



**VIA ELECTRONIC MAIL  
AND HAND-DELIVERY**

August 23, 2019

Izabela Podlecki  
Contracts Specialist  
30 S. Nevada Avenue, Suite 201  
Colorado Springs, CO 80903  
[Izabela.podlecki@coloradosprings.gov](mailto:Izabela.podlecki@coloradosprings.gov)

City of Colorado Springs  
City Administration Building  
30 S. Nevada Avenue, Suite 201  
Colorado Springs, CO 80903

**RE: Protest of Award for Request for Proposal Services R19-003 IP for Ambulance Services (“RFP”)**

Dear Ms. Podlecki:

Respectfully, this serves as our protest of the City’s award dated August 16, 2019 to Falck (“Award”). **Exhibit A**. American Medical Response of Colorado, Inc. (“AMR”) timely files this within seven (7) days under Section 4-105 of the Procurement Rules and Regulations (“Procurement Rules”). AMR files its protest based on the grounds that the award process was completed in a manner inconsistent with the requirements, and specifications of the RFP and the City’s Procurement Rules, resulting in AMR being displaced from receiving the award. AMR is a directly aggrieved party as defined by Section 4-105.1.

On August 19, 2019, AMR submitted a Colorado Open Records Request Act (“CORA”) request for records that support the City’s basis for the Award. *See* **Exhibit B**. The City refused to produce any records and did not provide any statutory exceptions for its denial of AMR’s CORA request. *See* C.R.S. §24-72-204.

**From:** [CORA](#)  
**To:** [Landen, Walt](#)  
**Subject:** EXT: RFP R19-03-IP, Ambulance Service ISSUE=4328 PROJ=63  
**Date:** Tuesday, August 20, 2019 1:11:11 PM

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When replying, type your text above this line.

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Dear Walt Landen,

Your CORA request is now completed. If you have any questions, please do not hesitate to contact the City's Communications Office.

Response to Request:

A search of City files located records responsive to your request. However, under the City of Colorado Springs Procurement Rules and Regulations (specifically 3-312), a list of the offerors and their proposals shall be made available for public inspection after contract award to avoid an unfair competitive advantage. At this point in the RFP process the City is unable to release the records you have requested.

Original Request:

*Entered on 08/19/2019 at 16:43:12 MDT (GMT-0600) by Tiffany Henry:*

The City's decision to withhold production of CORA records that form the basis for its Award creates a material flaw in the RFP process as bidders only have seven (7) days from the Award to protest the Award. See **Exhibit C** Email from I. Podlecki dated August 19, 2019. The flaw undermines the City's stated purposes for its Procurement Rules: "The Regulations are meant to encourage effective competition to the maximum extent practicable and to ensure that expenditures are carried out in a prudent, ethical, and efficient manner. The Regulations are also designed to assure a procurement system of quality, integrity and accountability." See Procurement Rules, Section 1-100. Without the "why" for the Award decision, bidders and, more importantly, the public are not in position to gauge quality, integrity and accountability or to know if there were:

- mistakes in the process;
- cavalier bids that a bidder cannot operationalize or financially sustain;
- improper offers of remuneration;
- bidders that did not meet minimum credentials and experience;
- conflicts of interest or bias, e.g., a bidder (or employees of the bidder) being an evaluator or an evaluator being a reference for a bidder; and/or
- tabulation errors in the scoring.

This flaw, which may be innocent or oversight, is inconsistent with transparency and sunshine in government. We request the City produce the CORA records immediately to assuage and comfort its citizens that the Award on life-saving ambulance services was the right decision. Displacing a forty (40) year provider of clinically excellent services is a decision that should bear much openness and scrutiny.

In consideration of the above, we request that the protest period be extended until seven (7) days after the CORA records are produced. We further request that our debriefing under Section 1.12

of the RFP be extended until seven (7) days after the CORA records are produced and occur before the extended period for the protest filing.

In the event the City denies the extension of the protest period, this letter serves as our preliminary protest and our request for an immediate debriefing. We reserve the right to supplement this and provide additional information as it becomes available. We reserve all other rights and remedies including, rights we may have under CORA.

Sincerely,

**AMERICAN MEDICAL  
RESPONSE OF COLORADO, INC.**

DocuSigned by:  
  
C295F88152484C2...

Steven Dralle - South Region President  
Steven.dralle@amr.net  
1.817.247.6224

Cc: Scott Lenn, AMR  
Law Department, AMR

## EXHIBIT A



### PROCUREMENT SERVICES DEPARTMENT

August 16, 2019

Via email: [Scott.lenn@amr.net](mailto:Scott.lenn@amr.net)

AMR of Colorado  
Attn: Scott Lenn  
2370 N. Powers Blvd  
Colorado Springs, CO 80915

SUBJECT: RFP R19-003 IP, Ambulance Services

Dear Mr. Lenn:

Thank you for your submittal to the RFP for "Ambulance Services". An evaluation committee evaluated each of the proposals received using the specified evaluation criteria stated in the RFP.

The evaluation process was extremely competitive as evident by the quality of the firms that submitted proposals for this solicitation. Unfortunately, your firm was not the final selection of the evaluation committee. Based on the overall evaluation process incorporating all evaluation criteria the City has selected Falck Rocky Mountain and will now move forward with contract negotiations. The City reserves the right to move to the second highest ranked firm (AMR of Colorado) if final contract particulars cannot be negotiated.

The names of the companies we received proposals from are listed below.

- AMR of Colorado
- CSFD Insource Proposal
- Falck Rocky Mountain
- PatientCare EMS
- Priority Ambulance

Please be reminded that Blackout Period is still in effect and will end "when the contract is awarded and all conditions precedent to the notice to proceed have been met" (RFP R19-003 IP, Section I, Subsection 1.23 Blackout Period).

The City of Colorado Springs Procurement Division and the Colorado Springs Fire Department sincerely appreciate your participation in this competitive process.

If you have any questions, please contact me at (719) 385-5287 or [ipodlecki@springsgov.com](mailto:ipodlecki@springsgov.com).

Sincerely,

Izabela Podlecki  
Sr. Contracts Specialist

C: file

## EXHIBIT B

**From:** [CORA](#)  
**To:** [Landen, Walt](#)  
**Subject:** EXT: RFP R19-03-IP, Ambulance Service ISSUE=4328 PROJ=63  
**Date:** Tuesday, August 20, 2019 1:11:11 PM

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When replying, type your text above this line.

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Dear Walt Landen,

Your CORA request is now completed. If you have any questions, please do not hesitate to contact the City's Communications Office.

Response to Request:

A search of City files located records responsive to your request. However, under the City of Colorado Springs Procurement Rules and Regulations (specifically 3-312), a list of the offerors and their proposals shall be made available for public inspection after contract award to avoid an unfair competitive advantage. At this point in the RFP process the City is unable to release the records you have requested.

Original Request:

*Entered on 08/19/2019 at 16:43:12 MDT (GMT-0600) by Tiffany Henry:*

American Medical Response of Colorado, Inc. ("AMR") is in receipt of the attached letter regarding RFP R19-003-IP, Ambulance Services ("RFP"). Please consider this email as AMR's request under the Colorado Open Records Act for the following records. Records mean any records no matter how produced or retained, including but not limited to, correspondence, memoranda, internal memoranda, policies, procedures, protocols, resolutions, meeting minutes, notes, letters, phone records, calendars, emails, text messages, spreadsheets, and any electronic record of any kind.

1. All records submitted by Falck in response to the RFP. This includes, but is not limited to, the proposal and any addenda or amendments to the proposal and any presentations submitted by Falck.
2. All records submitted by the Colorado Springs Fire Department in response to the RFP. This includes, but is not limited to, the proposal and any addenda or amendments to the proposal and any presentations submitted by the Colorado Springs Fire Department.
3. All records submitted by Priority Ambulance in response to the RFP. This includes, but is not limited to, the proposal and any addenda or amendments to the proposal and any presentations submitted by Priority Ambulance.
4. All records submitted by the PatientCare EMS in response to the RFP. This includes, but is not limited to, the proposal and any addenda or amendments to the proposal and any presentations submitted by PatientCare EMS.
5. All records related to reference checks performed by the City for any bidder.

6. Any and all records that identify scoring of the City, the City Selection Committee and/or any other individual that evaluated the proposals submitted in response to the RFP. If there was more than one review or evaluation phase, all of the foregoing request applies to each review or phase.
7. Any other records that refer to or evidence the City Selection Committee's decision to recommend Falck to the City for award of the RFP.
8. Any and all records that show the City conducted a financial sustainability evaluation of the RFP and/or proposals.

Please provide the requested records by August 21, 2019 as we need these records timely to file any protest to the selection of Falck under the RFP. Please let us know when the records are available for review and the site or sites at which they can be reviewed. We may bring a copy service. Additionally, please confirm the date to file any protest to the RFP selection. Our understanding from the RFP is that the date to file any protest is close of business August 23, 2019.

City of Colorado Springs  
Communications Office

## EXHIBIT C

**From:** [Podlecki, Izabela](#)  
**To:** [Landen, Walt](#)  
**Cc:** [Lenn, Scott](#)  
**Subject:** EXT: RE: EXT: RFP R19-03-IP, Ambulance Service ISSUE=4328 PROJ=63  
**Date:** Tuesday, August 20, 2019 8:00:39 AM

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Good morning,

Yes you are correct. The date of August 23<sup>rd</sup> COB is the final date to file the protest.

**Izabela Podlecki**

Sr. Contracting Specialist

City of Colorado Springs

(719) 385-5287 office

[izabela.podlecki@coloradosprings.gov](mailto:izabela.podlecki@coloradosprings.gov)



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**From:** Landen, Walt [mailto:Walt.Landen@amr.net]  
**Sent:** Monday, August 19, 2019 5:07 PM  
**To:** Podlecki, Izabela <Izabela.Podlecki@coloradosprings.gov>  
**Cc:** Lenn, Scott <Scott.Lenn@amr.net>  
**Subject:** FW: EXT: RFP R19-03-IP, Ambulance Service ISSUE=4328 PROJ=63

**CAUTION! - External Email. Malware is most commonly spread through unknown email attachments and links. DO NOT open attachments or click links from unknown senders or unexpected email!**

Ms. Podlecki,

Thank you for acknowledging receipt of our CORA request. As set forth below, please confirm the date to file any protest to the RFP selection. Our understanding from the RFP is that the date to file any protest is close of business August 23, 2019. Thanks.

Sincerely,

Walt Landen

American Medical Response

Deputy General Counsel

6363 S. Fiddlers Green Circle, Suite 1500 | Greenwood Village, CO 80230

W: 303.495.1283