



# COUNTY OF ORANGE HEALTH CARE AGENCY

ADMINISTRATIVE SERVICES  
CONTRACT SERVICES

**MARK A. REFOWITZ**  
DIRECTOR

**RICHARD SANCHEZ**  
ASSISTANT DIRECTOR

**ANNA PETERS**  
DIRECTOR  
ADMINISTRATIVE SERVICES

**SUSIE KIM, J.D.**  
DIVISION MANAGER  
CONTRACT SERVICES

MAILING ADDRESS:  
405 W. 5<sup>TH</sup> STREET, SUITE 600  
SANTA ANA, CA 92701

TELEPHONE: (714) 834-5809  
FAX: (714) 834-4450  
E-MAIL: skim@ochca.com

## 9-1-1 Emergency Ambulance Transportation Services CONFLICT OF INTEREST STATEMENT FOR PROPOSAL EVALUATION COMMITTEE MEMBER

As a member of the Proposal Evaluation Committee selected to evaluate proposals submitted to the County of Orange and received herewith, I hereby certify and understand that I am considered a public official with regards to the provisions of Sections 87100 and 87103 of the California Government Code attached hereto. I also certify that I do not have or represent any conflict of interest as defined under Sections 87100 and 87103 of the California Government Code and set forth in the attached County of Orange 2012 Contract Policy Manual Section 2.1 entitled Ethics in Public Contracting, with any of the bidders responding to the above referenced solicitation.

### Responsive Bidders

1.	Doctor's Ambulance Service
2.	Shoreline Ambulance Company, LLC
3.	Lynch EMS Ambulance
4.	Care Ambulance Service, Inc.
5.	Westmed Ambulance, Inc. dba McCormick Ambulance
6.	AmeriCare Ambulance Service
7.	Emergency Ambulance Service, Inc.

I understand and acknowledge that only information presented in response to the 9-1-1 Emergency Ambulance Transportation Services Request for Proposals can be considered in the evaluation process.

### **Non-Disclosure**

In order to assure the procurement process is conducted in a fair, impartial and appropriate manner, I agree to adhere to the following Proposal Evaluation Committee guidelines:

1. Do not disclose any confidential or trade information and/or other information provided by bidders to any other bidders or individuals outside the Proposal Evaluation Committee.
2. Do not disclose the evaluation process to any individual not participating in the evaluation proceedings or any individuals otherwise not legally entitled to such information, e.g., your manager or co-worker, friend or family member, committee or board member.
3. Report to the committee facilitator, any inquiries received or attempts to obtain information by any individual not participating in the evaluation proceedings, and any allegations indicating possible disclosure of information relating to the evaluation proceedings.
4. If interviews and/or site visits with bidders are required, do not:
  - a. Discuss the proposal of any other bidder;
  - b. Reveal proprietary or proposal information of any other bidder;
  - c. Disclose opinions of any committee members; and
  - d. Prejudice subsequent negotiations by making comments endorsing a specific technique or pricing feature.

By signing the attestation below, you are certifying, under penalty of perjury, that you have no financial or other conflict of interest with a bidder(s) or the proposal evaluation committee process. All known or potential conflicts of interest must be disclosed at this time.

PRINT NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

## CONFLICT OF INTEREST

The State of California Government Code addresses conflicts of interest as follows:

- Section 87100: “No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.”
- Section 87103: “An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or member of his or her immediate family, or on:
  1. Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more.
  2. Any real property in which public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.
  3. Any source of income, other than gifts or other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised or to the public official within twelve months prior to the time when the decision is made.
  4. Any business entity in which the public official is a director, officer, partners, trustee, employee, or holds any position of management.
  5. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within twelve months prior to the time when the decision is made.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a ten percent interest or greater.

Additional conflicts of interest may include:

Yourself, a spouse, significant other, or dependent child that is currently employed with a bidder, or has been employed with a bidder within the past 3 years. An employee is defined as a full time, part time, extra help, volunteer, or consultant.

## SECTION 2.1 ETHICS IN PUBLIC CONTRACTING

### **§2.1-101 Policy**

(1) Public employment is a public trust. Public employees must discharge their duties impartially to assure fair, competitive access to government procurement by responsible contractors. Moreover, they shall conduct themselves in such a manner as to foster public confidence in the integrity of the County procurement process. Additional guidelines may be found in the County's Procurement Ethics Manual maintained by the Office of the County Purchasing Agent.

### **§2.1-102 "Arm's Length" Principle**

(1) All procurements must be "arm's-length" transactions; meaning that the parties to a transaction have no conflict of interest in the transaction. Arm's length transactions create an equitable agreement that will stand up to legal scrutiny.

### **§2.1-103 General Standards of Ethical Conduct**

(1) Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of public trust.

(2) Title 1, Article 2, Division 3 of the Codified Ordinances of the County of Orange prohibits the donation and receipt of gifts to public officials. This article is referred to as the Orange County Gift Ban Ordinance. The Board of Supervisors has found that the receipt of gifts by public officials from persons who do business with the County erodes public confidence in the impartiality of decisions made by those officials.

(3) Violation of the Orange County Gift Ban Ordinance may constitute a misdemeanor, and any employee found in violation shall be subject to discipline, including, in appropriate cases, termination of employment.

(4) To the extent that violations of the ethical standards of conduct constitute violations of the state of California Government Code, they shall be punishable as provided therein. Such sanctions shall be in addition to any other remedies which the County may pursue in its interest.

(5) The Code of Ethics and Commitment to County Public Service adopted by the Board of Supervisors states, "A public official or employee shall not meet or confer with a former County official or employee who is acting as a lobbyist within one year following termination of the former official or employee from County employment."

### **§2.1-104 Conflict of Interest**

(1) The State of California Government Code addresses conflicts of interest as follows:

a) Section 87100: "No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

- b) Section 87103: “An official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or member of his or her immediate family, or on:
- i. Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more.
  - ii. Any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.
  - iii. Any source of income, other than gifts or other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the public official within twelve months prior to the time when the decision is made.
  - iv. Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.
  - v. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within twelve months prior to the time when the decision is made.
  - vi. For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public official, or by a business entity or trust in which the official, the official’s agents, spouse, and dependent children own directly, indirectly, or beneficially a ten percent interest or greater.”
- c) Section 1090: “Members of the legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.
- d) As used in this Section, ‘district’ means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.”
- e) Any employees who, in the course of their employment, make, or participate in the making of, decisions which may potentially have a material effect on a financial interest of the employees are deemed ‘designated employees’ and are required to complete a Statement of Economic Interests (Form 700) on an annual basis, when they assume employment with the County, and when they terminate employment with the County.
- f) Upon discovery of an actual or potential conflict of interest, an employee shall promptly file a written statement of disqualification with the County Purchasing Agent or appropriate Deputy Purchasing Agent and shall withdraw from further participation in the transaction involved. The employee may, at the same time, request through his

agency/department head an advisory opinion from County Counsel as to what further participation, if any, the employee may have in the transaction.

#### **§2.1-105 Restrictions on Employment of Present and Former Employees**

(1) A County public official or employee shall not meet or confer with a former County official or employee who is acting as a lobbyist within one year following termination of the former official or employee from County employment. Moreover, no County official or employee shall engage in any business, transaction or activity, or have a financial interest, which is in conflict with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

#### **§2.1-106 Use of Confidential Information**

(1) Confidential information is defined as that information which is available only because of one's status as a County employee. It shall be a breach of ethical standards for any employee or former employee to use confidential information for actual or anticipated personal gain or for the actual or anticipated personal gain of another person.

#### **§2.1-107 Purchase of Surplus Material and Equipment**

(1) For any employee who participates in the decision to put materials or equipment in surplus status, it shall be a breach of ethical standards for that employee or any members of that employee's immediate family to offer to purchase the same through sealed bid, auction, or any other manner, or request that acquisition be made on his or her behalf by another person or persons.

#### **§2.1-108 Auction Techniques**

(1) It shall be a breach of ethical standards for any employee to engage in the practice of bid auctioneering, a technique whereby one vendor is given the price offered by another vendor and asked to submit a lower bid. Bids offered by vendors will not be revealed to anyone until such time as all bids become public information.

#### **§2.1-109 Purchase for Personal Use**

(1) It shall be a breach of ethical standards for County employees to use the County's procurement personnel or facilities for personal transactions unless such transactions can be shown to be in the County's best economic interest.

#### **§2.1-110 Equal Opportunity**

(1) County employees shall ensure that all vendors receive an equal opportunity to do business with the County. This opportunity will be provided without regard to race, religion, sex, age, national origin, or physical disability.