



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Health
Department No.: 041
For Agenda Of: April 4, 2023
Placement: Departmental
Estimated Time: 120 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Mouhanad Hammami, Director
Director(s) Public Health Department
Contact Info: Nick Clay, EMS Agency Director
SUBJECT: Ambulance RFP Update and Direction Request

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form:

Auditor-Controller Concurrence

As to form:

Recommended Actions:

That the Board of Supervisors consider the following recommendations:

- a) Receive and file the Intent to Award the Ambulance Service Request-for-Proposal (Ambulance RFP) #8010001 to American Medical Response, West; and
- b) Authorize the Public Health Department Director, and/or designee, to negotiate an exclusive contract for Ambulance Services with American Medical Response; or
- c) Cancel the Ambulance RFP in part or in whole upon finding that cancellation is in the best interest of the County and provide direction to staff to:
 1. Start a new competitive procurement process; or
 2. Update the current exclusive “grandfathered” agreement with AMR for Service Area 1; or
 3. Let the current exclusive “grandfathered” agreement expire and enter into a “non-exclusive” ambulance arrangement; or
 4. Explore other options for ambulance service delivery; and
- d) Determine that the proposed action does not constitute a “Project” within the meaning of California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(4) of the CEQA Guidelines, because it consists of the creation of a government funding mechanism or other government fiscal activities, which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment.

Summary Text: On October 3, 2022 the County received a total of two (2) Ambulance RFP Proposals: American Medical Response and the Santa Barbara County Fire Department. Fitch and Associates (FITCH) supported the process since January, 2020 through to the initial Protest. FITCH confirmed both Ambulance RFP Proposals met the minimum qualifications as outlined in the Ambulance RFP. The Financial sections of each proposal were reviewed by an independent 3rd party Certified Public Accountant (CPA), who deemed both Proposals to be within the parameters of the Ambulance Services RFP requirements (Attachment B). The Ambulance RFP was then independently reviewed and scored by the RFP Review Panel which consisted of five (5) individuals, three (3) Subject Matter Experts in EMS and two (2) community leaders (representing the North and South parts of the County). FITCH tallied the scores (Attachment C) and provided the final outcome to the County's Chief Procurement Officer on October 28, 2022 and the proposers were subsequently notified. Santa Barbara County Fire Department received 1760 total points and American Medical Response received 2077.75 total points. American Medical Response was named the apparent successful bidder.

Santa Barbara County Fire submitted a protest (Attachment D), AMR provided a response (Attachment E) which was reviewed by the County's Chief Procurement Officer. Supplemental information was submitted by County Fire (Attachment F) and AMR (Attachment G). The Chief Procurement Officer denied the Protest (Attachment H). County Fire subsequently submitted an appeal (Attachment I) of the Procurement Officer's decision denying the protest, in accordance with the Ambulance RFP. AMR submitted a response (Attachment J). The appeal was reviewed by the Protest Resolution Committee, selected by the RFP Advisory Committee (RFPAC). The appeal process was supported by Healthcare Strategists, an EMS consulting firm. The Protest Resolution Committee delivered a written decision, upholding the Chief Procurement Officer's decision (Attachment K). The "...written decision [of the appeal] shall constitute the final decision of the County and LEMSA on the Protest, and shall not be subject to further administrative appeal." (RFP# 8010001, 2.10.I, page 27)

The Public Health Department, in compliance with the Ambulance RFP Section 2.10.L, and acting as the LEMSA, is seeking your Board's direction to begin the negotiation process with the successful bidder. Once complete, LEMSA will send the Agreement to the California EMS Authority (CAEMSA) for review to ensure the resulting contract is aligned with the Ambulance RFP, prior to bringing the contract to your Board for approval.

The successful bidder's proposal included a number of brand-new system enhancements, such as:

- Mobile training simulation lab for enhanced training in the field
- Offering the County access to a Nurse Navigation Line to divert non-emergency 9-1-1 calls
- Dedicated behavioral health transport vehicles and increased behavioral health collaborations
- Air/Ground Transport subscription program to reduce the cost of ambulance or air ambulance service
- Enhancements to the Interfacility Transport (IFT) system
- Fleet of new ambulances
- Automatic CPR devices and video-assisted airway placement devices
- Purchase and deploy Public Access AEDs across the County

Under the terms of the Ambulance RFP, the County Board of Supervisors and/or LEMSA reserves the right to cancel the RFP process in part or in whole upon determining that cancellation is in the best interests of the County (RFP Sections 2.3 and 2.7(E).) RFP Section 2.7(E) provides a non-exclusive list of reasons that would support cancellation of the procurement.

Should your Board decide to not authorize negotiation with AMR and cancel, in whole or in part, this procurement process, as outlined in the Ambulance RFP Section 2.3, the alternative options are:

- A. Start a new competitive procurement process
- B. Update the current exclusive “grandfathered” agreement with AMR for Service Area 1
- C. Let the current exclusive “grandfathered” agreement expire and enter into a “non-exclusive” ambulance arrangement
- D. Direct staff to explore other options for ambulance service delivery

Background:

Ambulance RFP Development Overview

In late 2019 LEMSA began working with General Services and County Counsel to develop an Ambulance RFP process that would help protect procurement integrity. In doing so, “fire walls” were developed to separate County staff, including leadership, supporting the LEMSA on the Ambulance RFP from County staff supporting the Santa Barbara County Fire Department as a potential bidder. In addition to the established fire walls, the County convened an RFP Advisory Committee (RFPAC), comprised of the Assistant CEO overseeing Health and Human Services, the Public Health Director, Deputy Public Health Director, and Behavioral Wellness Director. The RFPAC was tasked with developing the RFP for the Ambulances Services Consultant, scoring the Consultant RFP and selecting the consultant (FITCH), and then providing policy level guidance to the consultant on the development of the Ambulance RFP. These measures facilitated the LEMSA’s creation of a fair and independent RFP development process.

The Ambulance RFP was developed by FITCH, with support and input from the RFPAC, LEMSA, County Counsel, General Services, and the County’s Risk Manager. Key steps were taken to ensure the Ambulance RFP was developed to cast a broad net allowing for a fair and competitive process that allowed for both public and private bidders. Prior to the completion of the Ambulance RFP, LEMSA conducted an online public and provider survey, followed by a release of the Draft Ambulance RFP for public and provider comment. The CAEMSA approved Ambulance RFP was presented to your Board on May 31, 2022. Your Board provided valuable feedback and directed several changes to the document, which were incorporated into the Ambulance RFP, ultimately approving the Ambulance RFP for release (pending another approval from CAEMSA). CAEMSA approved the RFP on July 13, 2022. The Ambulance RFP was immediately released.

Ambulance RFP Minimum Qualifications

On October 3, 2022 the General Services Department received two (2) proposals from: American Medical Response (AMR) and Santa Barbara County Fire Department (SBCFD). FITCH and General Services determined both proposals conformed with the Ambulance RFP submittal requirements and both proposers met the minimum qualifications as outlined in the Ambulance RFP.

There were four (4) minimum qualifications outlined in the Ambulance RFP.

- 1) Experience Managing a Clinically Sophisticated Emergency Ambulance Service
- 2) Response Time Performance
- 3) Financial Depth and Stability
- 4) Regulatory Compliance and Other Litigation

Experience Managing a Clinically Sophisticated Emergency Ambulance Service

FITCH reviewed the Proposals against this minimum qualification prior to the evaluation of the Proposals by the RFP Review Panel and determined both proposers met this requirement. Following the appeal, a

third-party consultant reviewed AMR's Proposal against this minimum qualification, including a review of recent information brought forth during the protest and appeal process, and determined AMR continued to meet this requirement.

Response Time Performance

Both proposers provided Response Time Compliance reports for Santa Barbara County.

Santa Barbara County's ambulance and contractual performance for all pre-hospital providers is reviewed by the Contract Compliance Committee, meeting three times a year. The committee is comprised of: one (1) Emergency Department Physician, one (1) Emergency Department Nurse, one (1) local City Administrator's office, one (1) County Board of Supervisor's office, two (2) representatives from a private transportation Advanced Life Support provider, two (2) representatives from the Fire Chiefs' Association and one (1) consumer representative designated by the Director of the Public Health Department. The committee is staffed and chaired by the LEMSA. The committee reviews various contractual requirements, including response time compliance. The LEMSA brings the compliance reports for each provider to the committee for approval, and the committee also approved a recommendation for the first two (2) ambulance contract extensions with AMR (2011 & 2014).

FITCH reviewed the Proposals against this minimum qualification prior to the evaluation of the Proposals by the RFP Review Panel and determined both proposers met this requirement. Following the appeal, a third-party consultant reviewed AMR's Proposal against this minimum qualification, including a review of recent information brought forth during the protest and appeal process, and confirmed AMR submitted approved response time compliance information to meet this requirement.

Financial Depth and Stability

Kevin Harper, CPA, reviewed the financial proposals and documents against this minimum qualification prior to the evaluation of the Proposals by the RFP Review Panel and determined both proposers met this requirement.

Regulatory Compliance and Other Litigation

FITCH reviewed the proposals against this minimum qualification prior to the evaluation of the Proposals by the RFP Review Panel and determined both proposers met this requirement. Following the appeal, a third-party consultant reviewed AMR's Proposal against this minimum qualification, including a review of recent information forth during the protest and appeal process, and determined AMR continues to meet this requirement.

Ambulance RFP Review Panel

The RFP Review Panel consisted of three (3) EMS experts and two (2) local community leaders. The EMS experts were selected and vetted by FITCH. The three EMS experts were made up of one EMS physician and two tenured EMS System leaders. *Dr. Justin Fairless* is an emergency room physician in Fort Worth and serves as the medical director for several fire and EMS districts. *Chief Steve Smith* is a retired fire chief for Clark County Fire Department (Nevada) with over 30 years of fire experience. *Richard Schomp* is the Chief Operating Officer for Sunstar Paramedics (Florida), and a 25-year veteran of the fire service, retiring as District Chief for City of Seminole Fire Rescue Department (Florida).

The two local community leaders were selected and interviewed by the RFPAC. *Steven Fellows* is the retired Executive Vice President & Chief Operating Officer for Cottage Health Systems, representing the South County. Mr. Fellows currently sits on the Board of Advisors for Westmont College. *Lawanda Lyons-Pruitt* is the retired Chief Investigator for the Santa Barbara County Public Defender's Office,

representing the North County. Mrs. Lyons-Pruitt currently serves on several social-justice committees and is the President of the Santa Maria/Lompoc chapter of the NAACP.

The panel received the RFP Proposals and attachments, with the exception of the fiscal sections (in accordance Section 2.8 of the Ambulance RFP), in advance of the RFP presentations. On the day of the presentations, FITCH supported the RFP Review Panel as they independently scored the RFP Proposals prior to the presentations. Following the presentations, FITCH supported the review panel members while they made any adjustments to the scores, per the process set forth in the Ambulance RFP. Once complete, FITCH tallied the results and provided a letter to the Chief Procurement Officer validating the RFP results, which was then shared with the RFP proposers.

Ambulance RFP Proposal Evaluation

The Ambulance RFP scoring was divided into seven (7) sections:

- Minimum Qualifications: Pass/Fail
- Clinical Standards: 200 points
- Operations Standards: 100 points
- Administrative Standards: 100 points
- Regulatory Compliance and Financial Provisions: Pass/Fail
- Default, Termination, and other General Provisions: Pass/Fail
- System Integration and System Innovation: 60 points

All proposers were required to meet the minimum requirements and pass all pass/fail criteria.

There was a total of 460 points available per reviewer. The points from each reviewer were combined for a maximum aggregate total of 2,300 available points. Santa Barbara County Fire Department received 1760 total points and American Medical Response received 2077.75 total points. American Medical Response was named the apparent successful bidder.

Ambulance RFP Protest & Appeal Process

The protest and appeal processes are outlined in the Ambulance RFP. The protest process outlined the timeline, submission criteria, and allowed for protests that may include challenges to the "...process in soliciting and reviewing the Proposals, including but not limited to a protest on the grounds that a Proposal was not evaluated in accordance with the Proposal Evaluation Criteria. However, Protests that only challenge the judgement of the Review Panel shall not be considered valid Protests." (RFP# 8010001, 2.10.G.iii, page 26)

On November 4th, 2022 the County, via the Chief Procurement Officer, received a protest to the Ambulance RFP decision from the Santa Barbara County Fire Department in accordance with the Ambulance RFP. The Chief Procurement Officer reviewed the issues raised, determined that they did not support reversal of the Review Panel's decision, and denied the Protest (Attachment H) on December 14, 2022.

Santa Barbara County Fire Department submitted an appeal to the Procurement Officer's decision denying the protest, in accordance with the Ambulance RFP, on December 21, 2022. The appeal was reviewed by the Protest Resolution Committee, selected by the RFPAC. The Protest Resolution Committee was comprised of the Assistant CEO in charge of Health and Human Services, Director of Behavioral Wellness, Director of Community Services, and the Public Defender. In accordance with the process outlined in the Ambulance RFP, both proposers made oral presentations to the Protest Resolution Committee. The Protest Resolution Committee delivered a written decision upholding the Chief

Procurement Officer’s decision to the Chief Procurement Officer (Purchasing Agent) on February 24, 2023, which was then sent to both proposers (Attachment K).

During the protest and appeal process the established “fire walls” remained in effect. Additionally, during this time no negotiations with AMR have occurred.

Public Health Department Recommends Negotiating with AMR

The Ambulance RFP process has concluded with the completion of the administrative appeal process. Furthermore, in accordance with the Ambulance RFP (Section 2.10.E), Healthcare Strategists has confirmed the accuracy and completeness of the information provided by AMR in its Proposal. That investigation did not identify any unsubstantiated claims made within AMR’s Proposal.

With the conclusion of the administrative appeal process and the additional review of the concerns raised by Santa Barbara County Fire Department, the Public Health Department requests your Board’s approval to negotiate with AMR.

Each of the aforementioned alternative options requires stakeholder engagement to collaboratively and fully explore challenges and opportunities to address the potential issues identified and set forth a recommendation to address countywide service needs and expectations. Additional detail regarding potential of the challenges and concerns with these can be found in Appendix L.

A timeline of the Ambulance RFP process can be found in Appendix M.

Performance Measure:

N/A

Contract Renewals and Performance Outcomes:

Fiscal and Facilities Impacts:

Budgeted:

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

Key Contract Risks:

Staffing Impacts:

Legal Positions:

FTEs:

Special Instructions:

Please execute one (1) Minute Order for pick up by the department. Please email MFitzwilliamFigueroa@sbcphd.org when available for pick up.

Attachments:

- A. Ambulance RFP Update and Direction Request Presentation
- B. Ambulance Services RFP #8010001
- C. Final Ambulance RFP Score Sheet
- D. Santa Barbara County Fire Protest
- E. AMR Protest Response
- F. Santa Barbara County Fire Protest Supplemental Information
- G. AMR Protest Supplemental Information Response
- H. Chief Procurement Officer's Protest Denial Letter
- I. County Fire Department's Appeal
- J. AMR's Appeal Response
- K. Protest Resolution Committee's Denial Letter
- L. Alternative Options Issues for Consideration
- M. Detailed RFP Timeline

Authored by:

Nick Clay, EMS Agency Director