

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
(916) 653-7772  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)



3/3/2009

Hired Equipment Vendors:

After further review by our Department Legal Staff, below is our understanding of how prevailing wage affects an Emergency Equipment Rental Agreement (EERA):

Based upon our legal research, CAL FIRE does not believe that an EERA is entitled to prevailing wages. This conclusion is based upon previous decisions by the Department of Industrial Relations (DIR) indicating that the type of “work” CAL FIRE requires from EERAs does not qualify as a public work. This is determined by the fact that in CAL FIRE EERAs there is no “construction, alteration, demolition, installation, or repair” work being done. Clearly, bulldozers raises a gray area concern with this definition. However, previous DIR decisions indicate that firebreaks, tree, debris removal, backblading, spreading mulch, making dirt mounds, and road firebreaks are not considered eligible activities in the public works definition.

I apologize for any confusion my previous letter may have caused and hope this clears up this matter.

Regards,

Mario Hernandez  
Battalion Chief (Hired Equipment)

**CAL FIRE**