

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



18-7: Recruit and hire a female officer for the Hesperia Unified School District Police Force.

18-8: Amend Administrative Regulation 5145.7 to include that complainants shall be interviewed by an administrator of the same gender.

18-9: Amend Administrative Regulation 5145.7 (Written Report and Findings and Follow-up) to include parent/guardian receipt of all written investigative reports.

18-10: Develop age-appropriate training specific to Hesperia Unified School District students regarding student-on-student offensive touching behavior and conduct training sessions for the entire student body.

18-11: Amend Board Policy 5145.7 (Intervention) to specifically require notification of parents/guardians of both complainants and other involved students of sexual harassment, assault and/or battery, and obtain written confirmation from the parents/guardians of report notifications.

<u>AGENCY</u>	<u>RECOMMENDATIONS</u>	<u>DUE DATE</u>
Hesperia Unified School District	18-4 through 18-11	9/27/2018

**SAN BERNARDINO COUNTY EMERGENCY
GROUND AMBULANCE CONTRACT #12-254**

BACKGROUND

This topic was chosen due to a newspaper article which stated that this contract has never gone out for bid. Also, the contract has been extended multiple times. In 1981 San Bernardino County contracted with the primary ambulance service provider and other smaller ambulance providers to conduct a pilot project. As a result of this pilot project, in 1984 the Inland Counties Emergency Medical Agency (ICEMA) established an Emergency Medical Services (EMS) plan that included establishing Exclusive Operating Areas (EOAs) as allowed under California Health and Safety Codes Sections. The plan resulted in contracts being established, without going out to bid with the current providers within the pilot project.

On April 20, 2004, twenty years later without going out to bid, ICEMA approved a performance based contract with the primary provider that included setting up six (6) EOAs. The contract was written to expire on April 30, 2012, and included six (6) automatic extensions.

In 2010, ICEMA entered into discussion with the Emergency Medical Services (EMS) providers to negotiate contract extensions with the understanding that a bid process would be needed in the near future.

Jurisdiction to investigate is under Penal Code 925a; 933.1.

METHODOLOGY

The Grand Jury reviewed the County's purchasing policies and procedures, pilot project documentation, the Emergency Medical Services (EMS) contracts, amendments specific to the

current provider, various statistical reports and business plans. It held interviews with leaders in various San Bernardino County departments.

The contract number 12-254, dated 5/8/2012 and its six amendments were acquired from the San Bernardino County Purchasing Department. The San Bernardino County Grand Jury reviewed the County's policies and procedures specific to contracts and extensions to validate if the established criteria had been applied to the original contract and the subsequent extensions.

FACTS

The Contract

The primary ambulance service provider has continued to be a contracted provider to the County for 34 years. During this time frame, the contract has never gone out for a bid. Amendment Six (6) extends Ambulance Services contract 12-254 for an additional 18 months for the period of January 1, 2017, through June 30, 2018. Based upon interviews, the time frame needed to prepare a Request for Proposal (RFP) for a contract is 18 – 24 months.

The Grand Jury's interviews and review of documentation validates that there are no set policies which prohibit the extension of contracts. The ambulance services contract is extremely complicated due to the required levels of safety. These levels of safety include but are not limited to adequately trained Emergency Medical Technicians, Paramedics and Advanced Life Support (ALS) equipped ambulances. The standard County contract's life is five years. The Board of Supervisors has the authority to extend any contract. The contract between the primary ambulance services provider and the County has never gone out for bid since 1984.

The current contract has performance monitoring requirements and penalties to which current ambulance service providers must adhere. ICEMA receives a fee for the monitoring of the performance of all contracted providers.

The following statistics came from page six (6) of San Bernardino County Emergency Ground Ambulance Review dated April 18, 2016 was contracted by the County Board of Supervisors. This review was conducted by Vizient Incorporated. As of April 18, 2016 approximately 80% of the County's land is uninhabited, 15% is utilized for military purposes, and slightly over 2% of the land is designated for residential housing purposes. The desert region is located in the north and is the largest area in the County. This region includes parts of the Mojave Desert and makes up approximately 93% of the County's total land area.

The ambulance services contract for the nation's most expansive county of 20,105 square miles has not gone out for bid in its four decades of existence. Based upon the Vizient report, it was suggested that there are several options: renegotiate the current contract, prepare a RFP and put it out for bid, and/or change the EOAs.

Per contract Amendment Six (6) dated 12/6/2016, the County intended to draft a RFP which would eliminate the existing EOAs and create a single EOA for the entire County.

ICEMA

The County's Board of Supervisors also serve on the ICEMA board. The primary ambulance service provider has been serving San Bernardino County since 1981. In the early 1990's, the primary provider formed a corporation with regulations written as "Successor Clauses." The Successor Clauses address the transition from one service provider to another. These regulations allow the provider "Grandfather rights" for successive contracts and extensions, addressed in section 1797.201 of the Health and Safety Code. (See Attachment 1 for grandfathering defined).

The eleven Exclusive Operating Areas (EOAs) that the primary provider covers have never gone out to bid. The primary provider has "Grandfathering rights", covered in the State of California Health and Safety Code, sections 1797.201, 1797.224 and 1797.226. (See attachment 2).

Additionally, ICEMA cannot put one EOA out for bid; only the entire contract must be in the bidding process.

Ambulance service is considered a critical service as are the police and fire departments in the bidding process, which could take 18 to 24 months.

In the Grand Jury's interviewing process, it became apparent that County leadership thought it would be difficult to provide the necessary level of critical service in a changeover process (Successor Clause).

The changeover process (Successor Clause) is covered in section 1797.226 of the State of California Health and Safety Code. The changeover process is addressed as a successor; the successor replaces previous providers (See attachment 2).

The bidding process has been discussed for five years by the governing bodies. The primary ambulance service provider has all the most populated EOAs of which eleven of the total twenty-seven were grandfathered. The eleven EOAs are in the following cities: Rancho Cucamonga, San Bernardino, Redlands, and Victorville. The other ambulance service providers are the San Bernardino County Fire Department, city Fire Departments, and four other private ambulance service providers.

The area serviced by the current provider represents approximately 9% of the County's total geographic area; this region includes over 80% of the total population.

A number of factors are involved in selecting an ambulance service provider. The primary provider must maintain a 90 percent response time of 9:59 minutes. Based upon our interviews, it was stated that San Bernardino County Fire Department could not provide a more cost efficient level of ambulance services. The Fire Department stated that it could provide better service,

make a profit and cover the entire County. Currently, the department is not monitored for its response time like the primary provider.

Board of Supervisors

All decisions regarding the primary ambulance service contract including the extensions are made by the Board.

The Primary Provider

The current ambulance service providers started servicing San Bernardino County in 1981. Eight (8) ambulance service providers that were servicing the County were acquired by the primary ambulance service provider. The acquisition also included the grandfathered EOAs which the State of California Health and Safety Code 1797.224 allowed.

As Health and Safety Code 1797 dictates, if an ambulance provider were providing services in a specific area within a County EOA, they retain it (Grandfathered). The County could lose Grandfathering protection and some control could revert over to the state if the contract were put out for bid under the Health and Safety Codes.

FINDINGS

F1: The County issues five year contracts and can extend at its discretion. Three of the six extensions were limited to six months or shorter not allowing the time needed for a Request for Proposal (18-24 months). Modifying boundaries of existing contracted EOA's would warrant for the complete bidding process of the contract. The Health and Safety Code 1797.224 states if the EOAs are amended, the entire contract must go out for bid.