

The waiver by either party of a breach or violation of any provisions of this Agreement shall not operate as, or be construed to be, a waiver of any subsequent of breach of this Agreement.

20.Severability

In the event any of the provisions, or portions, or portions thereof, of this Agreement is held to be unenforceable or invalid, by any court of competent jurisdiction, the validity and enforceability of the remaining provision or portion of it shall not be affected.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: The District certifies to the best of its knowledge and belief, that it and its principals: Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or Contractor according to Federal Acquisition Regulation Subpart 9.4, and by signing this contract, verifies that this vendor does not appear on the Excluded Parties List. <u>https://www.sam.gov/portal/public/SAM</u>

21.Further Acts

Each party shall perform any further acts and sign and deliver any further documents that are reasonably necessary to carry out the provisions of this Agreement.

22.Counterparts

This Agreement may be signed in one (1) or more counterparts, each of which shall constitute an original but all of which together shall be one (1) and the same document.

page 6

IN WITNESS WHEREOF, the parties hereto agreed to be bound and have executed this Agreement.

Date

CONTRACTOR FRIENDLY TRANSPORTATION, INC

ee. AH Print Title

President, Board of Education Oakland Unified School District

Superintendent and Secretary Board of Education

Approved as to Form

Jacqueline Minor, General Counsel

Independent Contractor Agreement for the Provision of Transportation Services

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••	Arturo M. Sanchez Deputy City Administrator	South City And Fax: 40-510-238-7084	
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	The City Council has passed the following structure:	ing fare structure on May 21, 2013. Below is the new fare	ing Sans and
	5.64.100 - Fare Structure		
•	Flag drop (excluding mileage)	\$3.20	33.35
	Mileage	29¢ each 1/10 mile House	296 690
	Waiting Time	\$29.00 per hour	1 422.00
	Minimum fare	Greater of \$5.00 or taximeter calculated fare	-inexter
	Oakland Airport fee	Fee set by Oakland Airport ARDur AR	Too set
	Night surcharge	\$1.00 - Trips commencing after 10 p.m. until 6 a.m.	151.00
	Small animal (except service animal)	\$1.00	131.00
	Additional stops requested	\$1.00 Storid Store Store Toulesie	1,51.00
	Obtaining change	50¢	500
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CA	LIFORNIA INSURANCE IDENTIFICATION CARD		
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POLICYNUMBER			Stop.
PACA1000493-00			Help or get hel
EFFECTIVE DATE	EXPIRATION DATE		people.
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THIS POLICY MEETS THE REQU	JIREMENTS OF § 16056 OF THE CALIFORNIA VEHICLE CODE		hazard lights).
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SEE IMPORTANT NOTICE ON REVERSE SIDE	
THIS CARD MUST BE KEPT IN THE INSURED	
VEHICLE AND PRESENTED UPON DEMAND	
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N CASE OF ACCIDENT: Report all accidents to your Agent/Company as soon as possible. Obtain	
the following information:	
 Name and address of each driver, passenger and witness. 	A
2. Name of Insurance Company and policy number for each vehicle involved.	
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CORD SD CA (2004/07)	

	Stop.
	Help or get help for injured
	people.
•	Warn motorists (use flares,
	hazard lights).
•	Call 911 to contact the
	police or California Highway Patrol if an injury or death
	occurs.
	Exchange information with
	the other driver and
	complete the Accident
	Information Card -write
	down information about the
	other driver and car,
	witnesses, passengers,
	accident location and more.
	Only speak to law enforcement personnel
	about the accident and do
3	not accept responsibility for
	the accident regardless of
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	Report the accident to your
•	Report the accident to your insurance company.
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		REMENTS OF § 16056 OF THE CALIFORNIA VEHICLE CODE		5.080" AVA 4	hazard lights).
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2007	Toyota	Cab #77 - VIN #JTDKB20U377570108			police or California Highway
	ANY ISSUING CA				Patrol if an injury or death
	surance Services	i, Inc.			OCCUIS.
O Box 80578	2120 0520			•	Exchange information with
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Metro Yellow C			1111		other driver and car.
849 E 12th St					witnesses, passengers,
akland, CA 94	601-5107				accident location and more.
		SEE IMPORTANT NOTICE ON REVERSE SIDE			
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		S CARD MUST BE KEPT IN THE INSURED		-	about the accident and do not accept responsibility for
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