

MURPHY BUS SERVICE, INC.,	:	
	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
TOWNSHIP OF LAKEWOOD,	:	
OCEAN COUNTY AND STUDENT	:	
TRANSPORTATION OF AMERICA,	:	
INC.,	:	
	:	
RESPONDENTS.	:	
	:	

SYNOPSIS

Petitioner, unsuccessful bidder for certain pupil transportation route package contracts, sought to set aside Board's award of bus contracts to respondent Student Transportation of America, Inc. (STA). Petitioner contended that it was the lowest bidder with respect to an additional 25 of the route packages and should have been awarded the contract for these route packages instead of STA; that any award of contract to STA violated *N.J.A.C. 21:16.5(d)* and (e); and that STA failed to comply with the stockholders disclosure requirements of *N.J.S.A. 52:25-24.2* and *N.J.A.C. 6:21-15.2*.

ALJ found that there was nothing inherently improper or inappropriate with a single bidder submitting more than one bid in response to a request for bids. Thus, petitioner's individual route package bid was the lowest bid with respect to certain of the route packages and should have been considered by the Board since it was materially and substantially in accord with the specifications. ALJ found that petitioner failed to establish that the award of a contract for student transportation to STA violated the provisions of *N.J.A.C. 21:16.5(d)* and (e). Moreover, the ALJ found that the Disclosure Statement which accompanied STA's bid substantially complied with the requirements of *N.J.S.A. 52:25-24.2* and *N.J.A.C. 6:21-15.2* and, therefore STA's bid was not improper or inappropriate and STA was not ineligible and disqualified for award of the contract for certain bid packages. ALJ ordered that the Board's award of transportation contract for student transportation services for certain bid packages reversed and awarded to petitioner as the lowest qualified, responsible bidder. ALJ ordered remaining claims by petitioner to invalidate award of bid to STA denied and dismissed.

Commissioner concurred with the ALJ's findings and conclusion that the Board's award of certain bid packages to STA must be reversed and, pursuant to *N.J.S.A. 18A:18A-37*, awarded to petitioner as the lowest qualified, responsible bidder and that the balance of petitioner's claims, seeking to invalidate the remaining bid route packages to STA were appropriately denied and dismissed.

AUGUST 28, 1998

OAL DKT. NO. EDU 6130-98
AGENCY DKT. NO. 136-5/98

MURPHY BUS SERVICE, INC.,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE	:	DECISION
TOWNSHIP OF LAKEWOOD,	:	
OCEAN COUNTY AND STUDENT	:	
TRANSPORTATION OF AMERICA,	:	
INC.,	:	
RESPONDENTS.	:	
_____	:	

The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon his full and independent review of the record, the Commissioner concurs with the findings and conclusion of the Administrative Law Judge that the Board's award of the contract for student transportation services for bid package numbers LK1, LK2, LK3, LK4, LK6, LK7, LK11, LK12, LK27, LK28, LK29, LK30, LK31, LK34, LK39, LK42, LK43, LK44, LK45, LK47, LK48, LK54, and LK55 to Student Transportation of America, Inc. (STA) must be reversed and, rather, pursuant to *N.J.S.A. 18A:18A-37*, awarded to Murphy Bus Service as the lowest qualified, responsible bidder. The Commissioner further agrees that the balance of petitioner's claims, seeking to invalidate the remaining bid route packages to STA, are appropriately denied and dismissed.

Accordingly, the initial decision of the OAL is affirmed for the reasons clearly stated therein. The Board's award of a public school bus transportation contract to STA for the above-identified bid packages is hereby overturned and the Board is directed to award such contract to Murphy Bus Service.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

AUGUST 28, 1998

* This decision, as the Commissioner's final determination in the instant matter, may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.