



Issued via Email to: steven.dralle@amr.net

September 5, 2019

Mr. Steven Dralle
American Medical Response
6363 S. Fiddlers Green Circle Suite 1400
Greenwood Village, CO 80111

SUBJECT: Response to AMR Protest Letter dated August 23, 2019 R19-003 IP Ambulance Services

Dear Mr. Dralle:

The City of Colorado Springs ("City") has reviewed your protest of award in accordance with the City's Procurement Rules and Regulations ("Rule(s)"). As Procurement Services Manager, I have reviewed each of your objections to the award and have responded to each below.

YOUR STATED OBJECTION:

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 Rule 4-105.1.

CITY'S RESPONSE:

The City recognizes that AMR has standing as a directly aggrieved party as defined in 4-105.1 to file this protest. The City has followed the RFP and Rules that AMR agreed to be bound by in responding to R19-003 IP. This procurement was conducted in the manner as outlined the RFP, and specifically, in sections 3.3 and 3.4 of the RFP in sections titled "Technical and Evaluation Committees" and "Award" respectively.

YOUR STATED OBJECTION:

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... 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.

CITY’S RESPONSE:

This protest is not the appropriate venue for addressing CORA concerns so this response will be limited to items appropriate for the Protest process. However, the information requested in AMR’s CORA will become available after contract execution as outlined in Rule 3-311 Receipt of Proposals and in Rule 3-313.1 Disclosure of Information after Receipt of Proposals.

All Proposals were reviewed for responsiveness and responsibility per Rule Section 4-100 Standards of Responsibility including screening Offerors of the following:

- a) the appropriate financial, material, equipment, facility, and personnel resources and expertise (or the ability to obtain them) necessary to meet all contractual requirements;
- b) a satisfactory record of past performance, including conduct and cooperation; and
- c) a satisfactory record of integrity.

The City complied with the evaluation as outlined in Rule 3-304.1 Evaluation of Proposals. Information regarding organizational background was requested of Offerors in the RFP (Section II subsection 2.4, Organizational Background and Overview and in Section 2.7 Qualifications and Experience). All Offerors provided this information. An Evaluation Selection Committee was convened and charged with evaluating all proposals in accordance with the Rules and the RFP. During evaluation, Evaluators were provided with the entire proposal, a score sheet, an integrity certification, and directions to confine their evaluations to what was contained within the proposal. They met at Proposal Evaluation meetings during which the Evaluators were free to openly discuss their assessments of the proposals and a final ranking was determined. At least some of the Proposal Evaluation meetings took place after the Offeror interviews.

YOUR STATED OBJECTION:

We request that the protest period be extended until seven (7) days after the CORA records are produced.

CITY’S RESPONSE:

Per the Rules 4-105, Protests may be submitted at any time prior to Award; however, a protest of an Award must be received no later than seven (7) Days after the City delivers Notice of Intent of Award. Therefore, we are unable to extend the protest period.

YOUR STATED OBJECTION:

We further request that our debriefing under Section 1.1 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.

CITY'S RESPONSE:

Under Rule 3-316, the City will consider this portion of your protest as a written request for a debrief which the City will provide within 30 days after issuance of the Notice of Award. As discussed above, the City anticipates that the documents AMR has requested would be available to AMR after the Notice of Award.

Please be advised that this letter concludes the protest process at my level. You have the right to appeal my written decision (under Rule 4-105.5) to the Office of the Mayor.

Sincerely,



Nicole Spindler

Procurement Services Manager

719/385-5265

Nicole.Spindler@coloradosprings.gov

Cc: file