



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: January 23, 2018

Subject: Draft Emergency Ambulance Request for Proposal (RFP) for Exclusive Response Areas (ERA) IV

RECOMMENDATION(S):

CONSIDER approving the Draft Emergency Ambulance Request for Proposal (RFP) for emergency ambulance services for Emergency Response Area (ERA) IV from EMS Agency Staff (EMS Director Pat Frost); and

DIRECT the Emergency Medical Services (EMS) Agency to submit to the California State EMS Authority and conduct the competitive procurement.

FISCAL IMPACT:

No County General Fund impact.

BACKGROUND:

The RFP sets general standards for service, specific response time and staffing standards, and provisions for scoring and selection. The RFP performance requirements reflect uniform standards consistent with the recent Contra Costa Fire Protection District contract and is subject to Health and Safety Code 13862 and 1797 et.seq.; California Government Code 26227 and 31000 County Ordinance Code, Division 48; and all legal authorities associated with HIPAA.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/23/2018** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

See Addendum

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 23, 2018

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Patricia Frost,
925-646-4690

The draft RFP for ERA IV reflects modifications in high and low-density emergency ambulance response requirements associated with population growth and demand for EMS services.

BACKGROUND: (CONT'D)

The current exclusive operating area agreement for ERA IV will expire on October 31, 2018. The draft RFP and the resulting emergency ambulance contract language is responsive to the findings of the 2014 EMS System Modernization Report and is structured to enhance EMS System service delivery and improve the quality of pre-hospital care.

San Ramon Valley Fire Protection District has been the legacy 9-1-1 ambulance provider subsequent to consecutive competitive bids since 1983. In October of 2017, San Ramon Valley Fire Protection District approached the Local EMS Agency (LEMSA) to explore the appropriateness of reinstating their 201/224 rights. An exhaustive records review and information exchange resulted to determine if there was a basis for this to be considered. The result of the extensive document review was inconclusive. In response, the LEMSA then submitted a request to the California Emergency Medical Services Authority (EMSA) on November 16, 2017 seeking further records prior to 1985 and a twelve-month RFP extension to review the many complex legal issues and EMS system impacts involved.

On December 13, 2017, the EMSA responded with RFP documents associated with the 2008 procurement process and denied the LEMSA request, advising that ERA IV has been well served by being exclusive through a competitive process and there was no mechanism to re-establish exclusivity under another basis (e.g. 201/224). The EMSA response (attached) puts the decision in front of the Board. The LEMSA recommends that an ERA IV RFP competitive procurement be conducted.

Proposed RFP Timeline (subject to change)

Date Action Item:

January 23, 2018 Board approval of RFP

March 27, 2018 EMSA Review of RFP Completed

All Dates below are TBD pending timing of EMSA approval

April 9, 2018 RFP Released

April 16, 2018 RFP Questions/Clarification Due

April 23, 2018 Proposer's Conference

June 21, 2018 Proposals Due at 4 pm - Public Proposal Opening

July 10, 2018 Notice of Intent to Award-Protest Period Begins

August 6, 2018 Presentation to Board: Authorization to Proceed

August 30, 2018 Contract Finalized

September 11, 2018 Board approval of Contract

November 1, 2018 Start-up of New Contract

CONSEQUENCE OF NEGATIVE ACTION:

The RFP for ERA IV would be delayed and ERA IV would be designated by the EMSA as non-exclusive after October 31, 2018. Under Title 22, competitive agreements that provide exclusivity must be “periodically” put out for RFP. The EMSA defines periodic as not more than every 10 years.

If a competitive process is not conducted for ERA IV by October 31, 2018, it is recommended that the current agreement with San Ramon Valley Fire be extended by not more than 18 months to assure no disruption in emergency ambulance services or the coordinated county EMS System.

Emergency ambulance providers are required to enter written agreements with the County to not only memorialize exclusivity to provide services in a designated community, but to comply with statutory requirements associated with county emergency ambulance service performance requirements, Title 22 medical control and patient safety and quality improvement supporting Contra Costa’s high performance EMS system.

ERA non-exclusivity has the ability to create an opportunity for other non-emergency ambulance service providers to participate in the EMS system in ERA IV.

There is a risk to the County that establishing a “non-exclusive” ERA may disrupt the coordination of EMS System Services for ERA IV. This may become a source of ongoing litigation for the County as it has been in other counties throughout the state.

CHILDREN'S IMPACT STATEMENT:

Approximately 8-10% of EMS system services are provided to children.

CLERK'S ADDENDUM

Speaker: Chief Paige Meyer, San Ramon Valley Fire Protection District. The EMS agency received a letter from the Emergency Medical Services Authority denying the request for an extension of exclusive operating area of ERA IV (San Ramon). Letter is attached. AUTHORIZED the EMS Director to negotiate an agreement extension to October 2019 with San Ramon Valley Fire Protections District; and DIRECTED the EMS Director to continue working on the issue of an exclusive operating area extension with the Emergency Medical Service Authority and San Ramon Valley FPD.

ATTACHMENTS

Draft Emergency Ambulance Request for Proposal (RFP) for Exclusive Response Areas (ERA) IV