

**Operational Services**

**Administrative Procedure - Third Party Non-Instructional Contracts**

When completed, this procedure documents that the conditions required by 105 ILCS 5/10-22.34c, amended by P.A. 104-393, eff. 7-1-26, have been fulfilled, thereby allowing the Board to approve a contract for third party non-instructional services currently performed by any employee or bargaining unit member (such as, but not limited to, custodial services, student transportation, and school meal services). However, these conditions are not mandatory for the Board to enter into a contract, of no longer than three months in duration, with a third party for non-instructional services currently performed by an employee or bargaining unit member for the purpose of augmenting the current workforce in an emergency situation that threatens the safety or health of the District’s students or staff, provided that the Board meets all requirements under 105 ILCS 5/10-22.34c(b), amended by P.A. 104-393, eff. 7-1-26. For emergency contracts with third parties for non-instructional services, use administrative procedure 4:60-AP2, E, *Checklist for Third Party Non-Instructional Emergency Contracts*.

Name of proposed contractor: \_\_\_\_\_

Name and description of proposed contract for third party non-instructional services: \_\_\_\_\_

\_\_\_\_\_

Effective date of proposed contract: \_\_\_\_\_

Each of the following conditions must be checked to document that it was present or fulfilled:

- Any lay-off resulting from entering into the contract for third party non-instructional services will comply with the applicable collective bargaining agreement and/or Board policy 5:290, *Employment Terminations and Suspensions*.
- The proposed contract will not be entered into or become effective during the term of an applicable collective bargaining agreement covering any employees who perform the non-instructional services.
- The proposed contract will take effect upon or after the expiration of an existing collective bargaining agreement.
- The proposed contractor has submitted a bid that includes the following:
  - A. Evidence of liability insurance in scope and amount equivalent to the liability insurance provided by the Board pursuant to 105 ILCS 5/10-22.3;
  - B. A benefits package for the third party’s employees who will perform the non-instructional services comparable to the benefits package provided to District employees who perform those services;
  - C. A list of the number of employees who will provide the non-instructional services, the job classifications of those employees, and the wages the proposed contractor will pay those employees;

- D. A minimum three-year cost projection, using generally accepted accounting principles, and which the proposed contractor is prohibited from increasing if the bid is accepted by the Board, for each and every expenditure category and account for performing the non-instructional services;
  - E. Composite information about the criminal and disciplinary records, including alcohol or other substance abuse, Ill. Dept. of Children and Family Services complaints and investigations, traffic violations, and license revocations or any other licensure problems, of any employees who may perform the non-instructional services, provided that the individual names and other identifying information of employees need not be provided with the submission of the bid, but must be made available upon request of the Board; and
  - F. An affidavit, notarized by the president or chief executive officer of the proposed contractor, that each of its employees has completed a criminal background check as required by 105 ILCS 5/10-21.9 within three months prior to submission of the bid, provided that the results of such background checks need not be provided with the submission of the bid, but must be made available upon request of the Board.
- The following is attached or otherwise available: a cost comparison, using generally accepted accounting principles, of each and every expenditure category and account that the District projects it would incur over the term of the contract if it continued to perform the non-instructional services using its own employees with each and every expenditure category and account that is projected the proposed contractor would incur if it performed the non-instructional services.
  - The Board reviewed and considered all bids by third parties to perform the non-instructional services in open session of a regularly scheduled Board meeting, unless the exclusive bargaining representative of the employees who perform the non-instructional services, if any such exclusive bargaining representative exists, agreed in writing that such review and consideration could take place in open session at a specially scheduled Board meeting.  
Date of Board meeting: \_\_\_\_\_
  - Each of the following occurred:
    1. A minimum of one public hearing, conducted by the Board prior to a regularly scheduled Board meeting, to discuss the proposed contract was held before the Board entered such contract.  
Date of hearing: \_\_\_\_\_
    2. The Board provided notice to the public of the date, time, and location of the first public hearing on or before the initial date that bids to provide the non-instructional services are solicited or a minimum of 30 days prior to entering into such a contract, whichever provides a greater period of notice.  
Date and manner of notice (attach copy): \_\_\_\_\_
  - The proposed contract contains provisions requiring the proposed contractor to offer available employee positions pursuant to the contract to qualified School District employees whose employment is terminated because of the contract.
  - The proposed contract contains provisions requiring the proposed contractor to comply with a policy of nondiscrimination and equal employment opportunity for all persons and to take affirmative steps to provide equal opportunity for all persons.

APPROVED: