

ORDINANCE NO. 2022-03

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 ALS AMBULANCE SERVICE, ASSESSMENT OF STRUCTURED AMBULANCE SERVICE PROPOSALS AND PUBLIC HEARING AND SELECTION OF AMBULANCE SERVICE PROPOSAL AND AUTHORIZATION TO OFFER A COUNTY WIDE FRANCHISE FOR AMBULANCE SERVICE”.

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 proposal based solely on the merits of the proposal;

WHEREAS, the Quorum Court desires to authorize the issuance of an ALS 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 ALS 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 February 28th, 2022. 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 an ambulance transportation service in the State of Arkansas, that will provide a modern, highly qualified, experienced, and responsible emergency medical services entity which will provide 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 will now offer an Advanced Life Support EMS franchise to a qualified ground ambulance transportation service provider that submits a successful proposal based upon the specifications herein.
3. The Final Contract, if one is awarded, will contain a termination clause allowing either party to terminate this agreement with ninety (90) days’ written notice to the other party.

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4. The Quorum Court will not only consider the standard rates charged by the ambulance service, 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. Said rates are to be reviewed and approved annually by the Quorum Court.
5. The service area includes all of Cleburne County, less the incorporated area of Heber Springs or other covered service areas. Upon request, interested parties will be provided with maps and descriptions of Service Areas.
6. Cleburne County will provide, at no cost to the Contractor, adequate housing for at least one fully staffed ambulance within each Service Area. Said housing locations are at the full discretion of Cleburne County. Service Areas A and B housing locations will serve as Base of Operations. County shall be responsible for monthly utilities charge, specifically limited to electric, water, gas, and telephone, at said housing locations.
7. Volunteer BLS (Basic Life Support) services in the County shall be allowed to continue operating within their individual service areas. Mutual Aid Agreements between the successful ground ambulance transportation provider and the volunteer BLS ground transportation service provider are encouraged.
8. Before any franchise shall be granted to any Contractor, the Contractor must provide proof of certified and licensed (by the Arkansas Health Department) paramedic services as part of or all of its ground ambulance transportation service.
9. The Contract/Agreement term is five years, with opportunity to extend an additional five years, if both parties agree. Any Contract or Agreement is EXCLUSIVE with Cleburne County.
10. Those parties interested in the award of an franchise to provide the emergency medical services and ambulance services to the areas specified above must prepare a written proposal that contains a statement of full compliance with all Arkansas law, regulations, and specifications enclosed herewith. 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 the incorporated area of Heber Springs is not included within the Service Areas or the covered service areas. Interested parties may request maps and descriptions of the Service Areas.
7. **Contractor:** means the Company or Business that is awarded the Ambulance Service Franchise.

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 official of Cleburne County may be an employee of or a member of the board of the ground ambulance transportation services provider.
2. If possible, please provide the State of Arkansas ground ambulance license number and copy of the license. If license has yet to be awarded, then please provide proof of the application or submit a letter of intent indicating that you intend to apply for a State of Arkansas ambulance license.
3. List experience and the number of years your company has operated as a ground ambulance provider.
4. If possible, 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. If possible, provide a copy of recent company credit report.
7. List all Directors or 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. If backfill agreements with ambulances outside of Cleburne County have been approved, or are anticipated, please attach a copy of the agreement and make a statement of willingness to recognize and operate under emergency conditions.
12. Please be prepared to provide a copy of all operational policies upon request.

Section 2.

FINAL PRESENTATIONS AND PUBLIC HEARINGS

The Cleburne County Quorum Court will conduct a public meeting within 30 days of receiving proposals.

- A. 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.

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Section 3.

AUTHORIZATION TO OFFER A COUNTY WIDE FRANCHISE FOR AMBULANCE SERVICE

- A. An Ordinance, presented by the Ambulance Committee, may establish an ambulance franchise service for Cleburne County for a term of five (5) years 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.
- B. The Cleburne County Judge, upon completion of the requirements of this Ordinance, may offer a five (5) year franchise to the selected ambulance service as prepared by the County Attorney.
- C. The County specifically reserves the right to reject all bids under this request, and the County wants all persons or companies to understand that submitting a bid in no way guarantees that a contract will be awarded.

Section 4. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

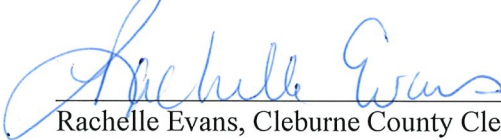
EMERGENCY CLAUSE

The Quorum Court hereby finds and determines an immediate clarification of County policy is required to resolve the issue and protect the citizens of the Cleburne County Government; 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 13th day of January 2022.

ATTEST:

APPROVED:



 Rachelle Evans, Cleburne County Clerk



 Karl Martin, Cleburne County Judge

Recorded: Book E Page(s) ORD 314 - 317