



Financial Handbook for Emergency Medical Service Districts in Oklahoma



This is the first edition of the *Financial Handbook for Emergency Medical Service Districts in Oklahoma*.

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Subject Matter Specialists: *Audit Manager of the District Attorney/EMS Audit Division Melissa Laffoon; County Management Service Cheryl Wilson; EMS Supervisor Corey Armstrong; and Johnston County EMS Director Scott Kirby.*

Authors: *CTP Technical Writer Gloria Harmon and CTP Local Government Specialist Majenta Harper*

Directors: *Audit Manager of the District Attorney/EMS Audit Division Melissa Laffoon; County Management Service Cheryl Wilson; EMS Supervisor Corey Armstrong; and CTP Interim Manager Jean Hinkle*

Editor: *CTP Technical Writer Gloria Harmon*

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Photos:

Top (Right to Left): Muskogee County Emergency Medical Service District; Bryan County Emergency Medical Service District; Murray County Emergency Medical Service District

Bottom (Right to Left): Bryan County Emergency Medical Service District; Murray County Emergency Medical Service District; Johnston County Emergency Medical Service District.

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Introduction

How to Use this Manual

This is the first edition of the *Financial Handbook for Oklahoma 522 Emergency Medical Service Districts*.

This handbook is useful to 522 EMS district boards of trustees to aid them in performing their duties. It is a guide to the financial responsibilities and the statutory mandates for EMS districts. This manual is not meant to be all-inclusive but includes sufficient references and other sources to help supplement the information that is provided.

NOTE:

This handbook is a guide and source of reference for use in day-to-day job activities. It is not intended to be, nor should it be, used as a supplement to, or a replacement for, the Oklahoma Statutes, opinions of the state attorney general, Oklahoma court rules, and/or policies and procedures issued by the appropriate state agencies (Office of the State Auditor and Inspector (SA&I) and others).

Every effort has been made to incorporate the latest Oklahoma Statutes, opinions, and interpretations. In every instance where a statement in this handbook disagrees with an attorney general opinion, an interpretation of the statutes by a responsible state agency or district attorney, and/or procedure or policy issued by an appropriate state agency, those opinions, interpretations, procedures, and policies will take precedence over this handbook.

Technology

Internet Document

This handbook is an internet document and can be accessed through the SA&I website. The document can be downloaded onto computers, copied, or printed.

The printed copy will not have the interactive capabilities of the online document.

The interactive capability of the internet allows readers to link from one spot to another in the document. For example, the reader can click on a heading entry in the Table of Contents, and they will be linked directly to that heading in the handbook.

The statute references on the right-hand side of the pages are linked to the web. Readers can click on the statute references, and they will be linked directly to a complete version of that statute on the OSCN website.

Forms are shown in blue and clicking on that text will link readers to the actual form on the internet.

Readers can use the “search” feature on the webpage as an index to search for particular items they want to reference. Readers can also page through the handbook just as they would a printed copy. The handbook appears on the screen exactly as it will appear when printed.

Organization

This handbook contains information relating to the formation and dissolution of EMS districts, the statute-mandated financial responsibilities of EMS districts, and the SA&I recommended procedures for EMS districts.

Appendix A is a guide to using the Oklahoma Statutes.

Appendix B contains a list of related sources and their addresses and phone numbers. The information in Appendix B is provided for the reader’s convenience if they need to contact any of these agencies.

Oklahoma Statutes and Other References

Statute references are listed in a column at the far right-hand side of the page in blue. Each reference is situated so that it appears at the beginning of the material to which it applies.

If readers click on one of these references while using the online version, they will be linked directly to that reference on the OSCN website. In other words, if the reader clicks on a statute reference, they will be linked to the complete text of that statute.

Article references are from the Constitution of the State of Oklahoma. Oklahoma Statute (O.S.) references are from the Oklahoma Statutes.

This handbook is not intended to be a legal source to replace the Oklahoma Statutes. In many cases, the statutes are paraphrased or interpreted in simpler language. For exact and complete statutory information, the reader should refer to the actual statutes.

The Oklahoma Statutes can be accessed online through the Oklahoma Supreme Court Network (OSCN) website. For detailed instructions on using the Oklahoma Statutes, see Appendix A.

Forms

Since many forms are available online, not all forms are included in this handbook. Each time a form is mentioned, its source, such as the Office of the State Auditor and Inspector (SA&I), is given. In some cases, a link (in blue) is provided to the form or to the appropriate agency to obtain a sample of the form or information about it.

Questions and Comments

Every attempt has been made to provide a complete and accurate manual of best practices. For any questions, comments, or suggestions, please contact the Office of SA&I.

Telephone: (405) 521-3495

Fax: (405) 521-3426

Visit the [SA&I website](#) for more information.

Chapter One

Oversight Duties for Emergency Medical Service Districts

Duties of the Office of the State Auditor and Inspector

The State Auditor and Inspector (SA&I) shall conduct an annual audit of the operations of emergency medical service (EMS) districts.

*Oklahoma Constitution,
Article 10 § 9C(i)*

SA&I must advise EMS districts on procedural and technical matters relating to accounting and budget procedures.

19 O.S. § 1705

SA&I is empowered to enforce rules and regulations that remain consistent with the Emergency Medical Service District Budget Act. SA&I must also prescribe all budget forms, supporting schedule forms, and all other accounting stationery required.

19 O.S. § 1722

Due to SA&I's oversight responsibilities, SA&I elected to create this best practice manual to help EMS districts ensure proper financial operations.

Duties of the Board of County Commissioners

The board or boards of county commissioners (if a district encompasses more than one county) has the following responsibilities:

*Oklahoma Constitution,
Article 10 § 9C*

- Call an election for the formation of the EMS district
- Appoint at least five EMS board members
 - Members must live within the district and may not hold another office
- Instruct the EMS board to operate the district as a business

The county commissioners shall not act as EMS board members; they must allow the EMS board to make decisions.

Open Meeting and Open Records

Oklahoma follows the Open Meeting Act and the Open Records Act, both of which encourage and facilitate citizen understanding of governmental processes and problems.

25 O.S. § 302
51 O.S. § 24A.2

Open Meeting Act

All meetings of public bodies shall be held at specified times and places which are convenient to the public. These meetings shall be open to the public except as provided in the statutes.

25 O.S. § 303

Public bodies must provide advance notice for all meetings. This notice must specify the time and place of each meeting, as well as the matters to be discussed at the meeting.

Figure 1 provides a flowchart detailing the process for following the Open Meeting Act.

For more information on this act, refer to [Title 25, Chapter 8, Sections 301-314](#) of the Oklahoma Statutes.

Open Records Act

The purpose of this act is to ensure the public's right of access to government records so they may efficiently and intelligently exercise their inherent political power. The privacy interests of individuals are adequately protected in the specific exceptions to the Oklahoma Open Records Act.

51 O.S. § 24A.2

For more information on this act, refer to [Title 51, Sections 24A.1-24A.33](#) of the Oklahoma Statutes.

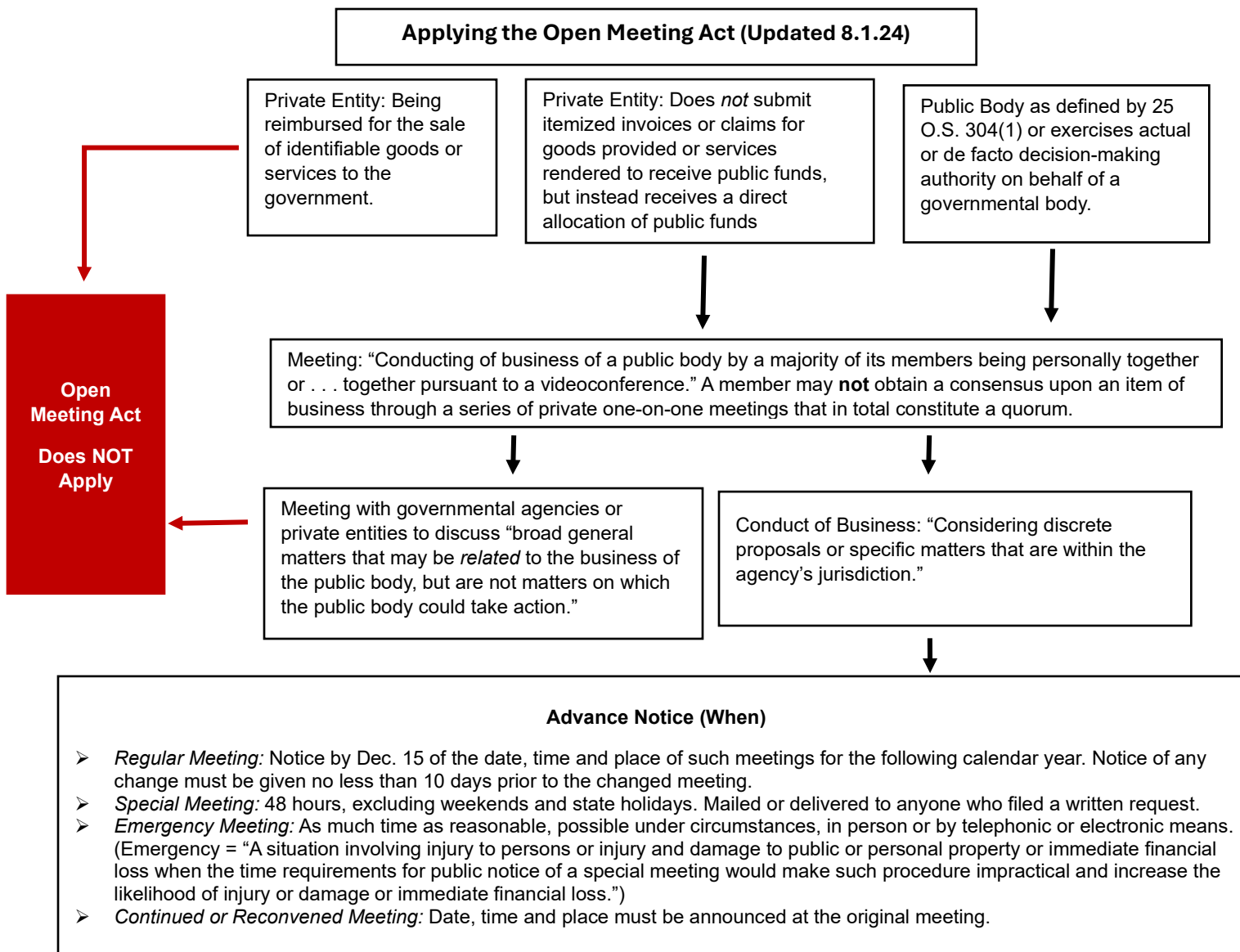


Figure 1-1. Open Meeting Act Chart

Advance Notice (Where)

- *Statewide Public Body*: Okla. Secretary of State
- *Multicounty, Regional, Area-wide or District*: County Clerk where the body is principally located. If no office, give notice “to the county clerk of the county or counties served.”
- *County*: County Clerk
- *Municipal*: City Clerk
- Public bodies with websites must post the date, time and place for *regular* meetings and must do so for *special* and *emergency* meetings “[w]hen reasonably possible.” The site also must include at least the names of the public body’s members.



Agenda

- *Regular and Special Meetings*: Excluding weekends and state holidays, post the agenda either:
 - In prominent public view at the principal office or at location of meeting if no office exists at least 24 full hours in advance; or
 - On the public body’s website and provide the agenda free via email no less than 24 hours in advance, as well as make the agenda “available to the public *in* the principal office of the public body or at the location of the meeting *during normal business hours* at least” 24 hours prior to the meeting.
 - Note: State public bodies, i.e., those with the state as beneficiary, must post agendas for *regular* meetings on their websites.
 - All public bodies must post agendas for *special* and *emergency* meetings online when reasonably possible.
- *Emergency Meeting*: As much time as reasonable, possible under circumstances, in person or by telephonic or electronic means.
- *Continued or Reconvened Meeting*: Only matters on the agenda of the original meeting may be discussed.
- ✓ Must include “the date, time, place” of the meeting as given in the advance notice.
- ✓ Must identify all items of business to be transacted – including discussed – by the public body at the meeting.
- ✓ Be worded in “plain language, directly stating the purpose of the meeting, in order to give the public actual notice. The language used should be simple, direct and comprehensible to a person of ordinary education and intelligence.”



New Business

- ✓ New Business must be an item on the agenda for the public body to discuss “any matter not known about or which could not have been reasonably foreseen prior to the time of posting.”
- ✓ Cannot be discussed at a *special* meeting or a *reconvened/continued* meeting.
- ✓ Executive sessions may be conducted under “new business” if the subject has legitimately arisen since the agenda was posted and is one of the topics permitted for an executive session.
- ✓ May vote on an item raised under new business if the item meets the definition of new business.

Figure 1-1. Open Meeting Act Chart Continued



Executive Sessions

- ✓ Must be noted on the agenda:
 - Identify the item of business *and* purpose of the executive session; *and*
 - State one of the 10 specific statutory authorizations for executive sessions.
- "Employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee."
 - Must include the name or the unique title of the person who is the subject of the discussion.
 - Cannot discuss the hiring of independent contractors, including those providing professional services.
- "Purchase or appraisal of real property."
 - Only when the public body is the purchaser of the real property, not when it is the seller.
 - Attendance is limited to "members of the public body, the attorney for the public body, and the immediate staff of the public body. No landowner, real estate salesperson, broker, developer, or any other person who may profit directly or indirectly by a proposed transaction concerning real property which is under consideration may be present or participate in the executive session."
- "Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest."
 - "'Pending claim' can refer to litigation or an administrative action which either presently exists or is merely potential or anticipated."
 - "May not close a meeting merely to get general legal advice from its attorney that does not meet the standard of serious impairment and injury to the public interest."
 - Must identify the specific investigation, claim or action to be discussed.
- "Conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business."
- ✓ May not vote during executive session. Any vote or action taken on an item considered in executive session must be publicly cast and recorded.
- ✓ Written minutes must be kept of executive session discussions.
 - Those minutes are confidential and "should be kept sealed and in a separate file from the minutes of the open session of the open meeting."
 - Willful violation of the OMA would cause the minutes and other records of the session, including tape recordings, "to be immediately made public."

Figure 1-1. Open Meeting Act Chart

Conduct of Meetings

- ✓ Robert's Rules of Order may apply when the Open Meeting Act is silent but cannot trump the statute's requirements or prohibitions.
- ✓ Each member's vote "must be publicly cast and recorded."
 - Must be physically present to vote. Cannot vote by mail or by proxy.
- ✓ Must keep written minutes of its meetings, including executive session discussions.
 - "An official summary of the proceedings showing clearly those members present and absent, all matters considered by the public body, and all actions taken by such public body."
 - "Written *summary* of the proceedings, not a word for word transcription."
 - Record when members of a public body are absent during portions of a meeting.
 - "Should be written in plain language that may be easily understood by a person with ordinary education and intelligence."
 - Minutes for an *emergency* meeting must include "the nature of the emergency and the proceedings occurring at such meeting, including reasons for declaring such emergency meeting."
 - Minutes for each public meeting must be open for public inspection.
- ✓ Anyone attending a public meeting may record the meeting by "videotape, audiotape or by any other method" as long as the recording does "not interfere with the conduct of the meeting."

Provided by Joey Senat, Ph.D., associate professor, OSU School of Media & Strategic Communications
405-744-8277 / joey.senat@okstate.edu / @joey_senat
Recommended Resource: www.foioklahoma.org

NOTE:

Figure 1-1 is a basic chart that does not include all types of meetings.

Figure 1-1. Open Meeting Act Chart

Duties of the Emergency Medical Service Board Director

EMS district employees, including the EMS director, have the responsibility to follow the instructions and advice of SA&I until relieved of this duty by law.

19 O.S. § 1705

The EMS district board, with the help of the EMS director, has the duty to produce and forward a financial statement of the district for the preceding fiscal year (ending June 30th). This statement must be sent to SA&I on or before the third Monday of July every year.

19 O.S. § 1706

The EMS director is responsible for the overall operation of the EMS district, administration, and clinical segments.

Whether the EMS board operates the EMS district itself or makes contractual arrangements with a community, hospital, or private provider, there should be an EMS director (director) appointed who will be responsible to the board and the people.

The director will be responsible for the fiscal aspects of the system. They must assist the 522 board in developing standard operating procedures, guidelines, and criteria to be met in the functioning of the 522 district. They should diligently pursue the collection of fees for services. They must be aware of all methods of payment for services rendered, particularly those involving third party reimbursement. The director should also consider an alternative of contracting with a billing service to pursue billing and collections.

The director should have a thorough knowledge of the EMS system and the components of which it is comprised. They should establish contact with the [EMS Division of the Oklahoma State Department of Health](#) and take full advantage of the technical assistance available.

Medical direction by physicians is required by law. Additional assistance from nurses and allied health professionals within the district is a key component of building an EMS system. Their expertise and cooperation will be invaluable in acquiring necessary involvement from public officials, civic leaders, and the district at large. The director should establish a good relationship with the medical community to ascertain their needs and solicit their participation in the system.

The director, who should be a licensed emergency medical technician (EMT), should be capable of responding to major incidents to serve as medical incident commander. If the director is not a licensed EMT, a senior EMT should be appointed to this important function.

Public education is a huge part of any EMS system. The public will need instruction in basic first aid and cardiopulmonary resuscitation. Most people will contact the EMS district to facilitate this training. If this training is available from the EMS district under the guidance of the [American Heart Association](#) or the [American Red Cross](#), it will provide substantial benefit to public relations.

Education is important for EMS districts. The director should be familiar with the educational resources available in or near the district. In some areas, EMS districts may appoint an in-house instructor to provide continuing education to EMTs. It is important to seek guidance from the EMS Division of the Oklahoma State Department of Health in this process.

In order for people to utilize the EMS district, they must know what it does and the reasons for its existence. This can be accomplished by stressing the district's goals and accomplishments through efficient medical relations.

In some cases, the district will be operated directly by the board of trustees (discussed in the next chapter) rather than through a contractual agreement for services. In this instance, the director should also become the personnel director responsible for selecting and hiring personnel, scheduling shifts, and handling personnel grievances. They should have authority from the board of trustees to deal with day-to-day personnel matters. This should include hiring and dismissal of employees coupled with an appeal process before the full board of trustees available to employees who feel they have been unjustly treated.

Contract EMS District

A contract EMS district will have responsibilities that will be listed in the contract between the EMS district and the provider.

EMS Director in an EMS District Operated by the EMS District Board

The director of an EMS district operated by the EMS district board has the following responsibilities:

- To submit to the board a plan of organization of personnel
- To prepare an annual budget showing the expected receipts and expenditures
- To oversee all physical properties and equipment (all equipment and properties must remain in operating condition and good repair)
- To supervise all business affairs such as records of financial transactions, collections, and the purchase and issue of supplies
- To ensure that all funds are collected and expended as directed by the board of trustees
- To submit, at each regular meeting, the financial records which must be approved by the board of trustees
- To attend all meetings of the board of trustees
- To recommend personnel decisions to the board of trustees
- To coordinate a public relations program
- To perform other duties as necessary to maintain the quality of the EMS district
- Ensure service is in compliance with EMS laws and rules

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Chapter Two

Emergency Medical Service Districts

Definitions

An ambulance service district, or an emergency medical service district (EMS district), is defined in Title 63 Section 1-2503 in the Oklahoma Statutes as “any county, group of counties, or parts of counties formed together to provide, operate and finance emergency medical services.”

63 O.S. § 1-2503

Formation of Emergency Medical Service District

An EMS district must be formed by special election from the county’s board of county commissioners. If multiple counties are involved, then multiple counties’ boards of county commissioners would participate.

*Oklahoma Constitution,
Article 10 § 9C(a)*

Formation of Emergency Medical Service District by Voter Petition

If 10% of the registered voters in the affected area petition for the formation of an EMS district, then the board or boards of county commissioners must call an election. The affected area may include a county, part of a county, or multiple counties or parts of counties. If the area covers only a part of a county or parts of one or more counties, most of these areas follow school district boundary lines. Some districts that do not follow school district boundary lines are the districts that were formed county-wide, excluding school districts.

*Oklahoma Constitution,
Article 10 § 9C(a)*

All registered voters in the area are entitled to vote on the formation of the EMS district. The voters will also vote on a tax levy (not to exceed 3 mills) to provide funds for the support, organization, operation, and maintenance of emergency medical services.

NOTE:

Mill levy may be increased due to the adjustment factor for counties approving an ad valorem tax exemption of certain personal property.

For more information on the formation of EMS districts, refer to Article 10 § 9C(a) of the Oklahoma Constitution.

Formation of Emergency Medical Service District by City or Town

In addition to establishing a district through the county commissioners, the governing body of any incorporated city or town may proceed to form a district, join an existing district, or join with other incorporated cities or towns in forming a district.

*Oklahoma Constitution,
Article 10 § 9C(p)*

In these cases, the governing body shall be considered a substitute for the powers and duties of the county commissioners described in this chapter. Additionally, the city or town involved shall be considered a substitute for the powers and duties of a district.

All rights, duties, privileges, and obligations of the residents and voters in such city or town shall be the same as those outlined for the district in this chapter.

Emergency Medical Service District Board of Trustees

*Oklahoma Constitution,
Article 10 § 9C(a)*

All EMS districts must have a board of trustees consisting of at least 5 members. The members must be chosen by the board or boards of county commissioners. There must be at least one member from each county included in the EMS district.

At the first board of trustees meeting, the members will draw lots to determine the lengths of their time in office. The number of lots to will be equal to the number of members of the board, and lots will be numbered sequentially from 1 through 5, with lots greater than the fifth lot also numbered sequentially from 1 through 5 until all lots are numbered. Each member or members added by an expansion area of the board must hold office for the number of years indicated on his or her lot.

Each year, as needed, the board or boards of county commissioners must appoint successors for members whose terms have expired. Subsequent appointments must be for terms of five (5) years.

The board of trustees will have the power and duty to promote and adopt rules, procedures, and contract provisions that are necessary to carry out the purpose of the EMS district. The trustees must each individually post fidelity bonds as required by the county commissioners, which must not be less than Ten Thousand Dollars (\$10,000.00).

Additionally, the board of trustees has the powers to hire a manager and appropriate personnel; contract; organize; and maintain or operate the emergency medical services within the district.

Members of the board shall receive no salary or compensation for their services.

1983 OK AG 280

Emergency Medical Service District Bonds

Any board of trustees may issue bonds (general obligation bonds or others) if the bonds are approved by the majority vote at a special election. These bonds must be issued for the acquisition of emergency vehicles and other equipment necessary for the maintenance and housing of emergency vehicles.

*Oklahoma Constitution,
Article 10 § 9C(b)*

Any authorized bonds must not bear an interest rate higher than the statute-mandated interest for city municipal bonds.

*Oklahoma Constitution,
Article 10 § 9C(c)*

The bonds must only be sold at a public sale after they've been advertised in a local newspaper for legal notice for 20 days. Any district may refund its bonds as is allowed by law.

*Oklahoma Constitution,
Article 10 § 9C(d)*

Emergency Medical Service Property Ad Valorem

Once an EMS board has issued bonds for the acquisition of emergency vehicles and other equipment and the maintenance and housing of the same, they must levy a special annual ad valorem tax upon the property within the district. This tax will be payable annually in a total amount not exceeding three (3) mills on the dollar, on the real and personal taxable property in the district. This tax will be for the payment of principal and interest on outstanding bonds, until the bonds are paid. Occasionally, the trustees may suspend the collection of the annual levy when it's not required for the payment of the bonds. The real and personal taxable property in any city or town must never be subject to a special tax of more than 3 mills for the payment of bonds issued.

*Oklahoma Constitution,
Article 10 § 9C(e)*

Additional Payment to the Principal and Interest of Bonds

EMS district bonds can also be paid by any net proceeds from the operation of the district that the board of trustees of the district deems unnecessary to the future operation and maintenance of emergency medical services; or any monies available from other funds of the district that are not otherwise obligated.

*Oklahoma Constitution,
Article 10 § 9C(f)*

Bonds must be issued for designated sums with serial numbers on them. The bonds must begin maturing annually after 3 years from the date of issue. All bonds and their interest must be paid at maturity, and no bonds will be issued for a period longer than 30 years. Any board of trustees may, at its discretion, schedule the payment of principal over the 30-year period so that when interest is added there will be approximately level annual payments of principal and interest.

Raising the Mill Levy

If the mill levy is less than 3 mills, the board of trustees may request the county commissioners to call another election to consider increasing the mill levy; however, the total levy authorized must not exceed 3 mills.

*Oklahoma Constitution,
Article 10 § 9C(g)*

The board of trustees of any district shall have jurisdiction over the sale or refunding of any bonds issued by the district and shall be responsible for the economical expenditure of the funds derived from the bonds.

*Oklahoma Constitution,
Article 10 § 9C(h)*

Other Funds

EMS districts shall be empowered to charge fees for services and accept gifts, funds or grants from sources other than the mill levy, which must be used and accounted for in a like manner. People who serve outside the district shall be charged an amount equal to the actual costs for the service, not taking into account any income the district receives from millage or sources within the district.

*Oklahoma Constitution,
Article 10 § 9C(i)*

For more information on funding, refer to Chapter Three, “Funding for Emergency Medical Service Districts.”

Accounts in Collection

The board of trustees shall have legal authority to bring suits necessary to collect delinquent accounts owed and to sue and defend as necessary for the protection of the board.

The State Auditor and Inspector shall conduct an annual audit of the operations of these districts.

*Oklahoma Constitution,
Article 10 § 9C(j)*

Expansion of Emergency Medical Service Districts

Any emergency medical service district may expand to include other counties or parts of counties, provided that an election is called by the county commissioners of those counties or parts of counties.

Additionally, the county commissioners in the original district must agree in the calling of said election.

The proposed expansion area shall only be added to the original district if approved separately by a majority vote from the voters in both the original district and in the expansion area, at an election called for that purpose.

The county in which the expansion area is located shall have not less than one member on the board of trustees.

Appropriate millage or other approved methods of financial support shall be levied in the expansion area after the area is added to the original district. The millage shall be levied at the rate used to cover operational costs and outstanding bonded indebtedness as provided in Section 9C, (d) and (e), Article X of the Oklahoma Constitution.

Withdrawal From an Emergency Medical Service District

Any county or parts of the county may withdraw from a district provided that an election is called by the commissioners of that county. The county or parts of the county must be withdrawn from the district if approved by a majority vote of the voters in the county.

*Oklahoma Constitution,
Article 10 § 9C(k)*

If the county commissioners are presented a petition signed by at least twenty percent (20%) of all registered voters in the county, the county commissioners must call an election. The petition for an election for a county or parts of a county to withdraw from a district, as well as the ballot for the election, shall provide for the payment of any debt for operational costs and outstanding bond indebtedness in proportional shares. The county or parts of the county would still be responsible because of their previous membership in the district.

Dissolution of an Emergency Medical Service District

Any district may be dissolved, or the millage levy changed, by a majority vote of the registered voters voting at an election called for dissolution of the EMS district or a change in the millage levy. The election must be called by the county commissioners of each county included within the district.

*Oklahoma Constitution,
Article 10 § 9C(l)*

This election shall not be called unless either three-fifths (3/5) of the trustees of the district request for the county commissioners to call the election, or the respective county commissioners are presented a petition signed by at least twenty percent (20%) of all registered voters in the district.

In the event a district is dissolved, any mill levy used to support, organize, operate, and maintain the EMS district shall cease, provided that the mill levy will not cease until all outstanding EMS bonds of that district are retired and all other debts incurred by the EMS district have been satisfied.

*Oklahoma Constitution,
Article 10 § 9C(m)*

Lawsuits

The board of any district shall have the capacity to sue and be sued. However, the board shall also have immunity from civil suits for actions or omissions arising from the operation of the district, so long as, and to the same extent as, municipalities and counties within the state have the same immunity.

Elections

All elections discussed in this chapter must be conducted by the county election board or boards of each county or counties involved, upon receipt of an election proclamation from a majority of the board or boards of county commissioners in the area affected. In the event more than one county is involved, the proclamation must be a joint proclamation from a majority of the boards of county commissioners of each county involved.

The proclamation must be published in one issue of a newspaper of general circulation in each county involved in the area affected at least 10 days before the election. The proclamation must establish the purpose and the date of the election. The county election board or boards must certify the results of an election to the board or boards issuing the proclamation.

Chapter Three

Funding for Emergency Medical Service Districts

Types of EMS Districts

There are two types of EMS districts: districts operated by the EMS district board and contract EMS districts. EMS districts have two options on the structure of the EMS. The board can choose to contract with a licensed, established EMS provider to provide services, or they can own and operate the EMS themselves.

Accounts Receivable and Billing

Contract Billing

The EMS board must determine if billing will be performed by EMS personnel or if the EMS will contract with a third-party billing provider.

If the EMS board votes to contract with a third-party provider for billing, the following steps must be taken:

- A contract must be approved by the EMS board in an open meeting prior to the start of the service and should be approved annually by the EMS board in an open meeting.
- The board must establish and approve a fee schedule.
- The board must approve policies and procedures to monitor patient accounts, review the third-party billing service records to ensure amounts charged agree with the fee schedule, review delinquent patient accounts, and determine if uncollectable accounts should be written off.

The policies and procedures should:

- Identify the individual(s) responsible for receiving the current monthly patient accounts from the third-party billing service and compare the statements to current fee schedule to ensure accuracy and to keep evidence of review.
- Identify the individual(s) responsible for receiving payments.
- Identify the individual(s) responsible for receipting.

- Identify the individual(s) responsible for posting payments to patient accounts and accounting records.
- Identify the individual(s) responsible for maintaining patient accounts.
- Require the board to review and approve all delinquent patient accounts that are to be written off as uncollectable and to keep evidence of review and approval.

EMS Personnel Billing

If the EMS board votes to have EMS personnel perform billing, they must complete the following criteria.

- The board must establish and approve a fee schedule.
- The board should establish policies and procedures for the billing process

The policies and procedures should:

- Identify the individual(s) responsible for calculating patient bills.
- Identify the individual(s) responsible for reviewing calculation of patient bills.
- Identify the individual(s) responsible for filing patient bills with insurance companies and patients.
- Identify the individual(s) responsible for receiving payments.
- Identify the individual(s) responsible for receipting.
- Identify the individual(s) responsible for posting payments to patient accounts and accounting records.
- Identify the individual(s) responsible for maintaining patient accounts.
- Require monthly patient account balances to be reviewed and approved by the board.
- Identify the individual(s) responsible for ensuring that all outstanding patient accounts receive a second/repeat billing statement.
- Identify the individual(s) responsible for ensuring that all delinquent accounts are sent to collections if board policy indicates the necessity.
- Require all delinquent patient accounts that are deemed uncollectable and are to be written off to be approved by the board in an open meeting.

The EMS district should do their best to segregate the duties of the billing and collection processes.

Ad Valorem Tax

Ad valorem is a Latin phrase meaning “according to value.” This means the tax is levied as a certain percent of the property’s value. Real and personal property are taxed ad valorem.

The EMS board should develop policies and procedures regarding ad valorem. The policies and procedures should:

- Require a receipt to be issued for ad valorem monies received.
- Identify the individual(s) who will be issuing the receipt.

Ad valorem tax forms 522 EMS districts.

For more information on the formation of EMS districts, refer to Chapter Two, “Formation of Emergency Medical Service District by Voter Petition.”

Bonds

EMS districts may receive bonds, but the bonds must be called and approved by the commissioners of the county or counties the district serves.

For more information on bonds, refer to Chapter Two, “Emergency Medical Service District Bonds.”

Sales Tax

Any county of this state may levy a sales tax that cannot exceed one percent (1%) on the gross proceeds or gross receipts from all sales or services in the county on which a consumer’s sales tax is levied by the state. The sales tax shall only be used for the funding of emergency medical services.

68 O.S. § 1370.10

Before a sales tax may be levied by the county, the imposition of the tax shall first be approved by a majority of the registered voters of the county voting at a special election called by resolution of the board of county commissioners.

The board of county commissioners shall create a limited-purpose fund and deposit therein any revenue generated by any sales tax levied. The fund shall be placed in an insured or collateralized interest-bearing account, and the interest which accrues to the fund shall be retained in the fund. Monies in the limited-purpose fund shall be expended only as accumulated and only for the funding of emergency medical services.

All sales tax collected, as well as the interest accrued from the collections, shall be apportioned in the same manner as the ad valorem collections for the emergency service district by the county treasurer. EMS districts that receive monies from this sales tax shall be subject to an audit by SA&I.

Every county expending or apportioning monies from the sales tax shall verify that all emergency medical services receiving monies are licensed and in good standing with the EMS Division of the State Department of Health. Any emergency medical services found by a county to be in violation of the agreement with the county or in violation of the resolution shall be prohibited from receiving monies collected from the sales tax until the county determines the entity is no longer in violation of the agreement or resolution.

Sales Tax Prior to November 1, 2024

Before a sales tax may be levied by the county, the imposition of the tax shall first be approved by a majority of the registered voters of the county voting at a special election called by resolution of the board of county commissioners.

68 O.S. § 1370.10

The board of county commissioners shall create a limited-purpose fund and deposit therein any revenue generated by any sales tax levied. The fund shall be placed in an insured or collateralized interest-bearing account, and the interest which accrues to the fund shall be retained in the fund. Monies in the limited-purpose fund shall be expended only as accumulated and only for the funding of emergency medical services.

All sales tax collected, as well as the interest accrued from the collections, shall be apportioned per the sales tax ballot. These monies shall remain at the county.

All sales tax collected, as well as the interest accrued from the collections, shall be subject to the purchasing policy of the county.

Grant Funding

EMS districts can also receive funding through grants. Districts can apply and receive grant funding through the county. For more information on county grant opportunities, EMS directors or EMS boards should contact the county or counties they serve.

EMS districts are also eligible for some grants through [Oklahoma State Department of Health](#). For more information on these grants, contact the Oklahoma State Department of Health or the EMS district's legal counsel.

EMS districts may be eligible for other grant opportunities, but they should contact their legal counsel to ensure eligibility.

Donations

EMS districts can receive funding through donations. Sometimes donations are given in memoriam. Donations should be accepted by the board in an open meeting and tracked separately in the district financials.

Donations restricted by the donor must be accounted for separately and expended only in accordance with the donor's restrictions.

Subscriptions

Some districts offer households within their district the opportunity to purchase an annual subscription for EMS district services.

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Chapter Four

EMS Purchasing Procedures

This chapter provides instructions for making purchases under different circumstances encountered by authorized employees, departments, and other entities.

An authorized employee is a person approved and hired by the district board to perform specific tasks for the district.

Many of the following situations are exempt from competitive bidding. If the word (exempt) appears in the situation heading, then that situation is exempt from a competitive bid. However, other requirements apply.

Purchasing and Responsibilities within EMS Purchasing Procedures

SA&I recommends that the EMS board approve policies and procedures over the disbursement process, which includes segregation of duties so that one employee cannot perform all disbursement functions. This includes but is not limited to the following:

- The board should designate specific employee(s) to perform the duties of the disbursement process.
- The same individual should not be authorized to perform all of the following duties. However, an individual could perform multiple parts if the district's policies and procedures include compensating controls to mitigate the risks.

The EMS board must review and approve monthly bank reconciliations and bank statements.

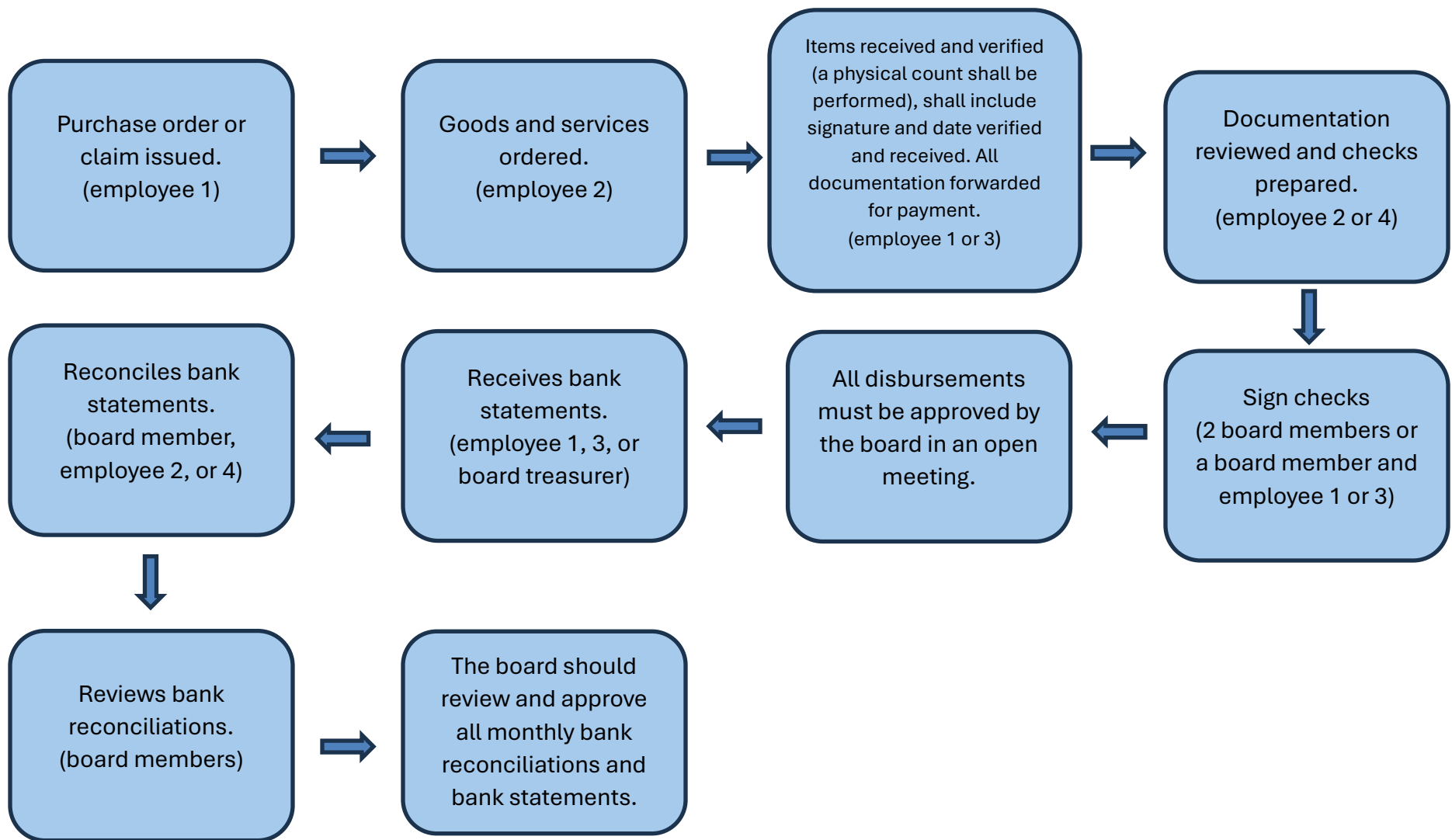


Figure 4-1. EMS Purchasing Flow Chart

Purchasing Flow Chart Narrative

- Employee 1 prepares purchase orders.
- Employee 2 orders the goods and/or services listed on purchase order.
- Employee 1 or 3 receive and verify the items by counting each item received. This shall include a signature and date to verify all items were received. All the documentation should then be forwarded for payment.
- Employee 2 or 4 will collect the reviewed documentation and prepare checks.
- Two board members or a board member and employee 1 or 3 will sign checks.
- The board members will approve disbursements in an open meeting.
- Employee 1, employee 3, or the board treasurer receives the bank statements.
- If possible, an individual independent of accounting functions, a board member, or employee 2 or 4 will reconcile the bank statements.
- The board members review bank reconciliations.
- The board should review and approve all monthly bank reconciliations and bank statements.

Purchases When Bidding is Required

All equipment purchases that exceed Twenty-Five Thousand Dollars (\$25,000.00), including rentals, leases, and lease purchases other than those exempted by law, must be bid.

19 O.S. §1501 (A)(3)

SA&I recommends the board approve policies and procedures over the bidding process. This includes segregation of duties so that not one employee can perform all bidding functions. This would include but is not limited to the following:

- The board should designate specific employee(s) to perform the duties of the bidding process.
- The same individual should not be authorized to perform all of the following duties; however, an individual could perform multiple parts as long as the district's policies and procedures includes compensating controls to mitigate the risks.
 - Prepare Purchase Order/Claim with specifications attached for bid. (Employee 1 or 2)
 - Solicit advertised bid requests on SA&I Form EMS - 8, Invitation to Bid. (Employee 1)

19 O.S. §1501 (B)(2)

- The non-collusion affidavit on the back side of this form must be completed before any bid can be accepted.
- Mail a notice to all persons or firms that have submitted a written request to be notified, plus any other person or firm that might be expected to bid. (Employee 1)
- Proof of the bidder solicitation must be made by affidavit of the person making the mailing or email solicitation and must become a permanent part of the official records of the district. (Employee 1)
- Publish a notice of the bid solicitation one time in a newspaper of general circulation. (Employee 1)
 - Notices must be mailed and published at least ten (10) days prior to the date bids are opened. Proof of Publication affidavit should be a permanent part of the bid file.
- File stamp time and date when a bid is received. (Employee 1)
- Forward the sealed bids to the EMS board. (Employee 2)
- Obtain the state contract price from the Office of Management and Enterprise Services (OMES), if applicable. (Employee 2)
- At an open meeting, the EMS board must complete the following actions:
 - Open the sealed bids and compare them to state contract prices.
 - If no bids are received, quotes may be solicited. If three (3) quotes cannot be obtained, a memorandum on the basis upon which the purchase is authorized should be submitted to the EMS board.
 - Award bids within 30 days.
 - Keep a written record of the meeting as required by law.
 - Whenever the lowest bid is not considered to be the lowest and best bid, record the reason in the board minutes.
- Maintain a bid file containing the following:
 - Copy of Purchase Order/Claim
 - Specifications
 - Affidavit of publication
 - Affidavit of mailing listing all the vendors that were notified of the bid proposal
 - List of vendors that responded (SA&I Form No. 4045, Bid Record)

19 O.S. §1505 (B)(3)

19 O.S. §1505 (B)(6)

19 O.S. §1501 (B)(4)

- Copy of agenda for bid opening
- Copy of minutes of EMS board awarding of the bid
- Bids received
- State contract pricing (if considering evaluation)
- Other items as applicable

Purchase from a Single Source (Exempt)

Single source items are very rare. Often, the only way to make this determination is to open the purchase for bid. However, if a single source has been identified, the vendor must sign an affidavit confirming this as outlined in the Oklahoma Statutes.

*19 O.S. § 1501(A)(3)(c)
74 O.S. § 85.44D.1*

- For purchases from a single source, the requisitioning officer has the following general responsibilities:
 - Prepare justification for making a single source purchase
 - Ensure that the goods or service can only be **supplied** by one source, if more than Twenty-Five Thousand Dollars (\$25,000.00) is to be spent
 - Attach affidavit from vendor to the requisition form

Service or Maintenance Contracts (Exempt Under Certain Conditions)

19 O.S. § 1501(A)(3)(d)

Service or maintenance contracts on equipment or machinery entered into at the time of purchase do not require bidding, regardless of cost. Renewal of these contracts does not require bidding, provided the contract contains a renewal clause.

Other service or maintenance contracts must be bid on if the costs exceed Twenty-Five Thousand Dollars (\$25,000.00) and if they are acquired *after* the purchase. Follow normal bidding procedures as outlined in the Public Competitive Bidding Act.

All contracts (and renewals) must be approved by the EMS district board.

19 O.S. § 339(A)(15)

Auctions – Purchase at Public Auctions

Authorized employees, or a designated individual, may attend a public auction to make purchases, which includes purchases in excess of the bidding requirement.

The EMS Representative

A recommended best practice is for the authorized employee or representative to conduct an on-site inspection prior to the date of an auction to determine the maximum amount to be paid for each item for which they plan to bid.

The Authorized Employee

19 O.S. § 1501(A)

The authorized employee has the following responsibilities:

- Prepare [SA&I EMS Purchase Order](#) (select the correct form depending on number of members)
- Describe the items to be purchased in the “Description” column
- All items should be put on one Purchase Order. Each item should be described as specifically as possible.
 - Enter the maximum bid, if desired, to be made on each item described in the “Amount” column. Each item does not have to have an amount specified.
 - The Purchase Order has a total maximum amount that cannot be exceeded.

Individuals Attending the Auction

19 O.S. § 1501(A)

Individuals attending the auction should do the following:

- Take a copy to the auction for verification

19 O.S.
§1501(A)(3)(m)

State-wide Contracts (Exempt)

Districts have access to contracts as solicited by the [Office of Management and Enterprise Services \(OMES\)](#).

General Services Administration (Exempt)

[General Services Administration \(GSA\)](#) is a division of the Federal Purchasing Procurement. Government Services allow districts to utilize the following federal contracts:

- Cooperative Purchasing
- Disaster Purchasing
- Public Health Emergencies
- 1122 Program – Homeland Security

These contracts should be used while following normal purchasing procedures.

Purchases from a Local Vendor at State Prices or Federal Prices (Exempt)

An item on a state contract or GSA may be purchased from a local vendor under the following conditions:

- The same exact item is available from a local vendor as is available from the [Office of Management and Enterprise Services \(OMES\)](#) or [General Services Administration \(GSA\)](#) contracts
- Cooperative Purchase Programs do not apply in this situation.
- The item is priced at or below the state or federal contract price
- Document the contract number on the Purchase Order and attach a copy of the contract
- These items should be purchased while following normal purchasing procedures.

19 O.S. §
1501(A)(3)(l)

Purchasing Cooperatives (Exempt)

Districts may participate in competitively bid nationwide purchasing programs.

19 O.S. §
1501(A)(3)(p)

A purchasing program is defined as an association of public entities working together to provide leverage in achieving the best value and/or best terms in contracts awarded through a competitive bidding process that would be purchased under the normal guidelines of Title 19 of the Oklahoma Statutes.

Cooperatives **may not** be used when purchases are under Title 61 - Public Competitive Bidding. This is normally related to buildings. Refer to “Public Competitive Bidding Act.”

For these purchases, the contract shall be attached to the Purchase Order and normal purchasing procedures shall be followed.

Emergency Purchases when the Governing Body of a Public Agency Declares an Emergency

As the governing board, the board of county commissioners can declare an emergency, by majority vote, in an open meeting for emergency situations relating to:

- Public Buildings
- A local disaster/emergency; has the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. In certain situations, public bidding can be waived.
- A Purchase Order should be submitted in a timely manner.

61 O.S. § 130

63 O.S. § 683.3
63 O.S. 683.11(F)

- Each local organization for emergency management shall have a director who shall be appointed by the governing body of the political subdivision, who shall report directly to the board of county commissioners, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such governing body. Each local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivisions within which it is organized.

Refer to the County Emergency Mitigation Plan or Disaster Recovery Plan for any special provisions and local county purchasing policies.

Emergency Purchases when the President or the Governor Declares an Emergency Management or Disaster Emergency

63 O.S. § 683.3(3)

When a state of emergency is declared by the U.S. president or the governor due to enemy attack or disaster, districts may incur obligations necessary to combat the disaster, protect the health and safety of persons and property, and provide emergency assistance to victims without regard to purchasing processes and formalities prescribed by law. A Purchase Order is still required.

Contracting for Services (Exempt)

The district purchasing laws do not require a service to be bid on, but bidding may be recommended in certain situations to ensure the district is fulfilling the intent of the purchasing laws. However, procurement of materials and equipment through contracts that are flexible and value-based are in the best interests of the state and its political subdivisions.

This situation includes both professional services, contracting for insurance, and other service-related contracts. The district should establish a policy on contracting for services to ensure the district is getting competitive pricing.

A listing of professional services as defined in law can be found in the Oklahoma Statutes in Title 18, Section 803.

Projects

74 O.S. § 85.2(2)
1980 AG 269

All of a project's parts must be considered for the Total Project Cost. A project is defined as: "an assemblage or combination of things or parts forming a complex or UNITARY whole."

WARNING:

Splitting up the cost of a project into multiple purchase orders for the purpose of avoiding competitive bidding is a misdemeanor.

Examples of a project might be:

- Computer systems
- Telephone systems

If the total cost is estimated to exceed Twenty-Five Thousand Dollars (\$25,000.00), competitive bidding is required under Title 19 of the Oklahoma Statutes. Multiple vendors may submit bids on different components of the project.

1980 AG 295
1983 AG 198
74 O.S. § 85.2(19)

Projects relating to a public building are under Title 61 of the Oklahoma Statutes. Refer to "Public Competitive Bidding Act."

Credit Cards

The board should approve credit card policies and procedures, and the policies and procedures should:

- Identify acceptable uses of the credit card.
- Identify the individual responsible for maintaining the physical card.
- Identify the individual responsible for authorizing credit card purchases.
- Require receipts for all purchases.
- Require all purchases to be verified by someone other than the individual making the purchase.
- Require the credit card statement along with the receipts be presented to the board for approval of payment.

- Require the board to approve the payment of the credit card balance, even if the individual charges were approved.
- Require the credit card balance to be paid in full monthly, to avoid late/finance charges.
- Identify how the district should utilize rewards earned from using the card.

The board should do their best to segregate the duties of maintaining the credit card, making the purchases, and reconciling the credit card receipts to the credit card statement.

Acceptable Use and Accounting for District Credit Cards

Example: Walmart Credit Card

- The designated administration/director will pre-approve all purchases as listed on a request for purchase. (Initialed and dated)
- The credit card receipt from the vendor (Walmart) will be signed by the designated employee that is the purchaser of good/services.
- The items purchased will be reviewed by the administration, and evidence of receiving those items will be documented by initials and date. (receiving verification)
- The credit card receipt will be approved, initialed, and dated by administration prior to submitting the receipt to the billing office.
- Acceptable use of Walmart cards: team meeting supplies / training, cleaning / office supplies, and miscellaneous items pre-approved by administration.

Fuel Credit Card:

- Fuel credit card receipts will be signed/initialed and dated by the purchaser and their partner (if available.)
- Fuel logs should be maintained for each vehicle and reconciled to receipt and/or billing statement.

The fuel receipt will be submitted to the billing office where the receipt will be verified by check mark to the monthly credit card statement and attached to the purchase order. (Evidence of review and verification will be noted by initials and date of the reviewer-receiving verification.)

Procedures for Utilization of the State of Oklahoma Purchase Card Program through the Office of Management and Enterprise Services (OMES).

1. The board must approve the application for the p-card.
2. The board must establish a p-card policy that at a minimum incorporates the current p-card policies established by OMES (can be found on [OMES website](#)). The duties should be segregated as much as possible. The following roles shall be designated by the board:
 - a. The p-card administrator is the employee designated to manage that district's program.
 - b. The approving official shall be a district employee designated to conduct a monthly review of p-card purchases made by one or more cardholders.
 - c. The cardholder - designated employee who is trained and authorized to make approved purchases using the p-card.
3. All users and administrators must complete p-card training.

NOTE:

The county p-card policy on [SA&I website](#) may be helpful in establishing a district policy, although some changes would be required.

Public Competitive Bidding Act

The Public Competitive Bidding Act of 1974 applies to all buildings, improvements to public buildings, and the construction of the highway system. Under the Public Competitive Bidding Act, improvement is defined as any beneficial or valuable change or addition intended to enhance its value, beauty, or utility or to adapt it to new or further purposes.

- Applies to any public construction.
- Applies to any repairs or construction of public buildings.

Bidding Levels		
Standard Contracts	Construction Manager Contracts	
Contracts without Construction Managers	Construction Management Trade Contracts (Agency)	Construction Management Subcontracts (At-Risk)
\$100,000 and over	\$50,000 and over	\$50,000 and over
\$10,000 to \$100,000	\$10,000 to \$50,000	\$25,000 to \$50,000
Under \$10,000	Under \$10,000	Under \$25,000

61 O.S. §§ 101 - 138

There are two types of project delivery methods:

- Standard contracts are a project delivery method in which the district contracts directly with the entity (district) doing the work without the help of a construction manager.
- Construction management contracts are a project delivery method based on an agreement whereby the district acquires from a construction entity a series of services that include, but are not necessarily limited to, design review, scheduling, cost control, value engineering, constructability evaluation, preparation, cost control, value engineering, preparation and coordination of bid packages, and construction administration.

Agency Construction Management

61 O.S. § 202(6)(a)

- The construction entity provides services to the district without taking on financial risks for the execution of the actual construction or time of performance, and the district contracts directly with those awarded trade contracts for the work.

At-Risk Construction Management

- The construction entity, after providing agency services during the pre-construction period:
 - Takes on the financial obligation to timely carry out construction under a specified cost agreement.
 - Enters into written subcontracts for the work in accordance with the construction management procedures.

61 O.S. § 202(6)(b)

Competitive Bidding Required

61 O.S. § 103(A)

- All public construction contracts shall be let and awarded to the lowest responsible bidder, by open competitive bidding after solicitation for sealed bids.
- No work shall be commenced until a written contract is executed and all required bonds and insurance have been provided by the contractor to the district.

Standard Contracts over \$100,000, Construction Management Trade Contracts over \$50,000, or Construction Management Subcontracts over \$50,000

Bid Notices

61 O.S. § 104

- Notice shall be given electronically and by publication.
- Publication of notice in a newspaper in the county where work is to be performed. Must be published in two consecutive issues, the first being at least 21 days prior to the opening bids.
- Notice must be sent to one in-state trade or construction publication (notice only, not required to be published).

Content of Bid Notices

61 O.S. § 105

- Sufficient details of the contract that all bidders shall know exactly what their obligation will be, either in the bid notice itself or by reference to bidding documents available to the public.
- How to obtain the bidding documents and if applicable, the cost of the documents.
- Date, time, and place of the opening of the sealed bids either in person or electronically.
- Name and address to whom sealed bids should be submitted or information sufficient to enable a bid to be submitted electronically.
- Any other information that would be of beneficial interest to prospective bidders or the public.
- One set of bidding documents must be on file and made available to the public at least 20 days prior to opening the bids.
- Copies should be available to anyone wanting to submit a bid.
- The district may require a reasonable deposit for each set - the deposit should not exceed the actual cost of duplicating the documents.
- The district may retain all or part of the deposit as stated in the notice of bids.

61 O.S. § 106

Bid Bonds

61 O.S. § 107

- The bid should be accompanied with:
 - A certified check, cashier's check, or bid bond equal to 5% of the bid, which shall be deposited with the awarding public agency as a guaranty, or
 - An irrevocable letter of credit containing terms prescribed by OMES in an amount equal to 5% of the bid.

- Purpose of Bid Bond
 - To recover the cost of republication of the notice to bidders, actual expenses incurred by reason of the bidder's default.
- Additional Information About Bid Bonds
 - May be forfeited to the district in the event the apparently successful bidder fails to execute the contract or fails to provide the required bonds or irrevocable letters of credit and insurance to the district.
 - The district shall return a certified or cashier's check, bid bond, or irrevocable letter of credit to the successful bidder on execution and delivery of the contract and required bonds or irrevocable letters of credit and insurance. Checks of unsuccessful bidders shall be returned to them in accordance with the terms of the bid solicitation.
 - The district may return the bid bond if it is determined that the bidder committed an excusable bidding error (clerical error) and for that reason it would not be equitable to enforce the bid security.

Business-Relationship Affidavit

61 O.S. § 108

- Nature of any partnership, joint venture, or other business relationships then in effect or which existed within 1 year prior to the date of affidavit.
- Business relationship between any officer or director of the bidding company and any officer or director of the architectural or engineering firm or other party to the project.
- The names of all people having any such business relationships and the positions they hold with their respective companies or firms. If none of the business relationships mentioned above exist, then a statement to that effect.

Late Bids

61 O.S. § 109

- Any bid received by the district after the time set for opening of bids shall not be considered by the governing board.

Opening Bids

61 O.S. § 110

- All bids whether submitted in paper or electronic format shall be sealed and opened only at the time and place mentioned in the bidding documents and read aloud in the presence of an administrative officer of the awarding public agency. Electronic bids shall not be viewable prior to the time listed for bid opening. Such bid opening shall be open to the public and to all bidders.

Time to Award Contract

61 O.S. § 111

- Contract shall be awarded to the lowest responsible bidder within 30 days after the opening of bids unless the governing body of the awarding public agency, by formal recorded action and for good cause shown, provides for a reasonable extension of that period.
- State/Local funds - extension of 15 days.
- Federal funds - extension of 90 days.
- Upon mutual agreement between the bidders and the awarding agency the contract award period may be extended no more than 120 days from the bid opening date.

Documents Open for Public Inspection

61 O.S. § 112

- All bids, both successful and unsuccessful, and all contracts and required bonds shall be retained for a period of 5 years from the date of opening of bids or for a period of 3 years from the date of completion of the contract, whichever is longer, shall be open to public inspection and shall be matters of public record.

Contracts Exceeding Certain Amount – Bond Affidavit of Payment

61 O.S. § 1(A)

- Prior to an award of a contract exceeding One Hundred Thousand Dollars (\$100,000) for construction or repair of a public building or structure, or improvement to real property, the person that receives the award shall furnish a bond with good and sufficient sureties payable to the state in a sum not less than the total sum of the contract.

Contracts Exceeding Certain Amount – Bond Affidavit of Payment

61 O.S. § 1(B)

- The bond shall ensure the proper and prompt completion of the work in accordance with the contract (performance bond) and shall ensure that the contractor shall pay all indebtedness the contractor incurs for the contractor's subcontractors and all suppliers of labor, material, rental of machinery or equipment, and repair of and parts for equipment the contract requires the contractor to furnish (payment bond).

61 O.S. § 113(A)

Execution of Contract, Bond, and Insurance

- Within 60 days of awarding the contract, a contract embodying the terms set forth in the bidding documents shall be executed by the district and the successful bidder, or where construction management at-risk is project method, by the construction manager.

Execution of Contract, Bond, and Insurance: Payment/Performance Bond

61 O.S. § 113(B)(1),(2)

- A bond complying with the provisions of 61 O.S. § 1.
- The purpose of this bond is to ensure the proper and prompt completion of the work in accordance with the contract and shall ensure that the contractor shall pay all indebtedness incurred for subcontractors, labor, materials, rental of equipment, etc.

Execution of Contract, Bond, and Insurance: Warranty Bond

61 O.S. § 113(B)(3)

- A bond in a sum equal to the contract price to protect the awarding public agency against defective workmanship and materials for a period of 1 year after acceptance of the project.

Execution of Contract, Bond, Insurance: Insurance

61 O.S. § 113(B)(4)

- The contractor must provide evidence of public liability and workers' compensation insurance during construction in reasonable amounts.

Execution of Contract, Bond, Insurance

61 O.S. § 113(C)

- The contractor may request from the governing board an additional sixty (60) days in which to obtain the bond.

Execution of Contract, Bond, and Insurance

61 O.S. § 113(D)

- Procedures to follow in the event an administrative error in the award process has occurred:
 - At the next regularly scheduled public business meeting, upon the record, present to the governing body that an error has been made in the award process and shall state the nature of the error. The governing body, upon presentation of the facts of the error, may rescind the award and readvertise for bids, or may direct correction of the error and award the contract to the lowest responsible bidder, whichever shall be in the best interests of the county.

Conflict of Interest

61 O.S. § 114

- The chief administrative officer and members of the governing body of the awarding public agency authorizing or awarding or supervising the execution of a public construction contract, and their relatives within the third degree of consanguinity or affinity, are forbidden to be interested directly or indirectly through stock ownership, partnership interest, or otherwise in any such contract.
- Contracts entered into in violation of this section shall be void.
- Persons willfully violating this section shall be guilty of a felony and shall be subject to removal from office.

Collusion Among Bidders

61 O.S. § 115

- Any agreement or collusion among bidders, prospective bidders, or material suppliers in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding, or otherwise, shall render the bids of such bidders void. Persons willfully violating this section shall be guilty of a felony.
- Non-Collusion Affidavit: Each bidder shall accompany the bid with a sworn statement that the bidder has not been a party to any such agreement. The form of the statement shall be similar to what is provided in Section 85.22 of Title 74 of the Oklahoma Statutes but modified in wording to refer to the appropriate public agency requesting bids.

Award to Other Than Lowest Bidder

61 O.S. § 117

- If an award is made to an entity other than the lowest bidder, the district shall accompany its action with a publicized statement setting forth the reason for its action.
- This requirement is met if it is properly recorded in an open meeting in the minutes of the district board meeting.

Rejection of Bids

- By majority action of the district board, the district shall have the right to reject any or all bids and solicit bidders again as herein provided if, in the opinion of the board, the best interests of the people of the state of Oklahoma would be best served by so doing.

61 O.S. § 119

Inspections

61 O.S. § 124

- The district board shall make provision for the inspection of projects prior to acceptance by the said agency and shall approve claims for payment only after proper inspection has been made as provided in the plans and specifications for said project.

Splitting of Contracts

61 O.S. § 131

- No contract shall be split into partial contracts for the purpose of avoiding the requirements of this act. All such partial contracts shall be void. Any person who knowingly violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 1 year, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both.

Law Governing

61 O.S. § 133

- If a statute, charter, or general ordinance provides more stringent standards or procedures than those provided by this act, then the statute, charter, or general ordinance shall prevail.

61 O.S. § 134

Insurance or Bond to be Secured from Carrier Licensed in Oklahoma

- Any insurance or bond required by this act shall be secured from an insurance or indemnity carrier licensed to do business in the state of Oklahoma.

Conflicts with Federal Rules and Regulations – Laws Governing

61 O.S. § 136

- In the event any provision of this act conflicts with or is inconsistent in any manner with the rules and regulations of any agency of the United States government, which is providing all or any portion of the funds used to finance any public construction contract, the rules and regulations of said agency of the United States government shall supersede and take precedence over such portion or portions of this act in conflict or inconsistent therewith, it being the intent of the legislature to secure all of the benefits available to the people of the state of Oklahoma from federally-assisted programs.

Non-Collusion Affidavit

61 O.S. § 138

- Any competitive bid submitted pursuant to the Public Competitive Bidding Act of 1974 to a district for furnishing of goods or services shall be accompanied by the sworn non-collusion statement contained in Section 85.22 of Title 74, modified in wording to refer to the district instead of the state.

61 O.S. § 103(C)

Competitive Bidding Required

- Must obtain written bids or competitive quotes.
- Must notify all vendors who have requested their business be considered for bid purposes.
- A minimum of three quotes should be obtained.
- Discuss and award contract in an open meeting.
- Nothing would prohibit a district from requiring a contractor to provide the following on contracts \$100,000 and less:

- Performance/Payment Bond or Warranty Bond
- Evidence of Insurance
- Any other part of PCBA requirements

Competitive Bidding Required

- May be negotiated with a qualified contractor.
- Work may be commenced in accordance with the purchasing policies of the public agency.
- All contracts are required to be approved by the district board.

61 O.S. § 103(D)

Other Considerations Regarding Public Construction Contracts

Facilities for Handicapped

- All plans and specifications for the erection of public buildings through the use of public funds shall provide facilities for people with disabilities and shall conform with the codes and standards adopted by the state fire marshal.
- Plans and specifications shall be submitted prior to bidding and awarding to the state fire marshal or other authority having jurisdiction.

61 O.S. §§ 11 & 12

Change Orders or Addenda

- Change orders or addenda for public construction contracts of \$1 million or less shall not exceed 15% cumulative increase in the original contract amount.
- Change orders for public construction contracts in excess of \$1 million shall not exceed the greater of \$150,000 or 10% cumulative increase in the original contract amount.
- Note: changes in excess of the limit require a separate/additional bid.

61 O.S. § 121

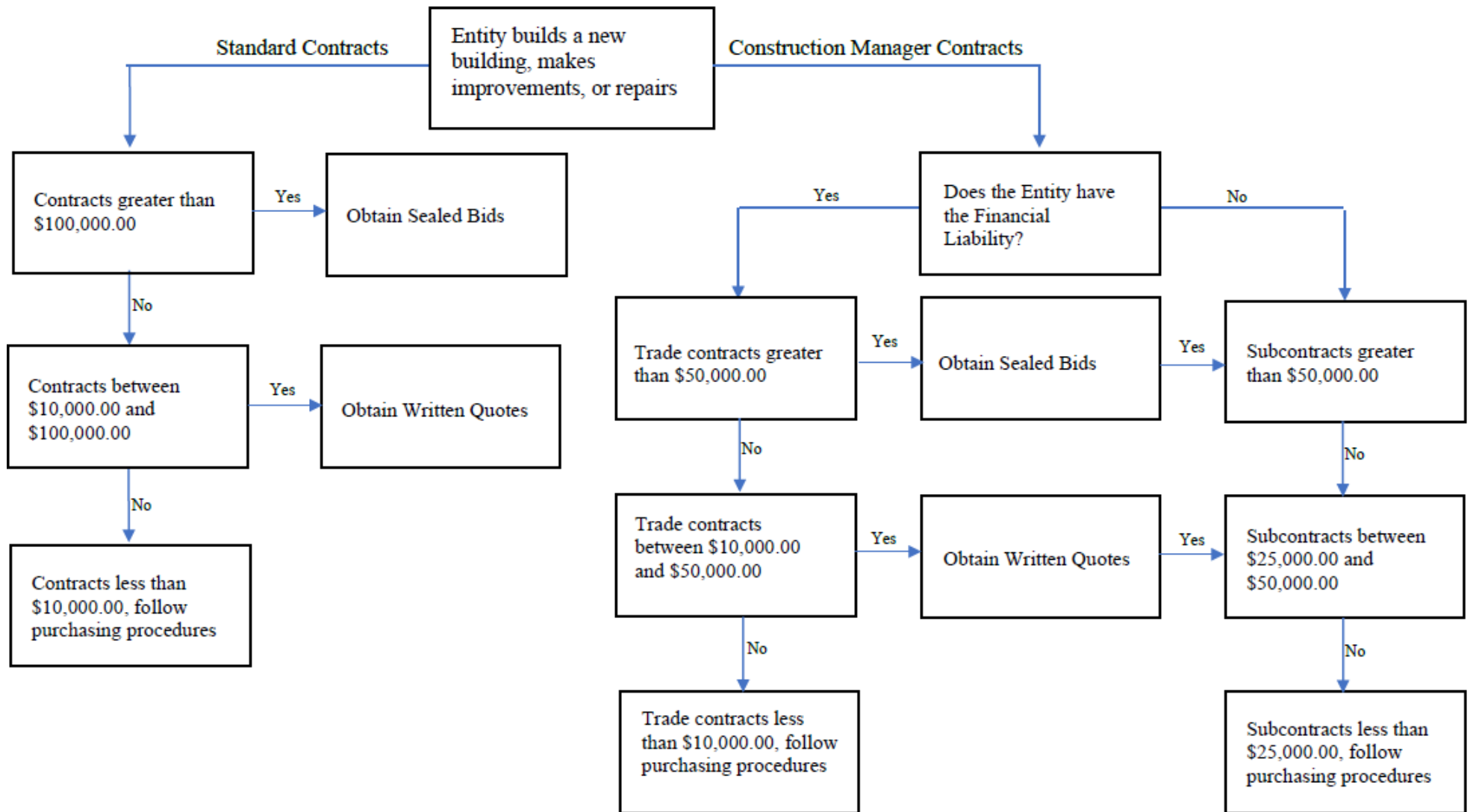


Figure 4-2. Standard Contracts versus Construction Manager Contracts Flow Chart

BUSINESS RELATIONSHIPS AFFIDAVIT

_____(PROJECT NAME)

STATE OF OKLAHOMA)

)SS

EMERGENCY MEDICAL DISTRICT OF _____)

_____, of lawful age, being duly sworn, on oath says that he or she is the agent authorized by the bidder to submit the attached bid. Affiant further states that the nature of any partnership, or other business relationship presently in effect, of which existed within one (1) year prior to the date of this statement with the architect, engineer, or other party to the project is as follows:

Affiant further states that any such business relationship presently in effect of which existed within one (1) year prior to the date of this statement between any officer or director of the bidding company and any officer or director of the architectural or engineering firm or other party to the project is as follows:

Affiant further states that the names of all persons having any such business relationships and the positions they hold with their respective companies or firms are as follows:

(If none of the business relationships herein above mentioned exist, affiant should so state.)

(Signature of Affiant)

Subscribed and sworn to before me this _____ day of _____, 20 ____

Notary Public _____

My Commission Expires _____

EMS Business Relationships Affidavit

NON-COLLUSION BIDDING CERTIFICATION

_____(PROJECT NAME)

STATE OF OKLAHOMA)

)SS

EMERGENCY MEDICAL DISTRICT OF _____)

A. For purposes of competitive bids, I certify:

1. I am the duly authorized agent of _____, the bidder submitting the competitive bid which is attached to this statement, for the purpose of certifying the facts pertaining to the existence of collusion among bidders and between bidders and state officials or employees, as well as facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting of any contract pursuant to the bid to which this statement is attached;
2. I am fully aware of the facts and circumstances surrounding the making of the bid to which this statement is attached and has been personally and directly involved in the proceedings leading to the submission of such bid; and
3. Neither the bidder nor anyone subject to the bidder's direction or control has been a party to the following:
 - a. Any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding;
 - b. Any collusion with any state official or employee as to quantity, quality or price in the prospective contract, or as to any other terms of such prospective contract; and
 - c. Any discussions between bidders and any state official concerning exchange of money or other thing of value for special consideration in the letting of a contract.

B. I certify, if awarded the contract, whether competitively bid or not, that neither the Contractor nor anyone subject to the Contractor's direction or control has paid, given, or donated or agreed to pay, give, or donate to any officer or employee of the State of Oklahoma any money or other thing of value, either directly or indirectly, in procuring the contract to which this statement is attached.

Certified this _____ day of _____, 20____.

(Signature)

(Print Name)

(Position in the Company)

EMS Non-Collusion Bidding Certification

**The Public Competitive Bidding Act of 1974 Checklist –
Standard Contracts over \$100,000
Or Construction Management Contracts over \$50,000**

(NOT All-Inclusive)

- ☐ 1) Start project file.
- ☐ 2) List project on District agenda.
- ☐ 3) District approval to let bids documented in minutes.
- ☐ 4) Bidding documents on file with District.
- ☐ 5) Publication in County newspaper two consecutive weeks, first publication should be 21 days prior to opening bids.
- ☐ 6) Date and time stamp bids.
- ☐ 7) Open bids in open meeting as stated in publication.
- ☐ 8) Ensure all bid documents are enclosed – including bid bond, business relationship affidavit, non-collusion bidding certification.
- ☐ 9) Bid should be awarded within 30 days of opening bids (some exceptions).
- ☐ 10) All bid bonds of unsuccessful bidders should be returned.
- ☐ 11) Written, executed contract signed by District Board and Contractor. All bonds should be provided to the District prior to executing the contract. Evidence of insurance should be provided to the District prior to executing the contract.
- ☐ 12) After contract is signed, the Contractor's bid bond may be returned.
- ☐ 13) Work can be commenced upon execution of written contract.
- ☐ 14) Inspection of project should be made prior to approving claims.

EMS PCBA Checklist

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Chapter Five

Budgeting for Emergency Medical Services Districts

Emergency medical service districts have a duty to produce a financial statement.

19 O.S. § 1706

According to statute, it shall be the duty of the board of the EMS district on or before the third Monday of July in each year to produce or cause to be produced and forward to SA&I a financial statement of the district for the preceding year ending June 30th.

The board should approve policies and procedures regarding this financial statement to include the following:

- The board should review and ensure the district's collections, disbursements, and cash balances that are reported on the financial statement are reconciled to bank statement balances and are accurately presented on the Estimate of Needs, including:
 - Beginning balance
 - Receipts
 - Disbursements
 - Ending balance
 - Evidence of this review should be maintained.
- The financial statement should be approved by the EMS board in an open meeting.

Below is an example of an EMS financial statement that includes the general fund.

	General Fund
Beginning Cash Balance, July 1	\$ -
Collections	
Ad Valorem Tax	-
Charges for Services	-
Sales Tax Revenue	-
Miscellaneous	-
Total Collections	-
Disbursements	
Personal Services	-
Service Provider Contract	-
Maintenance and Operations	-
Capital Outlay	-
Audit Expense	-
Total Disbursements	-
Ending Cash Balance, June 30	\$ -

Emergency medical services districts have a duty to prepare a budget for each year.

According to statute, the board shall prepare, for each budget year, a budget for each fund whose activities require funding through appropriation, such as general, capital projects, and debt service.

19 O.S. § 1708

EMS districts should use the [EMS Budget Template](#) to complete their budgets.

Chapter Six

Inventory for EMS Districts

Fixed Assets Inventory

The EMS board should develop policies and procedures for fixed asset inventory. The policies and procedures should:

- Establish a dollar threshold that requires fixed assets to be recorded on inventory record. SA&I recommends listing all fixed assets with Twenty-Five Hundred Dollars (\$2,500.00) or more and all IT hardware and software with an original cost of Five Hundred Dollars (\$500.00).
- Require inventory records to contain make, model, serial number, date of acquisition, purchase price of each asset, and location of each asset.
- Require an annual physical verification of fixed assets to be performed. Documentation of the review should be retained. SA&I recommends that two individuals initial and date the physical inventory, and the “working list” be retained until a full audit is complete.
- Identify the individual(s) responsible for maintaining inventory records.
- Identify the individual(s) responsible for performing annual physical verification of fixed assets.
- Require inventory records for all fixed assets purchased with county sales tax monies to be filed with the county clerk annually.

The district should do their best to segregate the maintenance of the fixed inventory list and the performance of the annual physical verification.

Example of fixed asset record:

Inventory ID	100.02
Make	Physio Control
Model	LifePak 15
Serial # / VIN	42829729
Date Purchased	9/30/2014
Amount	\$28,249.45
Location of Asset	Station #1
Date Disposed	
Method of Disposal	

Disposing of Fixed Assets

The EMS board should declare in writing the property as surplus prior to disposing of the item. Meeting minutes should include complete description of item, serial number, date property was acquired, from whom acquired, cost of item, date of disposition, and reason for disposition.

The EMS board can dispose of fixed assets in one of the following manners:

1. Sealed bid
 - Advertise the sealed bid sale in a of general circulation for two consecutive weekly issues.
 - Bids should be stamped when received, shall remain sealed, and shall be opened at the next regular meeting after the 15 days have expired since the first publication of the sale notice.
 - The board may either accept the highest and best bid or reject all bids.
2. Public or Internet Auction
 - The board establishes an appraised value. An industry-recognized appraisal manual (Kelly Blue Book or similar) can be used, or they can obtain appraisal quotes from two vendors.
 - Advertise the sale (public or internet auction) in newspaper of general circulation for two consecutive weekly issues.
 - Announce the winner of the auction at the next regular meeting.
3. Trade-In
 - The board establishes an appraised value. An industry-recognized appraisal manual (Kelly Blue Book or similar) can be used, or they can obtain appraisal quotes from two vendors. The written appraisal quotes must contain the following information:
 - Make, model, and year.
 - Mileage or hours
 - Condition
 - May be used as a trade-in for cash purchase, may be used as a trade-in to a vendor on statewide contract (if an option) by acquiring used equipment.
4. Junking
 - Property deemed beyond economical repair may be disposed of by junking. It is recommended that the board establish a policy for disposal of junk property.

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Appendix A

Relevant Contacts

Oklahoma State Auditor and Inspector Cindy Byrd (SA&I)

Oklahoma State Capitol Building

2300 N Lincoln Blvd Ste 123

Oklahoma City, OK 73105-4805

Office phone:

(405) 521-3495

Fax:

(405) 521-3426

Website:

<https://www.sai.ok.gov/>

Office of Management and Enterprise Services (OMES)

2401 N Lincoln Blvd.

Oklahoma City, OK 73105

Office phone:

(405) 521-2444

Fax:

(405) 521-3902

Website:

<https://oklahoma.gov/omes.html>

American Red Cross

Office phone:

1(800) 733-2767

Website:

<https://www.redcross.org/>

Oklahoma State Department of Health - Emergency Systems

Mailing Address:

Oklahoma State Department of Health

Emergency Systems

123 Robert S. Kerr Ave., Suite 1702

Oklahoma City, OK 73102-6406

Physical Address:

Oklahoma State Department of Health

123 Robert S. Kerr Ave.

Oklahoma City, OK

Office Phone:

(405) 426-8480

Fax:

(405) 900-7560 or 4059007560@Xmedius.com (using email)

Email:

Esystems@health.ok

Oklahoma Bureau of Narcotics

419 NE 38th Terrace

Oklahoma City, Oklahoma 73105

Office Phone:

(405) 521-2885 or (800) 522-8031

Oklahoma State University – Fire Service Training

1723 W Tyler Ave, Stillwater, OK 74075

Office Phone:

1 (800) 304-5727

Fax:

(405) 744-7377

Email:

fst.support@osufst.org

American Heart Association

National Center

7272 Greenville Ave.

Dallas, TX 75231

Customer Service**Office Phone:**

1-800-AHA-USA-1

1-800-242-8721