

1 **EMERGENCY MEDICAL SERVICES ACT**

2 **TRANSPORT AMENDMENTS**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Gregory H. Hughes**

6 Senate Sponsor: Curtis S. Bramble

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to licensing of non-911 transport services in the
11 Utah Emergency Medical Services System Act.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ provides that when the Department of Health finds that a complaint against a
16 non-911 provider has merit, the Department of Health shall issue a notice of
17 meritorious finding to the political subdivision in which the non-911 provider is
18 operating;
- 19 ▶ permits a political subdivision that receives the notice of meritorious finding to
20 determine appropriate corrective actions, which may include issuing a request for
21 proposal for non-911 services;
- 22 ▶ requires the Department of Health to issue the request for proposal for non-911
23 services if the political subdivision intends to respond to a request for proposal; and
- 24 ▶ makes technical and conforming amendments.

25 **Monies Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **26-8a-102**, as last amended by Laws of Utah 2000, Chapter 305

32 **26-8a-405.1**, as last amended by Laws of Utah 2008, Chapter 360

33 **26-8a-405.2**, as last amended by Laws of Utah 2008, Chapter 360

34 **26-8a-405.3**, as last amended by Laws of Utah 2009, Chapter 388

35 ENACTS:

36 **26-8a-405.4**, Utah Code Annotated 1953

37 **26-8a-405.5**, Utah Code Annotated 1953



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **26-8a-102** is amended to read:

41 **26-8a-102. Definitions.**

42 As used in this chapter:

43 (1) (a) "911 ambulance or paramedic services" means:

44 (i) either:

45 (A) 911 ambulance service;

46 (B) 911 paramedic service; or

47 (C) both 911 ambulance and paramedic service; and

48 (ii) a response to a 911 call received by a designated dispatch center that receives 911

49 or E911 calls.

50 (b) "911 ambulance or paramedic service" does not mean a seven or ten digit

51 telephone call received directly by an ambulance provider licensed under this chapter.

52 ~~[(+)]~~ (2) "Ambulance" means a ground, air, or water vehicle that:

53 (a) transports patients and is used to provide emergency medical services; and

54 (b) is required to obtain a permit under Section 26-8a-304 to operate in the state.

55 ~~[(2)]~~ (3) "Ambulance provider" means an emergency medical service provider that:

56 (a) transports and provides emergency medical care to patients; and

57 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

58 [~~(3)~~] (4) "Committee" means the State Emergency Medical Services Committee
59 created by Section 26-1-7.

60 [~~(4)~~] (5) "Direct medical observation" means in-person observation of a patient by a
61 physician, registered nurse, physician's assistant, or individual certified under Section
62 26-8a-302.

63 [~~(5)~~] (6) "Emergency medical condition" means:

64 (a) a medical condition that manifests itself by symptoms of sufficient severity,
65 including severe pain, that a prudent layperson, who possesses an average knowledge of health
66 and medicine, could reasonably expect the absence of immediate medical attention to result in:

- 67 (i) placing the individual's health in serious jeopardy;
- 68 (ii) serious impairment to bodily functions; or
- 69 (iii) serious dysfunction of any bodily organ or part; or

70 (b) a medical condition that in the opinion of a physician or his designee requires
71 direct medical observation during transport or may require the intervention of an individual
72 certified under Section 26-8a-302 during transport.

73 [~~(6)~~] (7) "Emergency medical service personnel":

74 (a) means an individual who provides emergency medical services to a patient and is
75 required to be certified under Section 26-8a-302; and

76 (b) includes a paramedic, medical director of a licensed emergency medical service
77 provider, emergency medical service instructor, and other categories established by the
78 committee.

79 [~~(7)~~] (8) "Emergency medical service providers" means:

- 80 (a) licensed ambulance providers and paramedic providers;
- 81 (b) a facility or provider that is required to be designated under Section 26-8a-303;
- 82 and
- 83 (c) emergency medical service personnel.

84 [~~(8)~~] (9) "Emergency medical services" means medical services, transportation
85 services, or both rendered to a patient.

86 ~~[(9)]~~ (10) "Emergency medical service vehicle" means a land, air, or water vehicle that
87 is:

88 (a) maintained and used for the transportation of emergency medical personnel,
89 equipment, and supplies to the scene of a medical emergency; and

90 (b) required to be permitted under Section 26-8a-304.

91 (11) "Governing body":

92 (a) is as defined in Subsection 11-42-102(19); and

93 (b) for purposes of a "special service district" under Subsection 11-42-102(19), means
94 a special service district that has been delegated the authority to select a provider under this
95 chapter by the special service district's legislative body or administrative control board.

96 ~~[(10)]~~ (12) "Interested party" means:

97 (a) a licensed or designated emergency medical services provider that provides
98 emergency medical services within or in an area that abuts an exclusive geographic service
99 area that is the subject of an application submitted pursuant to Part 4, Ambulance and
100 Paramedic Providers;

101 (b) any municipality, county, or fire district that lies within or abuts a geographic
102 service area that is the subject of an application submitted pursuant to Part 4, Ambulance and
103 Paramedic Providers; or

104 (c) the department when acting in the interest of the public.

105 ~~[(11)]~~ (13) "Medical control" means a person who provides medical supervision to an
106 emergency medical service provider.

107 (14) "Non-911 service" means transport of a patient that is not 911 transport under
108 Subsection (1).

109 ~~[(12)]~~ (15) "Paramedic provider" means an entity that:

110 (a) employs emergency medical service personnel; and

111 (b) is required to obtain a license under Part 4, Ambulance and Paramedic Providers.

112 ~~[(13)]~~ (16) "Patient" means an individual who, as the result of illness or injury, meets
113 any of the criteria in Section 26-8a-305.

- 114 (17) "Political subdivision" means:
115 (a) a city or town located in a county of the first or second class as defined in Section
116 17-50-501;
117 (b) a county of the first or second class;
118 (c) the following districts located in a county of the first or second class:
119 (i) a special service district created under Title 17D, Chapter 1, Special Service
120 District Act; or
121 (ii) a local district under Title 17B, Limited Purpose Local Government Entities -
122 Local Districts, for the purpose of providing fire protection, paramedic, and emergency
123 services;
124 (d) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);
125 (e) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act; or
126 (f) a special service district for fire protection service under Subsection 17D-1-201(9).
127 ~~(14)~~ (18) "Trauma" means an injury requiring immediate medical or surgical
128 intervention.
129 ~~(15)~~ (19) "Trauma system" means a single, statewide system that:
130 (a) organizes and coordinates the delivery of trauma care within defined geographic
131 areas from the time of injury through transport and rehabilitative care; and
132 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
133 delivering care for trauma patients, regardless of severity.
134 ~~(16)~~ (20) "Triage" means the sorting of patients in terms of disposition, destination,
135 or priority. For prehospital trauma victims, triage requires a determination of injury severity to
136 assess the appropriate level of care according to established patient care protocols.
137 ~~(17)~~ (21) "Triage, treatment, transportation, and transfer guidelines" means written
138 procedures that:
139 (a) direct the care of patients; and
140 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
141 center, or an emergency medical service provider.

142 Section 2. Section ~~26-8a-405.1~~ is amended to read:

143 **26-8a-405.1. Selection of provider by political subdivision.**

144 [~~(1) For purposes of this section and Sections 26-8a-405.2 and 26-8a-405.3:]~~

145 [~~(a) "911 ambulance or paramedic services" means either 911 ambulance service, or~~
146 ~~911 paramedic service, or both and:]~~

147 [~~(i) means a 911 call received by a designated dispatch center that receives 911 or~~
148 ~~E911 calls; and]~~

149 [~~(ii) does not mean a seven digit telephone call received directly by an ambulance~~
150 ~~provider licensed under this chapter.]~~

151 [(b) "Governing body" means:]

152 [(i) in the case of a municipality or county, the elected council, commission, or other
153 legislative body that is vested with the legislative power of the municipality;]

154 [(ii) in the case of a special service district, local service district, or county service
155 area, each elected council, commission, or other legislative body that is vested with the
156 legislative power of the municipalities or counties that are members of the district or service
157 area; and]

158 [(iii) in the case of a local district or special service district for fire protection or
159 interlocal entity, the board or other body vested with the power to adopt, amend, and repeal
160 rules, bylaws, policies, and procedures for the regulation of its affairs and the conduct of its
161 business.]

162 [(c) "Political subdivision" means:]

163 [(i) a city or town located in a county of the first or second class as defined in Section
164 17-50-501;]

165 [(ii) a county of the first or second class;]

166 [(iii) the following districts located in a county of the first or second class:]

167 [(A) a special service district created under Title 17D, Chapter 1, Special Service
168 District Act; and]

169 [(B) a local district under Title 17B, Limited Purpose Local Government Entities=

170 ~~Local Districts, for the purpose of providing fire protection, paramedic, and emergency~~
171 ~~services; or]~~

172 ~~[(iv) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);]~~

173 ~~[(v) municipalities and counties joining together pursuant to Title 11, Chapter 13,~~
174 ~~Interlocal Cooperation Act; or]~~

175 ~~[(vi) a special service district for fire protection service under Subsection~~
176 ~~17D-1-201(9).]~~

177 ~~[(2)]~~ (1) (a) Only an applicant approved under Section 26-8a-405 may respond to a
178 request for a proposal ~~[for 911 ambulance or paramedic services]~~ issued in accordance with
179 Section 26-8a-405.2 or Section 26-8a-405.4 by a political subdivision.

180 (b) A response to a request for proposal is subject to the maximum rates established by
181 the department under Section 26-8a-403.

182 (c) A political subdivision may award a contract to an applicant ~~[for the provision of~~
183 ~~911 ambulance or paramedic services]~~ in response to a request for proposal:

184 (i) in accordance with Section 26-8a-405.2; and

185 (ii) subject to Subsection ~~[(3)]~~ (2).

186 ~~[(3)]~~ (2) (a) The department shall issue a license to an applicant selected by a political
187 subdivision under Subsection ~~[(2)]~~ (1) unless the department finds that issuing a license to that
188 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic
189 service area.

190 (b) A license issued under this Subsection ~~[(3)]~~ (2):

191 (i) is for the exclusive geographic service area approved by the department in
192 accordance with Subsection 26-8a-405.2(2);

193 (ii) is valid for four years;

194 (iii) is not subject to a request for license from another applicant under the provisions
195 of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's
196 license is revoked under Section 26-8a-504; and

197 (iv) is subject to supervision by the department under Sections 26-8a-503 and

198 26-8a-504.

199 ~~[(4)]~~ (3) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of
200 Sections 26-8a-406 through 26-8a-409 do not apply to a license issued under this section.

201 Section 3. Section **26-8a-405.2** is amended to read:

202 **26-8a-405.2. Selection of provider -- Request for competitive sealed proposal --**
203 **Public convenience and necessity.**

204 (1) (a) A political subdivision may contract with an applicant approved under Section
205 26-8a-404 to provide ~~[911 ambulance or paramedic]~~ services for the geographic service area
206 that is approved by the department in accordance with Subsection (2), if:

207 (i) the political subdivision complies with the provisions of this section and Section
208 26-8a-405.3 if the contract is for 911 ambulance or paramedic services; or

209 (ii) the political subdivision complies with Sections 26-8a-405.3 and 26-8a-405.4, if
210 the contract is for non-911 services.

211 (b) (i) The provisions of this section and Sections 26-8a-405.1 ~~[and]~~, 26-8a-405.3, and
212 26-8a-405.4 do not require a political subdivision to issue a request for proposal for
213 ambulance or paramedic services or non-911 services.

214 (ii) If a political subdivision does not contract with an applicant in accordance with
215 this section and Section 26-8a-405.3, the provisions of Sections 26-8a-406 through 26-8a-409
216 apply to the issuance of a license for ambulance or paramedic services in the geographic
217 service area that is within the boundaries of the political subdivision.

218 (iii) If a political subdivision does not contract with an applicant in accordance with
219 this section, Section 26-8a-405.3 and Section 26-8a-405.4, a license for the non-911 services
220 in the geographic service area that is within the boundaries of the political subdivision may be
221 issued:

222 (A) under the public convenience and necessity provisions of Sections 26-8a-406
223 through 26-8a-409; or

224 (B) by a request for proposal issued by the department under Section 26-8a-405.5.

225 (c) (i) For purposes of this Subsection (1)(c):

226 (A) [~~Local~~] Fire district" means a local district under Title 17B, Limited Purpose
227 Local Government Entities - Local Districts, that:

- 228 (I) is located in a county of the first or second class; and
- 229 (II) provides fire protection, paramedic, and emergency services.

230 (B) "Participating municipality" means a city or town whose area is partly or entirely
231 included within a county service area or [~~local~~] fire district.

232 (C) "Participating county" means a county whose unincorporated area is partly or
233 entirely included within a [~~local~~] fire district.

234 (ii) A participating municipality or participating county may [~~contract with a provider~~
235 ~~for 911 ambulance or paramedic service~~] as provided in this section and Section
236 26-8a-405.3[-], contract with a provider for 911 ambulance or paramedic service.

237 (iii) If the participating municipality or participating county contracts with a provider
238 for [~~911 ambulance or paramedic~~] services under this section and Section 26-8a-405.3:

239 (A) the [~~local~~] fire district is not obligated to provide the [~~ambulance or paramedic~~]
240 services that are included in the contract between the participating municipality or the
241 participating county and the [~~911 ambulance or paramedic~~] provider;

242 (B) the [~~local~~] fire district may impose taxes and obligations within the [~~local~~] fire
243 district in the same manner as if the participating municipality or participating county were
244 receiving all services offered by the [~~local~~] fire district; and

245 (C) the participating municipality's and participating county's obligations to the [~~local~~]
246 fire district are not diminished.

247 (2) (a) The political subdivision shall submit the request for proposal and the exclusive
248 geographic service area to be included in [~~the~~] a request for proposal issued under Subsections
249 (1)(a)(i) or (ii) to the department for approval prior to issuing the request for proposal. The
250 department shall approve the request for proposal and the exclusive geographic service area:

- 251 (i) unless the geographic service area creates an orphaned area; and
 - 252 (ii) in accordance with Subsections (2)(b) and (c).
- 253 (b) The exclusive geographic service area may:

254 (i) include the entire geographic service area that is within the political subdivision's
255 boundaries;

256 (ii) include islands within or adjacent to other peripheral areas not included in the
257 political subdivision that governs the geographic service area; or

258 (iii) exclude portions of the geographic service area within the political subdivision's
259 boundaries if another political subdivision or licensed provider agrees to include the excluded
260 area within their license.

261 (c) The proposed geographic service area for 911 ambulance or paramedic service
262 must demonstrate that non-911 ambulance or paramedic service will be provided in the
263 geographic service area, either by the current provider, the applicant, or some other method
264 acceptable to the department. The department may consider the effect of the proposed
265 geographic service area on the costs to the non-911 provider and that provider's ability to
266 provide only non-911 services in the proposed area.

267 Section 4. Section **26-8a-405.3** is amended to read:

268 **26-8a-405.3. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

269 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under
270 Section 26-8a-405.2, or for non-911 services under Section 26-8a-405.4, shall be solicited
271 through a request for proposal and the provisions of this section.

272 (b) The governing body of the political subdivision shall approve the request for
273 proposal prior to the notice of the request for proposals under Subsection (1)(c).

274 (c) (i) Notice of the request for proposals shall be published:

275 (A) at least once a week for three consecutive weeks in a newspaper of general
276 circulation published in the county; or

277 (B) if there is no such newspaper, then notice must be posted for at least 20 days in at
278 least five public places in the county; and

279 (ii) in accordance with Section 45-1-101 for at least 20 days.

280 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
281 offerors during the process of negotiations.

282 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
283 political subdivision must hold a presubmission conference with interested applicants for the
284 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

285 (ii) A political subdivision shall allow at least 90 days from the presubmission
286 conference for the proposers to submit proposals.

287 (c) Subsequent to the presubmission conference, the political subdivision may issue
288 addenda to the request for proposals. An addenda to a request for proposal must be finalized
289 and posted by the political subdivision at least 45 days prior to the date on which the proposal
290 must be submitted.

291 (d) Offerors to the request for proposals shall be accorded fair and equal treatment
292 with respect to any opportunity for discussion and revisions of proposals, and revisions may be
293 permitted after submission and before a contract is awarded for the purpose of obtaining best
294 and final offers.

295 (e) In conducting discussions, there shall be no disclosures of any information derived
296 from proposals submitted by competing offerors.

297 (3) (a) (i) A political subdivision may select an applicant approved by the department
298 under Section 26-8a-404 to provide 911 ambulance or paramedic services by contract to the
299 most responsible offeror as defined in Subsection 63G-6-103(24).

300 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror
301 whose proposal is determined in writing to be the most advantageous to the political
302 subdivision, taking into consideration price and the evaluation factors set forth in the request
303 for proposal.

304 (b) The applicants who are approved under Section 26-8a-405 and who are selected
305 under this section may be the political subdivision issuing the request for competitive sealed
306 proposals, or any other public entity or entities, any private person or entity, or any
307 combination thereof.

308 (c) A political subdivision may reject all of the competitive proposals.

309 (4) In seeking competitive sealed proposals and awarding contracts under this section,

310 a political subdivision:

311 (a) shall apply the public convenience and necessity factors listed in Subsections
312 26-8a-408(2) through (6);

313 (b) shall require the applicant responding to the proposal to disclose how the applicant
314 will meet performance standards in the request for proposal;

315 (c) may not require or restrict an applicant to a certain method of meeting the
316 performance standards, including:

317 (i) requiring ambulance medical personnel to also be a firefighter; or
318 (ii) mandating that offerors use fire stations or dispatch services of the political
319 subdivision;

320 (d) ~~(f)~~ shall require an applicant to submit the proposal:

321 (i) based on full cost accounting in accordance with generally accepted accounting
322 principals; and

323 (ii) if the applicant is a governmental entity, in addition to the requirements of
324 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
325 in compliance with the State of Utah Legal Compliance Audit Guide; and

326 (e) shall set forth in the request for proposal:

327 (i) the method for determining full cost accounting in accordance with generally
328 accepted accounting principles, and require an applicant to submit the proposal based on such
329 full cost accounting principles;

330 (ii) guidelines established to further competition and provider accountability; and
331 (iii) a list of the factors that will be considered by the political subdivision in the
332 award of the contract, including by percentage, the relative weight of the factors established
333 under this Subsection (4)(e), which may include such things as:

334 (A) response times;

335 (B) staging locations;

336 (C) experience;

337 (D) quality of care; and

338 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

339 (5) (a) Notwithstanding the provisions of Subsection 63G-6-104(3), the provisions of
340 Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies, apply to the procurement
341 process required by this section, except as provided in Subsection (5)(c).

342 (b) The Procurement Appeals Board created in Section 63G-6-807 shall have
343 jurisdiction to review and determine an appeal of an offeror under this section in the same
344 manner as provided in Section 63G-6-810.

345 (c) (i) An offeror may appeal the solicitation or award as provided by the political
346 subdivision's procedures. After all political subdivision appeal rights are exhausted, the
347 offeror may appeal under the provisions of Subsections (5)(a) and (b).

348 (ii) The factual determination required by Subsection 63G-6-813(1) shall be based on
349 whether the solicitation or award was made in accordance with the procedures set forth in this
350 section and Section 26-8a-405.2.

351 (d) The determination of an issue of fact by the appeals board shall be final and
352 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
353 63G-6-813.

354 Section 5. Section **26-8a-405.4** is enacted to read:

355 **26-8a-405.4. Non-911 provider -- Finding of meritorious complaint -- Request for**
356 **proposals.**

357 (1) Notwithstanding Subsection 26-8a-102(17), for purposes of this section, political
358 subdivision includes:

359 (a) a county of any class; and

360 (b) a city or town located in a county of any class.

361 (2) (a) This section applies to a non-911 provider license under this chapter.

362 (b) The department shall, in accordance with Subsections (4) and (5):

363 (i) receive a complaint about a non-911 provider;

364 (ii) determine whether the complaint has merit;

365 (iii) issue a finding of:

366 (A) a meritorious complaint; or
367 (B) a non-meritorious complaint; and
368 (iv) forward a finding of a meritorious complaint to the governing body of the political
369 subdivision:
370 (A) in which the non-911 provider is licensed; or
371 (B) that provides the non-911 services, if different from Subsection (2)(b)(iv)(A).
372 (3) (a) A political subdivision that receives a finding of a meritorious complaint from
373 the department:
374 (i) shall take corrective action that the political subdivision determines is appropriate;
375 and
376 (ii) shall, if the political subdivision determines corrective action will not resolve the
377 complaint or is not appropriate:
378 (A) issue a request for proposal for non-911 service in the geographic service area if
379 the political subdivision will not respond to the request for proposal; or
380 (B) (I) make a finding that a request for proposal for non-911 services is appropriate
381 and the political subdivision intends to respond to a request for proposal; and
382 (II) submit the political subdivision's findings to the department with a request that the
383 department issue a request for proposal in accordance with Section 26-8a-405.5.
384 (b) (i) If Subsection (3)(a)(ii)(A) applies, the political subdivision shall issue the
385 request for proposal in accordance with Sections 26-8a-405.1 through 26-8a-405.3.
386 (ii) If Subsection (3)(a)(ii)(B) applies, the department shall issue a request for proposal
387 for non-911 services in accordance with Section 26-8a-405.5.
388 (4) The department shall make a determination under Subsection (2)(b) if:
389 (a) the department receives a written complaint from any of the following in the
390 geographic service area:
391 (i) a hospital;
392 (ii) a health care facility;
393 (iii) a political subdivision; or

394 (iv) an individual; and

395 (b) the department determines, in accordance with Subsection (2)(b), that the
396 complaint has merit.

397 (5) (a) If the department receives a complaint under Subsection (2)(b), the department
398 shall request a written response from the non-911 provider concerning the complaint.

399 (b) The department shall make a determination under Subsection (2)(b) based on:

400 (i) the written response from the non-911 provider; and

401 (ii) other information that the department may have concerning the quality of service
402 of the non-911 provider.

403 (c) (i) The department's determination under Subsection (2)(b) is not subject to an
404 adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

405 (ii) The department shall adopt administrative rules in accordance with Title 63G,
406 Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection
407 (2)(b).

408 Section 6. Section **26-8a-405.5** is enacted to read:

409 **26-8a-405.5. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

410 (1) (a) The department shall issue a request for proposal for non-911 services in a
411 geographic service area if the department receives a request from a political subdivision under
412 Subsection 26-8a-405.4(3)(a)(ii)(B) to issue a request for proposal for non-911 services.

413 (b) Competitive sealed proposals for non-911 services under Subsection (1)(a) shall be
414 solicited through a request for proposal and the provisions of this section.

415 (c) (i) Notice of the request for proposals shall be published:

416 (A) at least once a week for three consecutive weeks in a newspaper of general
417 circulation published in the county; or

418 (B) if there is no such newspaper, then notice must be posted for at least 20 days in at
419 least five public places in the county; and

420 (ii) in accordance with Section 45-1-101 for at least 20 days.

421 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing

422 offerors during the process of negotiations.

423 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
424 department must hold a presubmission conference with interested applicants for the purpose of
425 assuring full understanding of, and responsiveness to, solicitation requirements.

426 (ii) The department shall allow at least 90 days from the presubmission conference for
427 the proposers to submit proposals.

428 (c) Subsequent to the presubmission conference, the department may issue addenda to
429 the request for proposals. An addenda to a request for proposal must be finalized and posted
430 by the department at least 45 days prior to the date on which the proposal must be submitted.

431 (d) Offerors to the request for proposals shall be accorded fair and equal treatment
432 with respect to any opportunity for discussion and revisions of proposals, and revisions may be
433 permitted after submission and before a contract is awarded for the purpose of obtaining best
434 and final offers.

435 (e) In conducting discussions, there shall be no disclosures of any information derived
436 from proposals submitted by competing offerors.

437 (3) (a) (i) The department may select an applicant approved by the department under
438 Section 26-8a-404 to provide non-911 services by contract to the most responsible offeror as
439 defined in Subsection 63G-6-103(24).

440 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror
441 whose proposal is determined in writing to be the most advantageous to the public, taking into
442 consideration price and the evaluation factors set forth in the request for proposal.

443 (b) The applicants who are approved under Section 26-8a-405 and who are selected
444 under this section may be the political subdivision responding to the request for competitive
445 sealed proposals, or any other public entity or entities, any private person or entity, or any
446 combination thereof.

447 (c) The department may reject all of the competitive proposals.

448 (4) In seeking competitive sealed proposals and awarding contracts under this section,
449 the department:

450 (a) shall consider the public convenience and necessity factors listed in Subsections
451 26-8a-408(2) through (6);

452 (b) shall require the applicant responding to the proposal to disclose how the applicant
453 will meet performance standards in the request for proposal;

454 (c) may not require or restrict an applicant to a certain method of meeting the
455 performance standards, including:

456 (i) requiring ambulance medical personnel to also be a firefighter; or
457 (ii) mandating that offerors use fire stations or dispatch services of the political
458 subdivision;

459 (d) shall require an applicant to submit the proposal:

460 (i) based on full cost accounting in accordance with generally accepted accounting
461 principals; and

462 (ii) if the applicant is a governmental entity, in addition to the requirements of
463 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
464 in compliance with the State of Utah Legal Compliance Audit Guide; and

465 (e) shall set forth in the request for proposal:

466 (i) the method for determining full cost accounting in accordance with generally
467 accepted accounting principles, and require an applicant to submit the proposal based on such
468 full cost accounting principles;

469 (ii) guidelines established to further competition and provider accountability; and
470 (iii) a list of the factors that will be considered by the department in the award of the
471 contract, including by percentage, the relative weight of the factors established under this
472 Subsection (4)(e), which may include such things as:

473 (A) response times;

474 (B) staging locations;

475 (C) experience;

476 (D) quality of care; and

477 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

478 (5) A license issued under this section:
479 (a) is for the exclusive geographic service area approved by the department;
480 (b) is valid for four years;
481 (c) is not subject to a request for license from another applicant under the provisions
482 of Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's
483 license is revoked under Section 26-8a-504;
484 (d) is subject to supervision by the department under Sections 26-8a-503 and
485 26-8a-504; and
486 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections
487 26-8a-406 through 26-8a-409.