

# MONTEREY COUNTY



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**DATE: May 9, 2018 EMCC Meeting**

**TO: Monterey County Emergency Medical Care Committee**

**FROM: Susan K. Blich, Senior Deputy County Counsel**

**SUBJECT: Agenda Item VI. A. Stakeholder Input into EOA RFP**

This memorandum will address the potential for stakeholder input into the upcoming Request for Proposal for ambulance services within the County's Exclusive Operating Area.

The EMS Agency is tasked with developing a request for proposals (RFP) as part of the competitive process to select an emergency ambulance provider for the exclusive operating area. This process has already begun with the solicitation of input from constituents at meetings held within each Supervisorial District. Additionally, consultants working on the development of the next RFP for ambulance services communicated with a variety of stakeholders within the County's EMS system.

Various members of the EMCC have now asked that the EMCC have the opportunity to review and comment on the draft RFP before the RFP is finalized and released for solicitation of bids.

Section 1797.224 of Division 2.5 of the Health and Safety Code requires that the EMS Agency delineate a competitive process for awarding exclusive operating areas for emergency response. The competitive process is submitted to the State EMS Authority as part of the County's EMS Plan. (EMSA #141: *Competitive Process for Creating Exclusive Operating Areas*). The EMS Authority may choose to reject an EMS Plan if there is evidence that the RFP process to select an emergency ambulance provider was not a fair and impartial process. This occurred recently when the State EMS Authority rejected Contra Costa County's EMS plan and rescinded approval of the RFP as part of the local EMS plan, when they found that the RFP process was not fair and impartial. Accordingly, it is incumbent upon Monterey County's local Emergency Medical Services Agency to ensure the RFP process is fair and meets the general requirements set out in the EMS Authority's guidelines for a competitive process.

With all of these factors in consideration, the EMS agency will consider releasing the draft RFP to all interested parties for comment. However, before doing this, the EMS agency will contact the EMS Authority to determine their opinion as to whether releasing the draft will impact the likelihood of the EMS Authority approving the RFP process as part of the County's EMS plan. Releasing the draft RFP to the EMCC for comment means the draft RFP will become a public document, as the EMCC is subject to the Brown Act. By ensuring that the draft RFP is simultaneously posted on the County's Contract Purchasing website, disclosed to any interested

parties, and that comment is solicited by all interested parties, the EMS agency can maintain impartiality in the selection process. All interested parties may comment on the draft RFP for a set period of time, including the EMCC. The ultimate decision on the content of the RFP will remain with the EMS Director.

If the EMCC chooses to comment on the draft RFP, it is recommended that each member contact their own counsel to determine if there are any potential conflicts pursuant to California Government Code Section 1090 or the Political Reform Act.

Again, this is the proposal of the EMS Agency pending comment from the State EMS Authority. Should the EMS Authority have concerns regarding this proposal, the EMS Agency will reconsider its options.