

Senator Curtis S. Bramble proposes the following substitute bill:

EMERGENCY MEDICAL SERVICES ACT

TRANSPORT AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that when the department finds that a complaint against a non-911 provider has merit, the Department of Health shall issue a notice of meritorious finding to the political subdivision;
- ▶ permits a political subdivision that receives the notice of meritorious finding to determine appropriate corrective actions, which may include issuing a request for proposal for non-911 services; and
- ▶ requires the Department of Health to issue the request for proposal for non-911 services if a political subdivision intends to respond to a request for proposal issued for services provided in the political subdivision.

Monies Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **26-8a-102**, as last amended by Laws of Utah 2000, Chapter 305

31 **26-8a-405.1**, as last amended by Laws of Utah 2008, Chapter 360

32 **26-8a-405.2**, as last amended by Laws of Utah 2008, Chapter 360

33 **26-8a-405.3**, as last amended by Laws of Utah 2009, Chapter 388

34 ENACTS:

35 **26-8a-405.4**, Utah Code Annotated 1953

36 **26-8a-405.5**, Utah Code Annotated 1953



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

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

40 **26-8a-102. Definitions.**

41 As used in this chapter:

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

43 (i) either:

44 (A) 911 ambulance service;

45 (B) 911 paramedic service; or

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

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

48 or E911 calls.

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

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

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

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

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

54 ~~[(2)]~~ (3) "Ambulance provider" means an emergency medical service provider that:

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

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

57 [~~3~~] (4) "Committee" means the State Emergency Medical Services Committee
58 created by Section 26-1-7.

59 [~~4~~] (5) "Direct medical observation" means in-person observation of a patient by a
60 physician, registered nurse, physician's assistant, or individual certified under Section
61 26-8a-302.

62 [~~5~~] (6) "Emergency medical condition" means:

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

66 (i) placing the individual's health in serious jeopardy;

67 (ii) serious impairment to bodily functions; or

68 (iii) serious dysfunction of any bodily organ or part; or

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

72 [~~6~~] (7) "Emergency medical service personnel":

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

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

78 [~~7~~] (8) "Emergency medical service providers" means:

79 (a) licensed ambulance providers and paramedic providers;

80 (b) a facility or provider that is required to be designated under Section 26-8a-303; and

81 (c) emergency medical service personnel.

82 [~~8~~] (9) "Emergency medical services" means medical services, transportation
83 services, or both rendered to a patient.

84 [~~9~~] (10) "Emergency medical service vehicle" means a land, air, or water vehicle that
85 is:

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

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

89 (11) "Governing body":

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

91 (b) for purposes of a "special service district" under Subsection 11-42-102(19), means

92 a special service district that has been delegated the authority to select a provider under this

93 chapter by the special service district's legislative body or administrative control board.

94 ~~[(10)]~~ (12) "Interested party" means:

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

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

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

103 ~~[(11)]~~ (13) "Medical control" means a person who provides medical supervision to an
104 emergency medical service provider.

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

107 ~~[(12)]~~ (15) "Paramedic provider" means an entity that:

108 (a) employs emergency medical service personnel; and

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

110 ~~[(13)]~~ (16) "Patient" means an individual who, as the result of illness or injury, meets
111 any of the criteria in Section 26-8a-305.

112 (17) "Political subdivision" means:

113 (a) a city or town located in a county of the first or second class as defined in Section
114 17-50-501;

115 (b) a county of the first or second class;

116 (c) the following districts located in a county of the first or second class:

117 (i) a special service district created under Title 17D, Chapter 1, Special Service District
118 Act; or

119 (ii) a local district under Title 17B, Limited Purpose Local Government Entities - Local
120 Districts, for the purpose of providing fire protection, paramedic, and emergency services;

121 (d) areas coming together as described in Subsection 26-8a-405.2(2)(b)(ii);

122 (e) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act; or

123 (f) a special service district for fire protection service under Subsection 17D-1-201(9).

124 ~~[(+4)]~~ (18) "Trauma" means an injury requiring immediate medical or surgical
125 intervention.

126 ~~[(+5)]~~ (19) "Trauma system" means a single, statewide system that:

127 (a) organizes and coordinates the delivery of trauma care within defined geographic
128 areas from the time of injury through transport and rehabilitative care; and

129 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
130 delivering care for trauma patients, regardless of severity.

131 ~~[(+6)]~~ (20) "Triage" means the sorting of patients in terms of disposition, destination,
132 or priority. For prehospital trauma victims, triage requires a determination of injury severity to
133 assess the appropriate level of care according to established patient care protocols.

134 ~~[(+7)]~~ (21) "Triage, treatment, transportation, and transfer guidelines" means written
135 procedures that:

136 (a) direct the care of patients; and

137 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
138 center, or an emergency medical service provider.

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

140 **~~26-8a-405.1. Selection of provider by political subdivision.~~**

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

142 ~~[(a) "911 ambulance or paramedic services" means either 911 ambulance service, or~~
143 ~~911 paramedic service, or both and:]~~

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

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

148 ~~[(b) "Governing body" means:]~~

149 ~~[(i) in the case of a municipality or county, the elected council, commission, or other~~

150 legislative body that is vested with the legislative power of the municipality;]

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

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

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

159 [(i) a city or town located in a county of the first or second class as defined in Section
160 17-50-501;]

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

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

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

165 [(B) a local district under Title 17B, Limited Purpose Local Government Entities =
166 Local Districts, for the purpose of providing fire protection, paramedic, and emergency
167 services; or]

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

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

171 [(vi) a special service district for fire protection service under Subsection
172 17D-1-201(9).]

173 [(2)] (1) (a) Only an applicant approved under Section 26-8a-405 may respond to a
174 request for a proposal [for 911 ambulance or paramedic services] issued in accordance with
175 Section 26-8a-405.2 or Section 26-8a-405.4 by a political subdivision.

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

178 (c) A political subdivision may award a contract to an applicant [for the provision of
179 911 ambulance or paramedic services] in response to a request for proposal:

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

181 (ii) subject to Subsection [(3)] (2).

182 [(3)] (2) (a) The department shall issue a license to an applicant selected by a political
183 subdivision under Subsection [(2)] (1) unless the department finds that issuing a license to that
184 applicant would jeopardize the health, safety, and welfare of the citizens of the geographic
185 service area.

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

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

189 (ii) is valid for four years;

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

193 (iv) is subject to supervision by the department under Sections 26-8a-503 and
194 26-8a-504.

195 [(4)] (3) Except as provided in Subsection 26-8a-405.3(4)(a), the provisions of
196 Sections 26-8a-406 through 26-8a-409 do not apply to a license issued under this section.

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

198 **26-8a-405.2. Selection of provider -- Request for competitive sealed proposal --**
199 **Public convenience and necessity.**

200 (1) (a) A political subdivision may contract with an applicant approved under Section
201 26-8a-404 to provide [~~911 ambulance or paramedic~~] services for the geographic service area
202 that is approved by the department in accordance with Subsection (2), if:

203 (i) the political subdivision complies with the provisions of this section and Section
204 26-8a-405.3 if the contract is for 911 ambulance or paramedic services; or

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

207 (b) (i) The provisions of this section and Sections 26-8a-405.1 [~~and~~], 26-8a-405.3, and
208 26-8a-405.4 do not require a political subdivision to issue a request for proposal for ambulance
209 or paramedic services or non-911 services.

210 (ii) If a political subdivision does not contract with an applicant in accordance with this
211 section and Section 26-8a-405.3, the provisions of Sections 26-8a-406 through 26-8a-409 apply

212 to the issuance of a license for ambulance or paramedic services in the geographic service area
213 that is within the boundaries of the political subdivision.

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

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

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

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

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

224 (I) is located in a county of the first or second class; and

225 (II) provides fire protection, paramedic, and emergency services.

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

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

230 (ii) A participating municipality or participating county may [~~contract with a provider~~
231 ~~for 911 ambulance or paramedic service~~] as provided in this section and Section
232 26-8a-405.3[~~], contract with a provider for 911 ambulance or paramedic service.~~

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

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

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

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

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

- 247 (i) unless the geographic service area creates an orphaned area; and
- 248 (ii) in accordance with Subsections (2)(b) and (c).

249 (b) The exclusive geographic service area may:

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

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

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

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

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

264 **26-8a-405.3. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

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

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

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

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

273 (B) if there is no such newspaper, then notice must be posted for at least 20 days in at

274 least five public places in the county; and

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

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

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

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

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

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

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

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

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

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

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

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

305 a political subdivision:

306 (a) shall apply the public convenience and necessity factors listed in Subsections
307 26-8a-408(2) through (6);

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

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

312 (i) requiring ambulance medical personnel to also be a firefighter; or

313 (ii) mandating that offerors use fire stations or dispatch services of the political
314 subdivision;

315 (d) (i) shall require an applicant to submit the proposal based on full cost accounting in
316 accordance with generally accepted accounting principals; and

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

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

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

324 (ii) guidelines established to further competition and provider accountability; and

325 (iii) a list of the factors that will be considered by the political subdivision in the award
326 of the contract, including by percentage, the relative weight of the factors established under this
327 Subsection (4)(e), which may include such things as:

328 (A) response times;

329 (B) staging locations;

330 (C) experience;

331 (D) quality of care; and

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

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

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

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

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

345 (d) The determination of an issue of fact by the appeals board shall be final and
346 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
347 63G-6-813.

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

349 **26-8a-405.4. Non-911 provider -- Finding of meritorious complaint -- Request for**
350 **proposals.**

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

353 (a) a county of any class; and

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

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

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

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

358 (ii) determine whether the complaint has merit;

359 (iii) issue a finding of:

360 (A) a meritorious complaint; or

361 (B) a non-meritorious complaint; and

362 (iv) forward a finding of a meritorious complaint to the governing body of the political
363 subdivision:

364 (A) in which the non-911 provider is licensed; or

365 (B) that provides the non-911 services, if different from Subsection (2)(b)(iv)(A).

366 (3) (a) A political subdivision that receives a finding of a meritorious complaint from

367 the department:

368 (i) shall take corrective action that the political subdivision determines is appropriate;

369 and

370 (ii) shall, if the political subdivision determines corrective action will not resolve the

371 complaint or is not appropriate:

372 (A) issue a request for proposal for non-911 service in the geographic service area if

373 the political subdivision will not respond to the request for proposal; or

374 (B) (I) make a finding that a request for proposal for non-911 services is appropriate

375 and the political subdivision intends to respond to a request for proposal; and

376 (II) submit the political subdivision's findings to the department with a request that the

377 department issue a request for proposal in accordance with Section 26-8a-405.5.

378 (b) (i) If Subsection (3)(a)(ii)(A) applies, the political subdivision shall issue the

379 request for proposal in accordance with Sections 26-8a-405.1 through 26-8a-405.3.

380 (ii) If the Subsection (3)(a)(ii)(B) applies, the department shall issue a request for

381 proposal for non-911 services in accordance with Section 26-8a-405.5.

382 (4) The department shall make a determination under Subsection (2)(b) if:

383 (a) the department receives a written complaint from any of the following in the

384 geographic service area:

385 (i) a hospital;

386 (ii) a health care facility;

387 (iii) a political subdivision; or

388 (iv) an individual; and

389 (b) the department determines, in accordance with Subsection (2)(b) that the complaint

390 has merit.

391 (5) (a) If the department receives a complaint under Subsection (2)(b), the department

392 shall request a written response from the non-911 provider concerning the complaint.

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

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

395 (ii) other information that the department may have concerning the quality of service of

396 the non-911 provider.

397 (c) (i) The department's determination under Subsection (2)(b) is not subject to an

398 adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.

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

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

403 **26-8a-405.5. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

444 (a) shall consider the public convenience and necessity factors listed in Subsections
445 26-8a-408(2) through (6);

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

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

450 (i) requiring ambulance medical personnel to also be a firefighter; or

451 (ii) mandating that offerors use fire stations or dispatch services of the political
452 subdivision;

453 (d) (i) shall require an applicant to submit the proposal based on full cost accounting in
454 accordance with generally accepted accounting principals; and

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

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

459 (i) the method for determining full cost accounting in accordance with generally

460 accepted accounting principles, and require an applicant to submit the proposal based on such
461 full cost accounting principles;

462 (ii) guidelines established to further competition and provider accountability; and

463 (iii) a list of the factors that will be considered by the department in the award of the

464 contract, including by percentage, the relative weight of the factors established under this

465 Subsection (4)(e), which may include such things as:

466 (A) response times;

467 (B) staging locations;

468 (C) experience;

469 (D) quality of care; and

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

471 (5) A license issued under this section:

472 (a) is for the exclusive geographic service area approved by the department;

473 (b) is valid for four years;

474 (c) is not subject to a request for license from another applicant under the provisions of

475 Sections 26-8a-406 through 26-8a-409 during the four-year term, unless the applicant's license

476 is revoked under Section 26-8a-504;

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

478 26-8a-504; and

479 (e) except as provided in Subsection (4)(a), is not subject to the provisions of Sections

480 26-8a-406 through 26-8a-409.

Fiscal Note

**H.B. 121 4th Sub. (Green) - Emergency Medical Services Act Transport
Amendments**

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
