

TERMS AND CONDITIONS OF THE EMSI
EMSOF CATEGORY IV PROVIDER EQUIPMENT PROGRAM

By submission of the application for use of EMSOF money, the applicant ("Applicant") hereby acknowledges that it has read and understands the following conditions and limitations, agrees to each obligation and requirement contained herein, and understands and agrees that it shall be legally bound hereby:

1. The EMSOF Provider Equipment Program operates on a reimbursed cost basis, meaning that Applicant is required to pay the total cost of the purchased items and thereafter submit required documentation to EMSI of the actual purchases prior to the established deadline. **Reimbursements cannot be guaranteed for documentation submitted after the established deadline. Funds granted hereunder must be expended for the stated purposes only.**
2. Applicant must purchase equipment identified on the Funding Priorities List as published annually by the Department of Health. Any requested equipment which is not on the Funding Priorities List must be approved in advance by the Department. Costs incurred are not eligible for reimbursement if the specified equipment is ordered or purchased prior to approval by the Department of Health. The maximum allowable cost upon which the EMSOF contribution will be calculated and the life expectancy of the purchased equipment is shown on the Funding Priorities List.
3. EMSOF may be used to fund 60% of the maximum allowable cost of approved equipment items for rural providers and 50% of the maximum allowable cost of approved equipment items for non-rural providers. Non-rural counties are Allegheny, Beaver and Westmoreland. The Applicant is responsible for the balance of the purchase price. The Applicant may purchase an item for an amount that exceeds the maximum allowable cost, but the Applicant will be responsible for payment of such excess costs.
4. All costs submitted on the enclosed application are considered to be estimates. If actual costs exceed these estimated costs, written justification and explanation must be submitted to EMSI with the invoice for reimbursement. Excess costs will be reviewed, but EMSI is not obligated to reimburse any costs that exceed the estimated costs.
5. All single items of equipment that exceed \$10,000 must be purchased through a bidding process. This process must be approved in advance by EMSI.
6. If the Applicant is acting as purchaser of equipment on behalf of other organizations, then:
 - A. The organizations on whose behalf the equipment is being ordered will be required to deposit with the Applicant the required matching funds before the Applicant issues a purchase order or makes a purchase on their behalf.
 - B. The Applicant will enter into an appropriate letter agreement with the other organizations which agreement must be approved in advance by EMSI.
7. Even if titled in the name of the Applicant, all equipment purchased using EMSOF money shall be considered to be owned jointly in title only by EMSI and the Applicant in the same proportion as their respective financial contributions toward the purchase of such items. For the purposes herein, EMSI's financial contribution shall be deemed to be the percentage of the purchase price funded using EMSOF. Notwithstanding the joint ownership in title created

hereunder, EMSI has no, and assumes no, liability or obligation of any type related to the ownership or use of such equipment, specifically including any obligation for payments related to purchase (except as specified in this agreement), maintenance or ongoing ownership or use.

- A. The Applicant shall, at all times, keep and maintain such equipment in good order and repair. EMSI shall be entitled to inspect and inventory such equipment at its discretion.
 - B. The Applicant shall protect such equipment from damage by fire, accident, exposure to the elements or other casualty loss and shall designate EMSI as co-insured along with the Applicant in any policies of hazard insurance which the Applicant may obtain.
 - C. The Applicant shall not sell, assign, or otherwise encumber such equipment without prior written consent of EMSI.
 - D. If an item of equipment is disposed of or becomes no longer serviceable prior to the expiration of the life expectancy of such equipment as listed on the Funding Priorities List, Applicant must immediately notify EMSI.
 - E. In the event the Applicant ceases operations or is no longer licensed as an ambulance service or recognized as a QRS by the Pennsylvania Department of Health, Applicant shall immediately return to EMSI all equipment purchased using EMSOF.
- 8. The Applicant will defend, indemnify and hold EMSI, its directors, officers, employees and agents, harmless from all liabilities, expenses, losses, damages, claims, demands, and costs of every kind and nature, present or future, whether known or unknown, anticipated or unanticipated, arising out of, incident to, or related in any way to the subject matter of this contract, including the purchase and/or use of any items purchased in connection with this agreement.
 - 9. The Applicant may not assign this contract or the right to EMSOF money to any other person or entity without prior written consent of EMSI. This contract shall be binding not only on the Applicant but, in the event of a permitted assignment, also on any successor or assignee.
 - 10. Violation of any provision of the application or contract for use of EMSOF by the Applicant shall constitute a breach of the entire agreement, in which event EMSI shall have the right to terminate the agreement and deny or withdraw approval for use of EMSOF. In such event, any EMSOF money paid to Applicant must be immediately repaid to EMSI.
 - 11. The Applicant does hereby agree that all services and equipment under this project will be acquired and maintained for purposes of the provision of emergency medical services and that the project will be conducted in accordance with Pennsylvania law and all other applicable present and future policies and requirements of EMSI, the Office of EMS and/or the Pennsylvania Department of Health. Applicant attests that it is in compliance with, and agrees to abide by, all applicable state and federal laws including, but not limited to, the Pennsylvania Emergency Medical Service Act of 1985 (or its successor Act) and the associated Regulations.
 - 12. In the event terms or conditions contained herein conflict with any terms or conditions set forth by the Office of EMS or the Pennsylvania Department of Health, the terms or conditions set forth by the Office of EMS or the Pennsylvania Department of Health will supersede.

13. The Funding Priorities for fiscal year 2009-2010 have been published in the Pennsylvania Bulletin (39 Pa.B. 3140, Saturday, June 20, 2009) and may be obtained from the PA DOH website.

In accordance with the requirements set forth in the Pennsylvania Bulletin and the Bureau of EMS, each Regional EMS Council must establish Regional Funding Priorities. Accordingly, the Board of Directors of EMSI has designated the following priorities for use of EMSOF money for FY 2009-2010:

- A. Recruitment and Retention Programs
- B. Organizational Risk Management Programs including Safety Programs
- C. Capnography capability
- D. 12-Lead EKG capability
- E. CPAP capability
- F. Requests by licensed BLS and ALS ambulance services with primary emergency response areas.

DEADLINES:

1. All requests for EMSOF money for FY 2009-2010 must be submitted through each respective County EMS Council, County EMS Coordinator, or other entity or person approved in advance by EMSI. Unless special permission is granted by EMSI in advance, all requests for funding must be submitted on forms or in a manner approved by EMSI. Incomplete applications will be returned to the submitting entity. **ALL APPROVAL REQUESTS FOR FUNDING MUST BE COMPLETE, MUST BE SUBMITTED BY COUNTY EMS COUNCIL, COUNTY EMS COORDINATOR, OR OTHER APPROVED ENTITY OR PERSON, AND RECEIVED BY EMSI NO LATER THAN FRIDAY, NOVEMBER 27, 2009.** Incomplete applications and requests received after such date are subject to denial.
2. **ALL APPROVED PURCHASES MUST BE COMPLETED NO LATER THAN FRIDAY, JANUARY 29, 2010, AND COPIES OF FINAL INVOICES MUST BE SUBMITTED TO EMSI NO LATER THAN FRIDAY, FEBRUARY 26, 2010. If purchases are not completed by January 29, 2010, or if copies of final invoices are not received by EMSI by February 26, 2010, reimbursements for such purchases are subject to denial or modification.**
3. **ALL FINAL DOCUMENTATION OF PURCHASES, IN THE FORM OF CANCELLED CHECKS, MUST BE SUBMITTED TO EMSI NO LATER THAN FRIDAY, MAY 28, 2010. If such documentation has not been received by EMSI by May 28, 2010, reimbursement for purchases, even if previously approved, WILL NOT BE MADE. EMSOF funds not spent on May 28, 2010 will be directed to other appropriate uses.**

Each provider applying for EMSOF funding MUST be in compliance with all regulations, policies and priorities of the State and EMSI both at the time EMSOF applications are submitted and at the time reimbursement is made to the provider. Failure to be and remain in compliance with result in the provider forfeiting any approved EMSOF funds.

In the event that EMSI makes available any group purchasing arrangements for EMSOF approved equipment, providers wishing to purchase equipment covered by the arrangement must either purchase such equipment through the designated group purchasing program or be denied reimbursement in excess of the amount which would have been paid had the service participated in the group purchasing arrangement.

As required by the PA Department of Health, expenditure of provider EMSOF requires prior written approval of each request, signed by the Department's Project Officer or Alternate to be valid. Utilization of EMSOF money is contingent upon use of other matching funds contributed by the provider in the following ratios: Urban – 50% EMSOF, 50% provider supplied funds; Rural – 60% EMSOF, 40% provider supplied funds. Unless otherwise approved by the Department in advance, all items purchased using EMSOF must be listed on the Emergency Medical Services Operating Fund Funding Priorities as published in the Pennsylvania Bulletin.

All other Terms and Conditions applicable to EMSOF funding must be adhered to.

(Approved by EMSI Board of Directors, October 1, 2009)