

## **Purchasing Director Ray Hill's July 26th Response to the Latest Lifeguard Ambulance Bid Protest**

RE: Protest RFP 2016-M

*(formatted for the web – emphasis added by the Observer)*

Dear Mr. Jovanovich

I have reviewed the formal protest filed on July 22, 2016. Below are the points you raised followed by my response:

**1. You contend that the County was without authority to re-solicit proposals for countywide ambulance service until the litigation related to the prior solicitation, RFP #2016-A, was resolved.**

This issue is currently pending before the Circuit Court. The County's position on this matter is set forth in its Response to the Petition for Writ of Certiorari.

**2. You contend that the specifications are contrary to competition, arbitrary or capricious. Specifically, you allege that the RFP specifications are vague, contain subjective criteria and are inherently arbitrary or capricious.**

I find your assertions are without merit for the following reasons:

This is a RFP not a bid. The specifications and criteria to be applied in evaluating the RFP are very clear and each criterion is accompanied by a range of score to be applied. Each member of the RFP evaluation committee will each bring their own unique view, based on individual experience and knowledge, and apply a score that reflects his/her judgment of the proposal as it is reviewed. Such subjectivity is neither arbitrary nor capricious. The individual score sheet is used to determine a ranking order. The ranking order is then used to tabulate a final ranking. An individual's judgment of the material in the proposal is their judgment and is subjective. It would be equally appropriate to rank each of the criteria in a sequential order as it is to assign point values.

Contrary to your assertions, the County's scoring process and criteria is based on logic and reason. The criteria for ranking the RFP were established using knowledge gained from our experience in our current contract, areas of concern expressed by our citizens, and were not developed to favor any particular vendor.

As stated in the RFP, the County desires to have county-wide ambulance services provided at no cost to the County and at a reasonable cost to consumers. To that end, "cost to county" was removed from the evaluation criteria and extra points were reallocated to "quality of insurance networks." Furthermore, the private insurance companies listed in the sample contract attached to the RFP are the primary insurance carriers most prevalent in Columbia County.

In your letter, you state that "Accreditation" was made the least important criterion in the RFP despite direction from the Board to have the RFP focus on

quality of services and that such decision by the County is illogical. The criterion for "Accreditation" remained unchanged from the earlier RFP. However, additional points were allocated to the "Ability to provide desired level of and quality of service."

You further contend the County failed to involve the medical director in development of the RFP specifications despite clear direction from the Board to do so. Although a suggestion was made by one Commissioner that the Medical Director be involved in the process, there has been no direction from the Board, as a whole, to do so. However, County staff did reach out to the Medical Director while preparing the RFP, but he was unavailable to assist due to a scheduling conflict.

**3. You contend the County's evaluation of the proposals was fundamentally flawed, rendering the proposed contract award arbitrary, capricious and contrary to completion and contrary to law. Specifically, you allege the evaluation committee members scored the proposals inconsistently and incorrectly.**

I find your assertions are without merit.

As has previously been discussed, evaluators assign scores based on their own individual review of each proposal. The research that each member of the committee performs may vary. References contacted may respond differently to the questions that are asked. Logically, each committee member will rank based on their own understanding and based on the information they are able to obtain. Further, you contend that Century overstated their experience and personnel, but provide no supporting information. I do not feel that Lifeguard is in a position to fairly rate the qualifications of any other respondent's personnel nor to render judgment on how much investigation was performed by the evaluation committee members.

**4. You contend that rejection of all proposals submitted in response to RFP 2016-M would be in the best interest of Columbia County and its residents.**

Again, I find your statement to be without merit.

The Board previously rejected all responses to RFP 2016-A and therefore, the County cannot rely on the terms of any proposals it received in response to RFP 2016-A. Further, because this is an RFP and not a bid, any dollar amounts included in a proposal are subject to negotiation and are not final.

For the foregoing reasons and to protect the health, safety, and welfare of Columbia County and its residents, I recommend that the County award the contract to Century Ambulance. Per our purchasing policy, you have five (5) business days to appeal this decision. Should you wish to do so, please send that appeal to Ben Scott, County, Manager, 135 NE Hernando Ave., Lake City, FL 32055.