

ORDINANCE NO. 2020-029

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE FOR THE SOLICITATION OF STRUCTURED PROPOSALS FOR AMBULANCE SERVICE, ESTABLISHING PROPOSAL SPECIFICATIONS AND ESTABLISHING THE REQUISITE PUBLIC HEARING."

WHEREAS, the Quorum Court recognizes the importance and need to adhere to the State of Arkansas statutory language and regulations, assure a competitive process between private businesses, and assure the best ground ambulance transportation service for the wellbeing of Cleburne County Residents and in effort to abide by A.C.A. 14-14-802(b)(1);

WHEREAS, the Quorum Court desires to advertise a solicitation for proposals that is well defined, and conclusive in what is expected from proposals; in an effort to abide by A.C.A. 14-14-802 and 14-266-102;

WHEREAS, the Quorum Court desires to assess the proposals based solely on the merits of the proposal;

WHEREAS, the Quorum Court desires to authorize the issuance of a ground ambulance transportation service franchise in accordance with A.C.A. 14-266-107; this Court directs the following:

NOW THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, ARKANSAS:

Section 1: AMBULANCE SERVICE SOLICITATIONS FOR PROPOSALS AND DEFINITIONS FOR PRINT

An invitation and solicitation to present a proposal in a specific format, for ambulance service for Cleburne County, shall be advertised twice, 7 days apart, in the paper of popular, general and local circulation. Advertising to start immediately upon passage of this Ordinance and for the next available issue for which print deadline can be met. The content shall read as follows:

"The proposal shall consist only of content specifically and within the parameters of the specifications retained herein and be submitted in person, three (3) copies in sealed envelopes of the applicant's response to the request for proposal, to the Cleburne County Clerk no later than twelve noon on December 30th, 2020. The Cleburne County Clerk shall then immediately unseal and disseminate the proposals to the Justices of the Peace in the manner normally utilized for dissemination of pre-meeting information."

A. Proposal Specifications: To any and all interested and qualified parties.

1. The Cleburne County Quorum Court is requesting proposals be submitted from a licensed ground ambulance transportation service doing business in the State of Arkansas, that will provide a modern, highly qualified, experienced and responsible emergency medical services entity which provides certified, licensed emergency medical services personnel, and a fully functional emergency and nonemergency ground ambulance transportation for operation in Cleburne County, Arkansas.
2. Therefore, pursuant to the declaration of the General Assembly of the State of Arkansas found in A.C.A 14-266-102, which provides that a qualified emergency medical/EMS and ground ambulance transportation service may be regulated at the local level, Cleburne County is soliciting proposals to consider offering an exclusive five (5) year EMS franchise to a qualified ground ambulance transportation service provider that submits a successful proposal based upon the specifications herein.

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3. When determining rates to be charged, the Court will not only consider the rates, but the quality of the service to be provided, the quantity and quality of the equipment that is provided, the level of service given, the quality of EMTs/paramedics and any other personnel to be provided, the staffing to be provided, and the effective personnel practices.
4. The service area includes all of Cleburne County, less the incorporated area of Heber Springs. A Mutual Aid Agreement should be completed between the successful ground ambulance transportation provider and the current Heber Springs franchise ground ambulance transportation provider.
5. Volunteer BLS (Basic Life Support) services in the County shall be allowed to continue operating within their individual service areas. Mutual Aid Agreements may be completed between the successful ground ambulance transportation provider and the volunteer BLS ground transportation service provider.
6. No franchise shall be granted to any provider who does not provide certified and licensed (by the Arkansas Health Department) paramedic services as part of or all of its ground ambulance transportation service.
7. The successful ground ambulance transportation service provider shall locate the ambulance operations in Cleburne County, Arkansas.
8. Those parties interested in the award of an exclusive franchise to provide the emergency medical services and ambulance services to the area specified above must prepare a written proposal that contains a statement of full compliance with all Arkansas law, regulations, and specifications enclosed herewith. No applicant will be accepted unless the applicant is licensed by the State of Arkansas and an ALS service provider. No variances will be allowed.

B. Definitions:

1. **Ambulance:** means any ground motor vehicle that is constructed or equipped for and intended to be used for ground transportation of a person because of a medical reason including but not limited to an injury, illness, disability, or other medical related reason.
2. **Ambulance Business:** means any Arkansas State Licensed, for profit or nonprofit business entity, or business engaged in the business of transportation of persons for medical reasons.
3. **Ambulance Operator:** means any person who, as owner, agent or otherwise, furnishes or operates, advertises, or otherwise professes to be engaged in the business of furnishing or operating ground ambulance transportation services in providing the ancillary and necessary emergency medical services or ground ambulance transportation service.
4. **Operation:** means the receiving, picking up, or embarking from within the service area of a sick or injured person, or for other reason indicating the need to obtain emergency or nonemergency medical treatment, any person for transportation to any other point wherever located including any healthcare facility.
5. **Person:** means the individuals either male or female, partnerships, firms, corporations (whether non-profit or for profit) and associations of every kind and their agents, servants, or employees.

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6. **Service Area**: means all of Cleburne County, excluding the incorporated area of Heber Springs.

C. The content of the proposal shall include:

1. Provide the trade name, if any, under which business will be conducted; or, if a corporation, provide a copy of Articles of Incorporation, certificate of good standing issued by the Arkansas Secretary of State, address of the principal place of business, list of principal officers; or, if a partnership, association or unincorporated company, the names of the partners or the persons comprising such association or company, and the business of each partner or person. NOTE: No elected officials or employees of Cleburne County or of any city within said County may be a member of the board of the ground ambulance transportation services provider or ownership.
2. Provide the State of Arkansas ground ambulance license number and copy of the license.
3. List experience and the number of years your company has operated as a ground ambulance provider.
4. List six (6) references to whom you have provided ground ambulance transportation services and who are willing to appear at the Quorum Court meeting for authentication and testimony, in as much as they are willing, and it does not violate HIPA.
5. Include a statement of financial stability from a federally insured financial institution.
6. Provide a copy of recent company credit report.
7. List all Directors and Owners of the applying entity that have ever been part of any other medical franchise, operation, entity or otherwise had interest in any medical business that has resulted in a bankruptcy filing and if so the current status of that bankruptcy.
8. Provide any documents concerning complaints filed with the Arkansas Department of Health based on the ground ambulance transportation services provided by your business.
9. Include a statement of acknowledgement that if awarded the franchise the ambulance business will maintain all certifications mandated by Arkansas law and notify the Cleburne County Quorum Court in the event any certification should no longer be valid.
10. List memberships in medical and or ambulance associations and any efforts sought to get the ambulance service accredited.
11. List locations in which the ambulance business intends to maintain a base and procedures that will be exercised in the event all on duty-based ambulances are on calls and unavailable for response to a call. If backfill agreements are included then attach a copy of the agreement and make a statement of willingness to recognize and operate under emergency.
12. Provide a copy of all operational policies and emergency response procedures.
13. Provide proof of liability insurance and willingness to name Cleburne County and participating cities within the County as additional insured for liability of \$1,000,000.00 per incident and \$2,000,000.00 per aggregate claim.

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Section 2: FINAL PRESENTATIONS AND PUBLIC HEARINGS

The Cleburne County Quorum Court will conduct a public meeting within 45 days of the final date for receiving proposals.

- A. The public meeting shall be held on January 14th, 2021 at 922 South 9th Street, Heber Springs, Arkansas, at 5:00P.M. Additionally, the public will be notified in any local publication of the date, time, and place of the public meeting.
- B. All those interested in providing public comments will be afforded three (3) minutes.
- C. Upon compliance with A.C.A. § 20-13-303, the Quorum Court, by subsequent ordinance, presented by the Ambulance Committee, may select and establish an ambulance franchise service for Cleburne County for a term of five (5) years, subject to renewal, and for as long as the ambulance service provides adequate, fair, and reliable service per the Arkansas Health Department regulations, ambulance industry equipment standards and good faith service to Cleburne County residents and businesses.

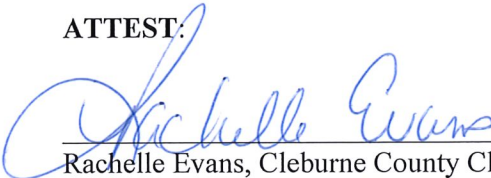
Section 3: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

EMERGENCY CLAUSE

The Quorum Court hereby finds and determines an immediate clarification of County policy is required to resolve the issue and protect the citizens of Cleburne County; therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the preservation of the public peace, health, and safety shall be in effect from and after its passage and approval.

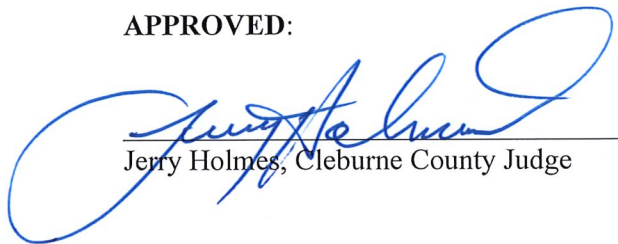
PASSED AND ADOPTED this 19th day of November 2020.

ATTEST:



Rachelle Evans, Cleburne County Clerk

APPROVED:



Jerry Holmes, Cleburne County Judge

Recorded: Book E Page(s) Ord 227-230