STATE OF CALIFORNIA – HEALTH AND HUMAN SERVICES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

EMERGENCY MEDICAL SERVICES AUTHORITY
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October 30, 2008

Marcy Metz, RN, Chief
Emergency Medical Services
6255 Mission Gorge Road
San Diego, CA 92120

Dear Ms. Metz:

As you requested in your October 22, 2008 letter, the Emergency Medical Services Authority (EMSA) has completed a pre-review of the City of San Diego's Request for Proposal (RFP) No. 9386-09-V which is the competitive process as a potential component of the San Diego County's EMS plan as required by Health and Safety Code (H&S) Section 1797.224. Based upon our review and the publication "Competitive Process for Creating Operating Areas," EMSA #141, EMSA notes significant issues with the proposed bid proposal as it relates to a fair and competitive process.

The County of San Diego established an exclusive operating area for ambulance service through a competitive process conducted by the City of San Diego in 1997. At that time, the bid was awarded to the San Diego City Fire Department (SDFD) and Rural Metro who jointly bid the contract. Shortly after winning the bid, SDFD and Rural Metro formed a limited liability company named San Diego Medical Services Enterprises (SDMSE) which provided services for the exclusive operating area.

The current bid proposal requires the successful bidder to enter into a joint venture with the SDFD. The provisions of the RFP are such that the process is only allowing bids to be submitted for the private ambulance provider portion of the contract, and the successful bidder will be required to partner with SDFD as a condition of being selected for the award. This partnership will be the contractor for services.

The RFP as it is presented appears to create an anti-competitive process, whereby an incumbent contractor (SDFD) is automatically an awardee without having to bid in the pending process. This is not a fair and impartial process as it predetermines the selection of a significant partner of the joint venture for the exclusive operating area. Moreover, the short period of time for potential bidders to respond (October 3, 2008 – October 22, 2008) did not allow sufficient time for all bidders to prepare responsive proposals.

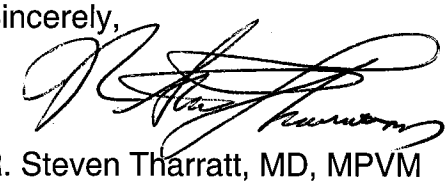
In addition, EMSA notes the following that the county may wish to consider when finalizing the bid proposal:

- Requirement for a detailed budget.
- Requirement for the following equipment: pediatric specific equipment (see enclosed copy of *EMSA #188, Pediatric Equipment for Ambulance and First Responders),* global positioning systems, and automatic external defibrillators for Basic Life Support units, and personal protective equipment (see enclosed copy of *EMSA #216, Minimum Personal Protective Equipment for Ambulance Personnel in California Guidelines.)*

Overall, based upon this pre-review, EMSA does not believe that the RFP as proposed demonstrates a fair and competitive process. This lack of a fair competitive process for the exclusive operating area, likely would not ensure state action immunity protection for local government as outlined in H&S Section 1797.6.

Thank you for the opportunity to pre-review the RFP prior to the submission of an emergency medical services plan. If you have any questions, please contact myself or Tom McGinnis at (916) 322-4336.

Sincerely,



R. Steven Tharratt, MD, MPVM
Director

Enclosures