

## HIRING AND UTILIZATION GUIDES

7761

(No. 33 August, 2007)

### A. UTILIZATION GUIDELINES FOR HIRED EQUIPMENT

Because wildland firefighting is complex and inherently dangerous, the primary operational concern of CAL FIRE is to provide the safest possible work environment for hired equipment operators. The department has adopted policies that define our commitment to provide adequate supervision and accountability. CAL FIRE recognizes that it is impractical for hired equipment contractors to provide comprehensive wildland firefighting training to their employees that would bring them to the level that CAL FIRE requires its permanent employees to reach and maintain. Commensurate with the safety training CAL FIRE provides to hired equipment contractors and operators, the following operating procedures apply while contractors are employed in firefighting operations.

### B. WATER TENDERS

Privately owned water tenders under agreement with CAL FIRE shall not be engaged in direct fire suppression efforts on any active fire line (line where the fire could continue to spread, flare-up, or spot over the line). Water Tenders assigned to support firefighting activities shall be positioned in areas that provide an immediate safe exit route. Safe placement of these vehicles shall be the responsibility of the fire line supervisor under whose supervision the water tender was placed. Water tender operators must insure that their radio is operating properly in order to maintain communications with their fire line supervisor.

### C. BULLDOZERS

Privately owned bulldozers under agreement to CAL FIRE shall have a fully trained and qualified fire line supervisor available in the immediate area who is assigned to direct the private bulldozer operator at all times during any suppression activities. These operators **will not work** on the fire line without such supervision.

## HIRING GUIDES - PERSONNEL

7761.1

(No. 21 March 1999)

The following applies to employment for fire suppression on a temporary or emergency basis:

- No one under 18 years of age shall be hired. (See [Labor Code](#), 1285, et seq.) See also [Section 3836](#), Incident Fiscal Management Handbook.
- Agricultural workers should not be hired during harvesting season except in extreme emergency.
- No one convicted of arson shall knowingly be hired.
- No person should be hired to protect their own property or property bearing their interests.

- Volunteers requested by or receiving specific instructions from CAL FIRE officials may be hired.
- Volunteers must be properly clothed, physically qualified, properly trained and experienced.

## **EMPLOYMENT PROCEDURE**

**7761.1.1**

(No. 21 March 1999)

A person who is hired as paid pickup labor should sign an FC-42 at the time of employment, or as soon after as is reasonable. Refer to the current Emergency Worker rates published annually by temporary directive. See [Section 3836](#) of the Incident Fiscal Management Handbook.

## **SUPERVISION AND DIRECTION**

**7761.1.2**

(No. 23 October 2000)

- Paid pickup laborers hired by CAL FIRE must be supervised commensurate with their position and qualifications the same as regular CAL FIRE employees.
- In order to operate CAL FIRE equipment, pickup laborers must possess the same type license as required for regular CAL FIRE employees. Normally, they should be certified by the local unit chief as being qualified to operate the equipment.
- In case of injury, the same reports and treatment are required as for regular CAL FIRE employees. (Refer to [Incident Fiscal Management Handbook 3800](#) and refer to instructions on SCIF 3301.)

## **HIRING GUIDES - GROUND EQUIPMENT**

**7761.2**

(No. 35 August 2007)

1. Equipment may be rented from any **owner** (except one protecting his own property or interests) who is willing to rent. There is no practical provision for forcing a contractor to rent equipment for emergency use.
2. **CAL FIRE does not hire or rent equipment from equipment brokers.** "Equipment broker" or "equipment agent" means any individual or entity that does not have title, possession, control and risk of loss of materials, supplies, services, or equipment provided to CAL FIRE. (Military and Veterans Code sec. 999.2) CAL FIRE will only enter into Emergency Equipment Rental Agreements (EERAs) with individuals or entities that have legal title to the equipment provided to CAL FIRE. Legal title must be evidenced by bill of sale or other legally enforceable

documents. For unlicensed equipment, such as bulldozers, a copy of the most recent unsecured personal property tax bill for the equipment will suffice as proof of ownership. Bill of sale, purchase agreement, or receipt for equipment and/or vehicles must include sales tax or the contractor must provide documentation to confirm compliance with Sales or Use Taxes to the California State Board of Equalization. Entities [partnerships, corporations and limited liability companies (LLCs)] must provide proof of purchase by the business entity or transfer of the asset(s) to its Balance Sheet.

3. Lease vs. Sale: When a contract designated as a lease binds the lessee for a fixed term and the lessee is to obtain title at the end of the term upon completion of the required payments (or lessee has the option to purchase the property for a nominal amount that does not exceed \$100 or 1% of the total contact, whichever is the lesser amount) the contract will be regarded as a sale under a security agreement from its inception and not a lease. All other lease-purchase agreements granting the lessee an option to purchase the equipment or vehicle will not be considered a sale until the option to purchase is exercised and title to the leased property is transferred. Leased vehicles must be registered with the California Department of Motor Vehicles per Vehicle Code Section 4453.5. (Refer to [www.dmv.ca.gov](http://www.dmv.ca.gov) to view Vehicle Code.)
4. Certificate of Title for Vehicles: The Registration Card must contain the business name of the registered owner and of the legal owner/lien holder (person, bank, credit union, etc., that financed the vehicle), if any. The only exception is that a sole proprietor may register his/her vehicles in his/her own name rather than the business name.
5. A Disabled Veteran Business Enterprise (DVBE) that rents equipment to the CAL FIRE will be deemed to be an equipment broker unless one or more disabled veterans has at least 51-percent ownership of the quantity and value of the material, supplies, services, and of each piece of equipment provided to CAL FIRE.
6. CAL FIRE does not hire or rent equipment from equipment brokers because CAL FIRE wants to provide all hired equipment businesses with an equal opportunity to work for CAL FIRE in performing emergency fire suppression work. Under CAL FIRE's rotational hiring policy, if a contractor hires out their equipment to CAL FIRE under the terms of an Emergency Equipment Rental Agreement (EERA), but also makes their equipment available through an equipment broker, that contractor would receive more than one opportunity per fire to have their equipment hired. This gives that contractor an unfair advantage over other equally qualified contractors.
7. Public entities such as cities, counties, and state agencies may be willing to make their equipment available to CAL FIRE in emergencies. See [Section 7762](#) for detailed information.

8. Hiring privately-owned equipment to perform work for the CAL FIRE in emergencies is permitted under Public Contract Code Sections 10302 and 10340 authorizing exception from contracting. Rental of "non-state" equipment for fire control use will be reported to the Department of General Services after its use. The reporting process will be handled directly through the Director's Mobile Equipment section in conjunction with the Departmental Accounting Office and will not require field input.
9. The problems inherent in hiring motorized equipment on a large fire are many and varied, and will usually require the full-time attention of competent individuals. It is, therefore, quite important that the position of Technical Specialist - Hired Equipment be filled whenever a large amount of equipment is to be hired. See [Section 7761.5.2](#).
10. **Forms:** CAL FIRE has adopted the use of several Federal forms in its hired equipment process. Specifically, CAL FIRE will use:
  - R5-5100-2T Vehicle/Heavy Equipment Inspection Checklist
  - OF-297 Emergency Equipment Shift Ticket
  - OF-304 Emergency Equipment Fuel and Oil Issue
11. These forms may be ordered from the "NWCG National Fire Equipment System Catalog, Part 2: Publications," PMS 449-2/NFES 3362. The catalog contains order forms and instructions, and payment can be made via CALCARD or SPO. It is suggested that forms used on fire incidents be immediately replaced and charged to the appropriate 009 PCA.
12. The R5-5100-2T "Vehicle/Heavy Equipment Safety Inspection Checklist," may be ordered from the CAL FIRE Headquarters Service Center.
13. In addition to these federal forms, CAL FIRE uses the following state forms to complete the equipment agreement process:
  - [CAL FIRE-294](#), a 4-page form that includes the agreement, CAL FIRE's "General Clauses", CAL FIRE's "General Provisions", and a tri-party signature page.
  - [CAL FIRE-20](#) "Contractor Certification Clauses for Services up to \$4,999.99"
  - [FC-100R](#) "Radio Frequency Use Agreement"
  - [Std. 204](#) "Vendor Data Record," for new contractors
  - [CALSTARS 14](#) "Vendor Edit Table Maintenance" form
  - [Cal Fire -157 equipment owner or broker declaration form.](#)

## **HIRING SYSTEM DESCRIPTION AND DEFINITIONS**

**7761.2.1**

(No. 35 March 2005)

**The intent of the Department is to maximize the utilization of Certified Small Business and Disabled Veteran resources** as defined in this policy to meet the goals as stated herein. **Command Centers shall attempt** to hire Certified Small Business (SB) and Disabled Veteran (DVBE) resources (not including the immediate need or planned need water tender or dozer, rotational list resources) prior to hiring non SB or DVBE resources. Command Centers will document in the resource ordering system of record the reason why they did not hire SB or DVBE support resources.

### **For fireline bulldozer or water tender services,**

The hiring system will utilize rotational hiring lists that include all contractors with whom CAL FIRE has agreements. Utilization of equipment from these groups will also be based on incident need - whether the need is "Immediate" (ASAP) or "Planned" (needed at a predetermined future time). All equipment must be hired in accordance with the Rates Procedures Handbook (3900), Section 3934 (California Interagency Emergency Hired Equipment Rates).

This system of hiring will be used by CAL FIRE personnel any time CAL FIRE orders resources for itself or for cooperating agencies. Other agencies ordering resources on behalf of CAL FIRE will use their own hired equipment business processes.

The selection of the most appropriate resource to assign to (fill) a request must be based on time frame as well as specific mission requirements and equipment capabilities. It is the responsibility of the incident commander (IC) to determine the appropriate resource and the time it is needed at the incident and to communicate that information to the Incident Ordering Point.

## **DEFINITIONS: EQUIPMENT**

**7761.2.1.1**

(No. 35 March 2005)

**Fireline Equipment** refers to equipment that meets the minimum equipment, performance, and response time requirements (within one hour of notification) detailed in [Sections 7761.4.3 and 4.4](#) of this policy.

**Support Equipment** refers to equipment that is not used for fire suppression work, but rather is used to meet other incident logistical needs. This equipment and other equipment types not otherwise referenced in this policy are not subject to the fireline equipment and performance requirements for bulldozers, water tenders, or privately-owned fire engines.

**Fire Engine**, for purposes of this policy, shall be as defined in the "Resource Typing and Minimum Standards" of the FIRESCOPE ICS Field Operations Guide.

## **DEFINITIONS: TIME FRAMES**

**7761.2.1.2**

(No. 35 August, 2007)

**Immediate Need** is defined as those times when, due to the threat to life and/or property, there is a need for a resource(s) to be available without delay. The minimal acceptable response criteria are detailed in [Section 7761.2.6.3](#).

**Planned Need** is defined as the period beginning after 24 hours have passed since the time of the initial dispatch. This allows a decision window for determining whether or not there is sufficient lead time for utilization of Small Business and Disabled Veteran resources. The maximum allowable response time for each resource will be specified by CAL FIRE. Response time requirements of less than 12 hours are considered "Immediate Need."

**NOTE:** For Extended Attack and Major fire strategy situations, Incident Commanders are reminded to plan for future resource requirements and to place requests soon enough to allow for timely response by Planned Need resources that will be hired from the Statewide lists. For further information on the Planned Need concept, see [Section 7761.2.6.4](#).

## **SIGN-UP AND LISTS -- GENERAL**

**7761.2.2**

(No. 21 March 1999)

### **SIGN-UP**

**7761.2.2.1**

(No. 37 May 2005)

Each unit is responsible for recruiting contractors and for completing Emergency Equipment Rental Agreements in order to meet the time frames and all other requirements set forth in this and other departmental policies and procedures governing hired equipment. Use [EERA Checklist \(FC-290\)](#) to assist contractors and Hired Equipment Coordinators in this process.

Each piece of equipment can be under the control of only **ONE** contractor and can only be covered by **ONE** Emergency Equipment Rental Agreement (EERA). However, that agreement is good for hiring in all CAL FIRE units. Bulldozers and water tenders may only be shown in the ERD of ONE CAL FIRE unit.

## **CONTRACTOR CONTACT TELEPHONE NUMBER**

**7761.2.2.2**

(No. 33 February 2004)

All contractors will provide a single contact telephone number. Only one method of contact (phone, phone pager, answering service, answering machine, etc.) at the contractor's choosing will be accepted. This will be the sole method used by the Department to contact the contractor to fill incident requests.

## HIRING GOALS

(No. 37 August 2007)

7761.2.2.3

California law establishes a goal for state agencies to do at least 25% of their contract business with Certified Small Businesses (CSBs). Also, the law establishes a goal for state agencies to do at least 3% of their contract business with certified Disabled Veteran Business Enterprises (DVBEs).

To assist in meeting these goals, each unit will implement an "outreach" program to encourage participation by CSBs and DVBEs.

- A. Small Business/DVBE certification:** At the time of initial contact all contractors are to be provided with the following CSB and DVBE certification information:

Small businesses must be certified by the Office of Small Business and DVBE Certification (OSDC) in accordance with Title 2, California Code of Regulations, Section 1896 *et seq.*

DVBEs must be certified by OSDC in accordance with Title 2 CCR, Division 2, Chapter 3, Subchapter 10.5, Section 1896.60 *et seq.* A copy of the certification letter(s) must be provided to CAL FIRE at the time the contractor is listed in the Emergency Resource Directory or when the hiring package is prepared. Interested contractors can contact OSDC at P.O. Box 989052, West Sacramento, CA 95798-9052 (707 Third Street, 1<sup>st</sup> Floor, Room 400) or on the Internet at: <http://www.pd.dgs.ca.gov/smbus>

**B. Cal Fire -157**

CAL FIRE requires that **all contractors**, (not just CSBs/DVBEs) applying for Emergency Equipment Rental Agreements (EERA) with CAL FIRE complete and return a Cal Fire 157. The responses provided on the document assist Hired Equipment Coordinators in verifying whether or not a prospective contractor is a hired equipment broker.

CAL FIRE will only enter into EERAs with individuals or entities that have title to the equipment provided to CAL FIRE as defined in Hiring Guides – Ground Equipment [7761.2](#). Contractors must provide a certificate of insurance naming the State of California, as an additional insured.

The Unit Hired Equipment Coordinators will review each Cal Fire 157 as follows:

1. Confirm for each piece of equipment if the required support document(s) is provided. Is there a lienholder on the Registration Card other than a financial institution? If yes, contractor must provide a copy of the purchase agreement to confirm the terms and conditions of the sale. Does the Bill of Sale include sales tax? If no, then the contractor must provide documentation to confirm compliance with Sales or Use Taxes to the California State Board of Equalization. Is the contractor a sole proprietor or other business entity (partnership, corporation or limited liability company)? Note: Only a sole proprietorship can have the Registration Card in the name of the business owner. All entities must provide a Registration Card that reflects the name of the business entity. For unlicensed equipment, such as bulldozers, a copy of the most recent unsecured personal property tax bill for the equipment will suffice as proof of ownership. Any inconsistencies between statements on the questionnaire and support documentation must be satisfactorily clarified by the contractor in writing.
2. Qualifying disabled veteran(s) must maintain at least 51% ownership of the DVBE and actively manage and control the work.
3. Review completed and signed Cal Fire 157.

### C. Results of Unit Coordinator Review of EERAs, Cal Fire 157

1. If the Unit Hired Equipment Coordinator determines, based on review of the information provided in the Cal Fire 157, that the contractor is not an equipment broker, and that he does perform a "commercially useful function" in the business, and assuming that the other equipment and operator requirements are met, upon completion of the EERA the Hired Equipment Coordinator will advise the Unit ECC Chief to list the contractor on the appropriate hired equipment rotational lists.

Each Unit HEC will advise the Sacramento Hired Equipment Coordinator each time the unit enters into a new EERA with a CSB or DVBE contractor. The Unit HEC will provide the Sacramento Hired Equipment Coordinator with information on the contractor, including contractor name, mailing address, contact phone number, equipment license # or serial #, resource ICS kind and type, whether "Fire Ready" or "Support", and any "flagging" requested by the vendor (per Section 7761.2.6.6).

2. If the Unit Hired Equipment Coordinator determines that the contractor **is** an equipment broker, or that he **does not** perform a "commercially useful function" in the business, he/she will forward a copy of the EERA and the completed Cal Fire 157, and any supporting documentation to the CAL FIRE Department Hired Equipment Coordinator in Sacramento. CAL FIRE will not hire the contractor until all questions concerning the legitimacy of the contractor's CSB or DVBE status are resolved.
3. The Department Hired Equipment Coordinator will confer with the DGS OSDC to verify the applicant's CSB and/or DVBE status. Only those CSBs and/or DVBEs that are currently certified will receive the CSB and/or DVBE preference of being listed on the CAL FIRE statewide hired equipment rotational list(s).

When questions about the contractor's status have been resolved, the Department Hired Equipment Coordinator will advise the Unit Hired Equipment Coordinator, who will then advise the Unit ECC Chief to add the contractor to the appropriate unit hired equipment rotational lists.

4. If the contractor is not currently a CSB and/or DVBE, the Department Hired Equipment coordinator will advise the Unit Hired Equipment Coordinator, who will then advise the Unit ECC Chief to list the contractor on the appropriate hired equipment rotational lists.
5. By law, "awarding agencies" (such as CAL FIRE) must investigate and report all alleged program violations to the DGS Procurement Division, OSDC (Military and Veterans Code sec. 999.9(d)). The OSDC

subsequently forwards the allegations to the attorney general for possible action and/or suspension by DGS.

**D. CSB and DVBE Program Violations:**

Violations are misdemeanors and punishable by imprisonment or fine and violators are liable for civil penalties. Sanctions for DVBE program violations are provided in Military & Veterans Code 999.9 and Public Contract Code 10115.10. Sanctions for the Small Business Program are provided in Government Code 14842 and 14842.5.

DGS OSDC will provide assistance to Unit Hired Equipment Coordinators who are investigating suspected program violations. Questions related to reporting potential program violations, “commercially useful function,” ownership and management and control by the qualifying disabled veteran(s), or the identity of the qualifying disabled veteran(s), may be directed to: Certification and Compliance Manager, OSDC, at 800-559-5529, or 916-375-4936, or facsimile 916-375-4950.

**SINGLE-UNIT LISTING FOR FIRELINE BULLDOZERS  
AND WATER TENDERS**

**7761.2.2.4**

(No. 35 March 2005)

Individual Fireline bulldozers and water tenders covered by EERAs may only be shown in the hired equipment lists and Emergency Resource Directory (ERD) of **ONE** unit. (“Unit” includes all counties for which the Unit Chief has administrative responsibilities.) However, if a contractor has multiple business offices (where payments will be sent) and has equipment that is normally available in multiple CAL FIRE units, that contractor may list their individual pieces of equipment with the CAL FIRE unit where the equipment is normally located. A contractor whose equipment is listed in multiple units may **NOT** make available any equipment that is listed in any CAL FIRE unit other than the one placing the request. Further, any brokering or sharing of equipment or participation in equipment cooperatives of any type or manner that, in the determination of CAL FIRE, circumvents the intent of any part of this policy is expressly prohibited.

Access by a unit to any Fireline equipment signed up in another unit will be governed by the procedures detailed in Section 7761.2.6 of this policy and in Command and Control Procedures Handbook (8100), [Procedure 006G](#).

All types of Support equipment (e.g.: potable water trucks, Support bulldozers, graders, etc.) covered by a CAL FIRE EERA may be listed in the Emergency Resource Directory of ANY CAL FIRE unit. However, rotational hiring only applies to Fireline bulldozers and water tenders.

## **LATE SIGN-UP**

**7761.2.2.5**

(No. 35 March 2005)

Because of the annual Fireline equipment operator firefighter safety training requirement found in Section 7761.2.9.1, CAL FIRE will not enter into agreements with bulldozer or water tender contractors whose operators have not completed the training during the previous 12 months.

For other types of equipment, initiation and completion of agreements, and conducting related pre-agreement inspections by CAL FIRE staff will be scheduled as allowed by fire activity and post coverage schedules.

## **CONTRACTOR FILE**

**7761.2.2.6**

(No. 37 August, 2007)

Each CAL FIRE unit will create and maintain a file for each contractor that has entered into a CAL FIRE-294 agreement with that unit. The file will be used to retain CAL FIRE-294 and OF-294 agreements, records of hiring, proof of employee training, safety inspection and vehicle weight reports, performance evaluations, DVBE and/or Small Business certifications, and other documentation required by this policy. **(Each unit shall utilize the CAL FIRE 294 database to generate the agreements)** Such documentation will be retained in the file for a period of three years.

## **LISTS - GENERAL**

**7761.2.3**

(No. 33 February 2004)

The CAL FIRE Hired Equipment System will utilize two types of equipment hiring lists: one for Fireline bulldozers and one for Fireline water tenders. Only contractors whose equipment is covered by a valid EERA will be included on CAL FIRE rotational hiring lists and ERDs. Equipment NOT covered by a valid EERA will NOT be listed on any CAL FIRE unit hiring list or ERD.

## **UNIT LISTS**

**7761.2.3.1**

(No. 35 March 2005)

Each Unit Hired Equipment Coordinator (HEC) and Unit ECC Chief will work together to establish, **and continuously maintain year-round**, unit rotational hiring lists for Water Tenders and for Bulldozers.

- A. Unit Fireline Bulldozer Hiring List:** Each Unit ECC will maintain a Unit Fireline Bulldozer hiring list that shows all bulldozers covered by a current EERA with that unit. Information shown for each bulldozer will include contractor name, address, and contact phone number, equipment serial #, ICS kind and type, any "flagging" requested by the contractor (7761.2.6.6), and whether the contractor is a CSB or DVBE, or both.

- B. Unit Fireline Water Tender Hiring List:** Each Unit ECC will maintain a Unit Fireline Water Tender hiring list that shows all water tenders covered by a current EERA with that unit. Information shown for each water tender will include contractor name, address, and contact phone number, equipment license # and VIN#, ICS kind and type, any “flagging” requested by the contractor (7761.2.6.6), and whether the contractor is a CSB or DVBE, or both.

## STATEWIDE LISTS

7761.2.3.2

(No. 35 August, 2007)

The Statewide Hired Equipment lists will include all Certified Small Business and DVBE Fireline Bulldozer and Water Tender contractors in both regions. The State Hired Equipment Coordinator will coordinate information with the Unit HECs to ensure that contractor information shown on the statewide lists is current and accurate.

Each of the 2 lists will be further divided into 2 “tiers.” **Tier 1** will include only vendors who are both CSBs and DVBEs. **Tier 2** will include vendors who are either CSBs or DVBEs, but not both.

By law, if a contractor who is a CSB and another contractor who is both a CSB and a DVBE are competing for the same State government business opportunity, and all other factors are equal, the business opportunity should be awarded to the DVBE/CSB. CAL FIRE will apply this policy to hiring equipment on a Planned Need basis as follows:

1. Whenever the Sacramento CC receives requests for Planned Need bulldozers or water tenders, the dispatcher will go to the appropriate list and contact the contractors **in Tier 1** in the order they are shown on the rotational list to fill all the current requests. This process will continue until all requests are filled or until the Tier 1 list has been exhausted.
2. When the Tier 1 is exhausted, the dispatcher will then follow the above procedure **in Tier 2**, until all requests are filled, or until the Tier 2 list has been exhausted.
3. When no more Planned Need resources are available from either Tier 1 or Tier 2 of the statewide lists, the dispatcher will then place the unfilled requests back with the originating unit or with other CAL FIRE units for them to fill with equipment from non-CSB or non-DVBE contractors.

## **LIST UTILIZATION**

**7761.2.4**

(No. 35 March 2005)

Utilization of the Statewide Fireline Bulldozer and Water Tender Lists will be requested by the units (following 8100 Handbook [Procedure 006G](#)) to fill incident requests for resources where the criteria set forth in the definition of Planned Need (Section 7761.2.1.2) is met.

## **LISTS ESTABLISHED RANDOMLY**

**7761.2.4.1**

(No. 35 March 2005)

On the first Monday in May of each 3-year agreement period the Sacramento CC Chief and the Unit ECC Chiefs shall re-establish the rotational hiring order of all hired equipment lists. List order will be re-established on a random basis, either by drawing or other means that guarantees no biased placement on the list.

## **LIST ADMINISTRATION AND MAINTENANCE**

**7761.2.4.2**

(No. 33 August, 2007)

The administration and maintenance of the Unit Hired Equipment Lists is the responsibility of the Unit ECC Chief.

The administration and maintenance of the Statewide Hired Equipment Lists is the responsibility of the Sacramento Hired Equipment Coordinator, who discharges this responsibility on behalf of both Region CC Chiefs.

## **(RESERVED)**

**7761.2.5**

## **REQUEST AND DISPATCH PROCEDURES**

**7761.2.6**

(No. 21 March 1999)

## **DEPARTMENTAL TELEPHONE CONTACT NUMBER**

**7761.2.6.1**

(No. 33 February 2004)

At the time of dispatch, the contractor will be provided with a contact telephone number to utilize when contacting the Department. This number will be used to make **ALL** contacts and notifications concerning changes in resource status or for any other communication concerning the response.

## REQUEST NUMBERS

7761.2.6.2

(No. 35 March 2005)

- A. When filling hired equipment requests, the contractor will be provided with one request number for each resource being requested. "Assigning" an issued order and request number to another contractor, or accepting such an order and request number from another contractor (except as specifically allowed below) is not permitted. CAL FIRE will not conduct business with "brokers". All requests will be placed with contractors who have a current EERA covering the listed equipment.
- B. If a bulldozer is hired "as a unit" (meaning that a dozer and transport will be provided by the same contractor) a separate request number will be issued for the dozer and for the transport.
- C. The transport may be owned by the same contractor who owns the dozer, or it may be owned by another contractor with a valid CAL FIRE EERA. In either case, CAL FIRE will issue one request number for the dozer and another request number for the transport. If the bulldozer contractor does not have his own transport, the bulldozer contractor will contact a transport contractor covered by a current CAL FIRE-294 agreement, provide the transport contractor with the request number, and arrange for hauling services as requested by CAL FIRE.
- D. If the bulldozer is not hired "as a unit", because the bulldozer owner does not have his own transport and does not have a hauling arrangement with an approved (EERA) transport owner, CAL FIRE will contact a transport contractor, provide him with the request number, and arrange to have the transport contractor haul the other contractor's bulldozer to the incident.
- E. **Pilot Cars:** The transport owner is responsible for providing "pilot cars" when required by a permitting agency, such as CalTrans. The transport rates found in Section 3934.3.2 include an allowance for one pilot car. If a second pilot car is required by the permitting authority, an additional payment will be made for that vehicle at the rate shown under "Second Pilot Vehicle" in that section. The contractor must furnish proof that the second pilot car was required.

If pilot cars are used, they will be shown on separate line entries on the CAL FIRE-61 Emergency Equipment Invoice. (See CAL FIRE Handbook 3800, sec. [3833.1.9](#) and [1.10](#).)

## HIRING OF "IMMEDIATE NEED" RESOURCES: "CLOSEST RESOURCE" CONCEPT

7761.2.6.3

(No. 35 March 2005)

- A. In hiring equipment to fill requests for assistance on emergency incidents, it is CAL FIRE's intent to utilize the closest available resources that meet the needs of the incident, without regard for administrative boundaries. When the hired equipment resources in the unit ERD have been exhausted, the unit ECC will place the request for additional hired equipment with the Region Command Center.
- B. In filling resource requests, if hired equipment resources are **KNOWN** to be available in an adjoining unit and are within a one-hour activation time and a one-hour travel time of the incident (maximum total of two hours from contact to arrival at scene), the ECC may place the order for the resource directly with the adjoining unit ECC. Units will place **ALL** subsequent resource requests for hired equipment with their Region CC following 8100 Command and Control Procedures Handbook, [Procedure 006G](#).
- C. CAL FIRE will attempt to place resources appropriate for the assignment at the scene of the incident when they are needed. To meet this goal, **ALL** requests for resources to fill Immediate Need requests (as defined in Section 7761.2.1.2) will be placed with contractors that can best meet these criteria.
- D. Each contractor will be assigned as many requests as they can fill and will then be rotated to the bottom of the list. Contractors unable to meet response time requirements will be bypassed to access other contractor(s) who can be on scene and available within the required time frame. The minimum acceptable response requirements are detailed in Section 7761.3.

## **HIRING OF “PLANNED NEED ” RESOURCES: “JUST IN TIME” CONCEPT**

**7761.2.6.4**

(No. 35 August, 2007)

State law prescribes that all state agencies have a goal of conducting at least 3% of their business with certified disabled veteran businesses (DVBEs) (Public Contracts Code section 10115 [c]).

State law also prescribes that state agencies have a goal of conducting at least 25% of their business with certified small businesses (CSBs) (Government Code sections 14835 – 14843.)

In order to meet these goals, CAL FIRE has decided to make a special effort to hire DVBE and CSB contractors for bulldozer and water tender firefighting assignments that are planned to start from 12 to 24 hours into the future (“Planned Need”). These hires will be made regardless of whether there is other non-DVBE or non-CSB contractor equipment available closer to the fire. This practice does not restrict CAL FIRE from hiring any locally-available resources to fill Immediate Need requests.

## **ROTATIONAL DISPATCH OF RESOURCES**

**7761.2.6.5**

(No. 35 March 2005)

Fireline bulldozer and water tender contractor contact and hiring will be done from the appropriate list on a rotational basis. All other resource types will be hired from EERA vendors listed in the Unit ERD. This hiring will not necessarily be done in a rotational manner.

When Fireline bulldozers or Fireline water tenders are needed, **all pending requests will be placed with the first-up contractor on the list.** If the contractor is **NOT** able to fill any or all of the request(s), unfilled requests will be placed with the next contractor on the list. If the contractor **IS** able to fill all request(s), then the next request, or group or requests, will be placed with the **next** contractor on the list. This sequence will continue until a) all requests have been filled, or b) no contractor on the list is able to fill the request.

Contractors will be rotated to the bottom of a list for the following reasons:

- **Unanswered calls:** An unanswered call is considered a call. The contractor was given the opportunity to be hired and for whatever reason did not answer or did not return the call within the allotted time frame.

- **Equipment unavailable:** A contractor's equipment is unavailable at the time of request.
- **Contractor declines:** If the contractor declines the opportunity to be hired for any reason.
- **Contractor accepts:** When a contractor accepts a request.
- **Failure to comply:** Violation(s) of any part of Section 7761.2.8.

Contractors may be bypassed but **will not** be rotated to the bottom of the list:

- When their equipment does not meet the ICS type requirements of the request.
- When the contractor cannot be en route to the incident in less than one hour.

**NOTE:** See the 8100 Command and Control Handbook, [Procedure 006G](#), for details on this process.

## CONTRACTOR CONTACT

7761.2.6.6

(No. 35 March 2005)

1. Contractors must not telephone or otherwise contact CAL FIRE personnel at any CAL FIRE command center, facility, incident, or other location for the purpose of offering their equipment for immediate hire for on-going incidents. This is a time of intense emergency activity when dispatchers are following established procedures, including contacting contractors with EERAs as described in this policy. Unwanted contact slows down and disrupts the dispatching process. This is the main reason for the existence of the pre-use EERA and the rotational hiring lists. CAL FIRE knows which contractors have agreements with CAL FIRE and which ones to call in what order.
2. When bulldozer or water tender contractors are needed, CAL FIRE will **attempt** to contact the contractors in rotational order by phone (if multiple orders are being processed the next vendor up may also be called as long as there are orders for the number of vendors being called. At no time may this be done to skip a vendor). The contractor will be given 10 minutes from the time of the attempted contact to respond and either accept or decline the request. A contractor who does not return a call within the 10-minute time frame will be moved to the bottom of the rotational list.
3. **Contractor-Specified Minimum Response Time or Limited Response Area (FLAG)** Each first-up Fireline equipment contractor will be contacted for all requests regardless of time frame. If it is the contractor's desire to reduce unnecessary contact, he/she may request that their name be flagged. In requesting the flag, the contractor may specify a certain minimum response time or limited response area. By requesting the flag, the contractor grants the Command Center (CC) duty officer the authority to determine if a contractor could reasonably meet the requested report time to the incident. This time will be

considered to be from the time the contractor would be contacted to the report time at the incident. Contractors requesting to be flagged will be bypassed and left in position in the rotation when it is determined that the response time or location requirements of the request cannot be met. By requesting this flag and the associated conditions, the contractor agrees to accept any decision made by the duty officer as it pertains to the implementation of this section.

## **RECORD OF CONTACT**

**7761.2.6.7**

(No. 35 March 2005)

All CAL FIRE Command Centers will utilize an automated software program to record ALL transactions made in furtherance of this policy. These records will provide documentation of CAL FIRE actions that can be used in investigation of contractor complaints about CAL FIRE performance. Information to be recorded will include as a minimum:

1. Each attempted contact, whether or not actual contact was made, and the vendor's name and I.D. number.
2. What type of contact it was; personal contact, pager, answering machine, answering service, voice mail, etc.
3. Whether or not there was a response.
4. If a contact was made or there was a response to the attempt, the name of the individual contacted or returning the call.
5. If there was no response to the attempted contact.
6. The number called.
7. Date and time of every transaction.
8. Name of the Department employee making the contact.
9. Disposition of the contact; accepted, declined, unable to fill, etc.
10. Order and request number.
11. Kind of equipment requested: dozer, water tender, etc.

In the event that the automated software program is not functioning, use form [FC-292](#) "Record of Contact."

## **PERMITS AND DRIVING REGULATIONS**

**7761.2.6.8**

(No. 33 February 2004)

Contractors are responsible for obtaining any transportation permits required by regulatory agencies, and consideration for the cost of such permits is factored into the rates paid by CAL FIRE. If a contractor is unable to secure the necessary permits due to permit offices being closed, the hiring CAL FIRE unit will contact the permitting agency and facilitate the emergency issuance of the required permits. It is the contractor's responsibility to follow-up with the permitting agency on the next business day to submit the necessary documentation and to pay any permit fees.

### **CalTrans permit office telephone numbers are:**

For the counties of Inyo, Mono, Kern, San Luis Obispo, and south:	Inquiries 909-383-4637	FAX 909-388-7001
For the rest of the state:	Inquiries 916-322-1297	FAX 916-322-4966
24 Hour Emergency Number	Inquiries 916-653-3442	FAX 916-653-3291

CAL FIRE will also contact the local CHP office and advise them of the emergency movement of the hired equipment, and of permits issued by the permitting agency.

Drivers of hired equipment are not exempt from the limitations on driving hours or the logbook requirements of the California Motor Carrier Regulations, Title 13, section 1212.

## **EMERGENCY PICKUP/HIRES**

**7761.2.7**

(No. 21 March 1999)

## **RENTAL AT SCENE**

**7761.2.7.1**

(No. 35 March 2005)

Equipment rented at scene is un-requested equipment, and will be released within 7 hours of hire. If the equipment rented at scene is already covered by an existing EERA, the 7 hour release requirement will still apply, and the contractor will be rotated to the bottom of the hiring list.

## **NO HIRING UNLESS REQUESTED**

**7761.2.7.2**

(No. 33 February 2004)

### **Contractors must not respond to emergency incidents without being requested.**

ICs will not hire equipment of any kind that shows up un-requested unless in the judgment of the IC (or other Department representative) there is clearly an imminent threat to life and/or property and other appropriate resources are not available to meet the immediate need.

## **CONTRACTOR PERFORMANCE**

**7761.2.8**

(No. 33 February 2003)

### **GENERAL**

**7761.2.8.1**

(No. 33 February 2004)

Once a contractor accepts an assignment, they must comply with all subsections of this policy. The contractor is required to notify the Department **IMMEDIATELY** in any instance in which they cannot comply with this policy or any requirements of the assignment.

### **RESPONSE AND ARRIVAL AT SCENE**

**7761.2.8.2**

(No. 33 February 2004)

A contractor must make notification of any change in their status or ability to meet the assigned report time to the incident or other reporting location. Notification will be to the Department at the contact number provided at the time of dispatch. See Section 7761.2.6 for further details.

The Incident Commander or his/her designee shall have the authority to release any resource not arriving at the incident by the required report time. This release may occur prior to arrival (upon phone contact) or upon arrival at the incident. If it is determined that there is still a need for the resource, the resource may be given another assignment on the incident.

Any open assignments on an incident caused by resources not reporting on time may be filled with any appropriate resource to meet operational needs as determined by the Incident Commander.

**ABILITY OF PERSONNEL TO PERFORM UPON ARRIVAL** 7761.2.8.3  
(No. 33 February 2004)

Contractor personnel must arrive at the incident by the required report time in a condition to safely and legally operate their equipment and perform their assigned mission. This condition must be maintained any time the personnel are on duty and performing their assignment.

It shall be the operator's responsibility to recognize the capabilities and limits of the equipment he/she is operating. Assignments beyond the mechanical capability of the equipment should be refused by the operator.

Operators should refuse those assignments beyond their ability to perform.

**EQUIPMENT LOCATION** 7761.2.8.4  
(No. 33 February 2004)

At the time of a contact by CAL FIRE, it is the contractor's responsibility to notify the Department of the resource's location and any condition that may affect its availability or ability to meet the response time requirement.

**PERSONNEL QUALIFICATIONS** 7761.2.8.5  
(No. 35 March 2005)

Contractor personnel must meet all training and safety requirements stated in this policy.

**A. PHYSICAL PERFORMANCE REQUIREMENTS FOR CONTRACTOR FIRE ENGINE PERSONNEL**

The work of Fire Engine Company personnel requires strenuous physical exertion for extended periods including walking, climbing, chopping, throwing, lifting, pulling and frequently carrying objects weighing fifty (50) pounds or more. The contractor is responsible for assuring that all contractor personnel are physically capable of safely performing in this type of work environment.

**B. ENGLISH SPEAKING REQUIREMENT**

Clear communications is essential for safe and effective performance. All contractor personnel shall be able to fluently communicate in English (both written and verbal) and possess the knowledge and ability to communicate verbally with all crew members.

## **DOCUMENTATION OF CONTRACTOR WORK HOURS (SHIFT TICKETS)**

**7761.2.8.6**

(No. 33 February 2004)

Work hours will be documented on form OF-297 "Emergency Equipment Shift Ticket."

The CAL FIRE (or other agency) employee supervising the equipment is responsible for recording the contractor work hours on the OF-297 (shift ticket) form, and for insuring that the contractor signs the form. This is done at the end of the shift or work day (whichever is appropriate). The employee completing the form is responsible for delivering the original copy of the OF-297 to the Time Recorder.

Division/Group Supervisors are responsible to see that the work hours of hired equipment assigned to their supervision have been properly recorded and reported to the Time Recorder.

**REMINDER: PAYMENT TO THE CONTRACTOR CANNOT PROCEED UNTIL THE SUPERVISOR PROVIDES THE TIME RECORDER WITH A COMPLETED SHIFT TICKET.**

## **PERFORMANCE EVALUATIONS**

**7761.2.8.7**

(No. 35 March 2005)

A contractor performance evaluation **must** be completed by the immediate supervisor of all contractors and operators at the end of each operational period to document exemplary, standard, or substandard performance. The "Contractor/Vendor Performance Evaluation" Form (ICS 230) should be used for this purpose, **but if that form is not available, then a performance notation should be made in the "Remarks" block of the Shift Ticket.**

Substandard performance should be discussed with the contractor/operator no later than the end of the shift, so that the contractor/operator has the opportunity to improve their performance during their next shift. These discussions should be documented to include date, time, with whom discussed and detail of the discussion.

Supervisors will forward these evaluations to the Ground Support Unit Leader. At the time the contractor/operator is released from the incident, the Ground Support Unit Leader should provide them with copies of all performance evaluations. If that is not possible, the Ground Support Unit Leader will mail copies of the evaluations to the contractor. The Ground Support Unit Leader will also forward these evaluations to the Hired Equipment Coordinator of the unit that has the Agreement with the contractor, for inclusion in that contractor's file.

## **IMMEDIATE ACTION TO RESOLVE PROBLEMS**

**7761.2.8.8**

(No. 33 February 2004)

Incident supervisors are responsible to take immediate action to resolve any issues that involve safety, productivity, operational effectiveness or any other issue that in any way compromises the incident operations. All violations of policy by CAL FIRE employees or by contractors and their employees will be referred, with documentation, to the Chief of the unit issuing the EERA, or his/her designee, for review and possible action.

All disputes between CAL FIRE employees and contractors or their employees will be resolved as soon as possible in a manner consistent with CAL FIRE policy. If immediate resolution is not possible, the dispute must be documented in writing and sent to the Chief Deputy Director within 10 days of the conclusion of the incident.

## **NON-COMPLIANCE AND SANCTIONS**

**7761.2.8.9**

(No. 33 February 2004)

Failure to comply with any of the requirements in this policy may result in sanctions against the contractor. Non-compliance will include, but is not limited to the following:

- **Contacting any unit, incident or other location soliciting hiring by the Department.**
- **Responding to the incident without being requested.**
- Misrepresentation of response time.
- Failure to arrive at requested time without making contact.
- Misrepresentation of condition or location of equipment.
- Arrival or operation at the incident without protective gear or any other required equipment.
- Unsafe or negligent equipment operation.
- Failure to follow directions or complete assignments or any other failure in performance.
- **Any brokering of equipment or equipment cooperatives of any type or manner that circumvents the intent of any part of this policy.**
- **"Assigning" an issued order and request number to another contractor, or accepting such an order and request number from another contractor except as specifically allowed in section 7761.2.6.2.**
- Misrepresentation of Small Business and Disabled Veteran-owned business status.
- Operating equipment on fire ready assignments without the required training.
- Willful violation of fair hiring practices.
- Any other action that violates the intent of this policy.
- Misrepresentation of time worked on incident.

Contractor non-compliance may result in any of the following actions, as deemed appropriate by the Department.

- Placement at the end of rotation.
- Removal from list(s) for a specified period of time.
- Removal from list(s) for the remainder of the year.
- Cancellation of the EERA
- Civil and/or criminal action.

Action on the part of the Department may result from a single action or a combination of actions on the part of a contractor. Unit Chiefs are authorized to implement sanctions against contractors. The Region Chief or his/her designee will be the final appeal point. Notice of any action will be forwarded to the contractor in writing.

## **TRAINING REQUIREMENTS**

**7761.2.9**

(No. 21 March 1999)

## **ANNUAL TRAINING FOR OPERATORS OF FIRELINE EQUIPMENT**

**7761.2.9.1**

(No. 35 March 2005)

Because of changes to the law that became effective January 1, 2000, CAL FIRE requires eight hours of specific annual firefighter safety training for all operators of equipment that is hired for fireline work. Specific requirements are as shown in Annual Safety and Operational Training Requirements. Each operator who successfully completes the required annual training will be issued a certification of training valid through May 30 of the following year. The Unit Hired Equipment coordinator will retain a record of this certification in the contractor's file. (Such documentation **must not** include a copy of the operator's driver's license. CVC 14610.1) While operating equipment under hire to CAL FIRE, all operators will have this certification documentation in their possession (or immediately available) and present it upon request by a representative of the Department.

## TRAINING REQUIREMENTS FOR CONTRACTOR FIRE ENGINE COMPANY PERSONNEL

7761.2.9.2

(No. 33 February 2004)

In addition to the annual training requirement in section 7761.2.9.1, special training requirements apply to the personnel of private fire engine companies hired by CAL FIRE.

Contractor shall ensure that employees possess all required training and certification(s) and maintain training records for all personnel. All training shall be accomplished by an instructor who has been certified by the CAL FIRE/California State Fire Marshal's Office, or who has been qualified and authorized to conduct such training by CAL FIRE, federal wildland fire agencies, or wildland fire agencies of other states. All required training must meet the course curriculum and instructional objectives and standards prescribed by these agencies. The state, at its discretion, will periodically evaluate the Contractor's certification of employee training.

It is the contractor's responsibility to assure that all employees have successfully completed the required training and experience detailed in [Qualifications Training and Experience Requirements](#), prior to performing in any position.

## SPECIFIC HIRING GUIDES - GROUND EQUIPMENT

7761.3

(No. 37 May 2005)

The following conditions apply whenever ANY TYPE of ground equipment, including pickups and chain saws, is hired:

1. There must be a genuine need for the equipment.
2. The contractor must enter into a pre-hire Emergency Equipment Rental Agreement (EERA) establishing terms of employment, rate and method of payment, and equipment conditions. The contractor will enter into the pre-hire agreement with their local CAL FIRE Unit. The terms of this pre-hire agreement will apply to incidents at any location where CAL FIRE hires the contractor. Contractor equipment may only be covered by one CAL FIRE-294 agreement at a time. **Instructions for completing the EERA agreement are found in Incident Fiscal Management Handbook 3800, [Section 3833](#).**

The CAL FIRE-294, Emergency Equipment Rental Agreement is a four-part form which includes a front page, CAL FIRE's "General Clauses," "General Provisions," and the tri-party signature page.

The first 3 pages of the EERA should be completed and signed well before the beginning of the fire season. The contractor must carry a current copy of the entire agreement on each piece of equipment covered by the agreement.

3. If there is any doubt as to the performance capabilities of the equipment in question, employees should require the contractor to demonstrate that the equipment can perform as the contractor claims it will.
4. Contractor will provide CAL FIRE with a single contact number. This will be the sole method used by the Department to contact the contractor to fill incident requests. It is the responsibility of the contractor to provide a **SINGLE** contact number that is available 24 hours per day 7 days a week to be used by CAL FIRE to make contact for the dispatch of resources (e.g., telephone pager, radio paging service, etc.).
5. **Insurance:** Prior to completion of the CAL FIRE-294, the contractor must provide evidence that the following types of insurance are in force:
  - A. **Workers' Compensation.** Contractor shall provide Workers' Compensation coverage for contractor's employees in accordance with applicable California State Law. Owner-operators and independent contractors working for the prime contractor must be covered by major medical insurance if not covered by Workers Compensation.
  - B. **Comprehensive or Commercial General Liability.** CAL FIRE no longer requires this type of insurance
  - C. **Motor Vehicle Liability.** Contractor shall obtain, at Contractor's expense, and keep in effect for the duration of the agreement, a policy of Motor Vehicle Liability insurance that covers the vehicle **and the use intended** under the agreement. A copy of this policy will be carried in each vehicle under hire to CAL FIRE, as required by law. This coverage may be provided by combining the Motor Vehicle Liability insurance with the Comprehensive or Commercial General Liability insurance. Coverage shall not be less than **\$300,000**, combined single limit, per occurrence. **Exceptions:** Motor carriers transporting property other than hazardous materials, such as transport trucks hauling bulldozers, water tenders transporting water, and privately owned fire engines: 10,000 lbs. Gross Vehicle Weight Rating (GVWR) or greater: minimum **\$750,000** combined single limit, per occurrence (per Dept. of Motor Vehicles Industry Operations Division). The insurance policy should include an endorsement listing the State of California as an "additional insured."

Certificates of insurance will be presented on demand of any CAL FIRE employee. When preparing the EERA, the CAL FIRE employee shall verify that the policy covers use of the vehicle for the type of work to be performed under the agreement. Some insurance carriers exclude coverage for the vehicle when it is rented or used for commercial purposes, but others do not. This is a common problem in the hiring of light vehicles, such as pickup trucks to be used as recon or supply vehicles.

- D. **Contractor's insurance** shall cover all employees and operators, including independent contractors hired by the prime contractor.

## 6. **Vehicle Registration and Certification**

- A. **Proof of Registration or Ownership:** At the time the agreement is prepared, the contractor will provide proof that he is the current registered or legal owner of the vehicles (as defined in Vehicle Code section 460) to be covered by the agreement, or that he has a current and valid lease, rental agreement or written business partnership agreement covering these vehicles. Leased vehicles will be registered in the name of the contractor, per Vehicle Code sec. 4453.5. For unlicensed equipment, such as bulldozers, a copy of a bill of sale will serve as proof of ownership.

Equipment that is not registered in the name of the contractor or owned by the contractor must be controlled and paid for by the contractor under a written agreement. All equipment leases must be signed and dated by both parties and must include terms commonly found in an equipment lease, such as term of the agreement, list of equipment, equipment rates, labor rates, limitations on use and control of the equipment, and responsibility for maintenance and repair.

For unlicensed equipment, such as bulldozers, a copy of the bill of sale, or of the most recent unsecured personal property tax bill for the equipment will suffice as proof of ownership.

Whenever the EERA is amended to add additional equipment, proof of ownership of that equipment must be provided as described above.

- B. **Weight Certificate for Fire Engines and Water Tenders:**
- At the time the agreement is prepared, the contractor will provide weight tickets showing the gross (full) weight and tare (empty) weight of the vehicle from a certified scale written within the previous 90 days.

- CAL FIRE will compare the gross weight to the Gross Vehicle Weight Rating (GVWR) of the vehicle (as shown on the manufacturer's build plate) to determine whether the fully-laden vehicle is within the maximum allowable weight. If it is not, CAL FIRE will not put the tender under agreement.
- If the fully-laden vehicle is within the maximum GVWR, CAL FIRE will then deduct the tare weight from the gross weight to determine the maximum load weight that the tender can carry. A weight of 265 pounds will then be deducted from the maximum load weight to account for the weight of the driver and personal gear. This weight the maximum legal weight of water that can be carried by the tender.
- CAL FIRE will then divide that number by 8.34 to determine the maximum gallons that the tender can carry.
- The contractor must then show that the tender is capable of carrying that volume of water.
- If the maximum tank volume is less than the number of gallons that the vehicle chassis can legally carry, the tender capacity will be the maximum gallons the tank can hold.
- If the maximum tank volume is more than the number of gallons that the vehicle chassis can legally carry, the tender capacity will be rated at the maximum number of gallons that it can legally carry.

The contractor must also show that the load is balanced so that all axle weights comply with the manufacturer's gross axle weight ratings, or the vehicle will not be put under agreement.

- C. Currently Licensed: All vehicles used under any agreement or solicitation and any resulting contract must be currently and legally licensed or apportioned to operate in the State of California, and must meet the requirements for commercial vehicles, non-commercial vehicles, or Special Equipment (SE) vehicles, as appropriate. Vehicle licenses must be continuously in force between May 1 and October 31 of each year.
- D. Commercial Driver's License: Operators of any motor vehicle having a Gross Vehicle Weight Rating (GVWR) of more than 26,000 lbs. must have a Commercial Drivers License (CDL) with Tank Endorsement, if appropriate, valid for the State of California.
- E. Drug Testing: The contractor is responsible to ensure compliance with applicable drug testing requirements for his or her employees.

## 7. Maintenance, Repair and Damage

- A. The Contractor will be responsible for all maintenance (oil change, oil and air filters, lubrication and fueling). If fuel and oil are acquired from the state at the incident, the cost of fuel and/or oil will be deducted from payment to the contractor, utilizing CAL FIRE form [ME-107](#).
- B. All repairs and replacement are the responsibility of the Contractor and shall be made at the Contractor's expense. Repair or replacement shall be completed within 24 hours of breakdown. Out-of-service time for repairs of one hour or less within a 24 hour period will not be considered as "off-shift" hours.
- C. The State may, at its option, elect to make such repairs when necessary to keep the equipment operating. The cost of such repairs will be deducted from payment to the Contractor.
- D. Vehicles that become inoperable will be towed at the contractor's expense.
- E. DAMAGE: Damage to hired equipment resulting from exposure to the fire or from fire fighting activities will be investigated by the Compensation and Claims Unit at the incident. The documented damage will be addressed through appropriate action at the incident or through the Board of Control claims process.

8. **Pre-Use Inspection:** An inspection of each piece of equipment should be made by the Ground Support Unit prior to assignment, or as soon as possible thereafter, using Form FC-291, "Minimum Equipment Requirements Checklist" for bulldozers and water tenders, or the ICS 214 Unit Log for other kinds of vehicles. **The purpose of this inspection is to verify equipment complement and capability. It is not a safety inspection.** Only equipment that is judged by CAL FIRE to be capable of doing the assigned job should be hired. If the equipment arrives at the incident without the required minimum complement items, and does not meet the specified CAL FIRE performance specifications, **the equipment will be rejected.**

Although not a safety inspection, if during the complement and capability inspection the inspector finds that the equipment is obviously mechanically unreliable or unsafe, it should be rejected.

No payment will be made for rejected equipment for any time incurred by the contractor, and the equipment will not be hired on the incident.

Any vehicle that does not pass the initial inspection at the incident will be afforded the opportunity for a second inspection after corrections are made. The contractor will be charged \$150.00 per hour for the second inspection, pro-rated in 30-minute increments. If the vehicle does not pass the second inspection, it is rejected. If rejected, no payment will be made for any time incurred by the contractor for bringing the equipment to the fire or while being inspected, and the equipment will not be hired on that incident.

If the vehicle passes the second inspection, the total cost of the second inspection will be deducted from the contractor's final payment. Travel time to the incident will be paid. Time that the equipment was unavailable will not be compensated.

9. **Sufficient Qualified Operators:** Contractors will provide qualified operators, and relief operators, when requested by CAL FIRE. **For safety reasons, if the use of a piece of hired equipment is expected to exceed 12 hours per day, a second operator must be requested from the contractor and driving/operating duties should be divided between the two operators.**
10. **Identification numbers** should be assigned and displayed on equipment, for ease of identification. See [7761.4.1](#).
11. **Inspection Upon Release:** Before being released from the incident, each piece of hired equipment should be inspected by the Ground Support Unit, and the inspection documented on Form OF-296 or R5-5100-2T. The purpose of this inspection is to document any damage that might have occurred while the vehicle was under hire to CAL FIRE. **This is not a safety inspection. Operators are required by law to perform their own safety inspections.**

## **RESPONSE REQUIREMENTS FOR FIRELINE EQUIPMENT**

**7761.3.1**

(No. 35 March 2005)

All Fireline equipment covered by a CAL FIRE EERA will be required to initiate a response within one hour of notification. However, if the contractor cannot meet the response criteria for the particular incident, e.g., the required ETA to the incident, or if the contractor does not have equipment of the size and type needed for the mission, CAL FIRE may bypass the contractor for that incident and proceed to contact the next contractor on the rotational list.

The dispatch of contractors covered by this section will be consistent with the criteria set forth in [Section 7761.2.6](#), and specifically Section 7761.2.6.3.

It is the responsibility of the contractor to provide a SINGLE contact telephone number that is available 24 hours per day, 7 days a week, to be used by CAL FIRE to make contact for the dispatch of resources (e.g., telephone, pager, radio paging service, etc.)

**RESPONSE REQUIREMENT  
FOR INCIDENT SUPPORT EQUIPMENT** **7761.3.2**  
(No. 35 March 2005)

Incident support resources need not meet the one-hour response time criteria established for firefighting equipment, but they must be able to arrive at the incident location within the time prescribed by the agency dispatcher at the time of contact. However, if after being contacted, the contractor cannot meet the response criteria for the particular incident, e.g., the required ETA to the incident, or if the contractor does not have equipment of the size and type needed for the mission, CAL FIRE will place the request with another contractor.

**RESPONSE AND STAFFING REQUIREMENTS  
FOR FIRE ENGINES** **7761.3.3**  
(No. 23 October 2000)

Hired private fire engines will be required to initiate a response within one hour of notification. When hired as fire engine with crew, staffing will be as required in the FIRESCOPE Field Operations Guide, ICS 420-1, Primary Mobile Suppression Resources (Minimum ICS Standards) for the type of engine ordered.

**EQUIPMENT REQUIREMENTS** **7761.4**  
(No. 21 March 1999)

All personnel and resources must arrive with all required safety equipment and other equipment in good repair and operating condition.

**IDENTIFICATION NUMBER** **7761.4.1**  
(No. 23 October 2000)

All hired equipment will be assigned a unique identification number that is to be displayed on the equipment for the duration of the incident. The number to be displayed consists of two numbers and the letter E, followed by the request number for that piece of equipment. The numbers will denote the unit where the equipment was signed up. For example, a dozer signed up in Shasta-Trinity would display "24EXXX",

where XXX is the request number. This not only denotes the unit that the equipment is from, but also provides a quick, visual reference to the resource order/request information. Ground Support Unit personnel should apply this number as soon as the equipment arrives at the incident, in a highly visible location with Crayola-brand water-based paint, or with a temporary placard.

## **ANNUAL SAFETY INSPECTIONS FOR FIRE ENGINES AND FIRELINE WATER TENDERS**

**7761.4.2**

(No. 37 May 2005)

- A. All privately-owned fire engines, and Fireline water tenders, under agreement with CAL FIRE **will** be inspected annually prior to use by CAL FIRE. This includes California SE-licensed and commercially licensed vehicles, and vehicles registered in other states. **Proof of inspection under the BIT program is no longer acceptable.** Each inspection will be valid for one year only. In no event will an inspection date of greater than 12 months be accepted. **This inspection must be performed by a facility licensed to do business as a commercial motor vehicle repair and maintenance shop, or by the California Highway Patrol.**

CAL FIRE personnel will not perform this inspection. All costs will be borne by the contractor. The inspection level will meet the inspection criteria of Federal Motor Carrier Safety Regulations Part 393, Parts and Accessories Necessary for the Safe Operation, 393.1 through 393.209 and Title 49, Parts 40, 325, and 350 through 399, and the California Vehicle Code Division 14.8, 34500, Safety Regulations and California Code of Regulations Title 13. **Proof of inspection for the current fire season must be on file with the Hired Equipment Coordinator prior to listing the contractor in the Unit Emergency Resource Directory.**

- B. All Fireline water tenders, regardless of type of vehicle registration, must:
1. Carry a copy of the inspection in the vehicle, and
  2. Provide a copy to the CAL FIRE unit that issued the EERA.
- C. The commercial motor vehicle shop's DOT inspection form will be acceptable as long as the following are shown:
1. The shop's address and telephone number.
  2. The vehicle's identifying numbers (license and serial numbers)
  3. The inspection form must have all critical items identified in the regulations listed above.
  4. Repair documentation must show, in addition to 1 and 2, itemization of completed repairs.
  5. All forms and job orders must be readable.

- D. As an alternative, the R5-5100-2T Inspection Form may be used by the contractor. If this form is used, items 1, 2, and 4, above (when applicable), must be shown and must be accompanied by a copy of the inspector's work order(s).
- E. Either of the following California Highway Patrol Inspection Forms is also acceptable:
1. Form CHP 407E, Safetynet Driver/Vehicle Inspection Report, or
  2. Form CHP 343A, Vehicle/Equipment Inspection Report, Motor Carrier Safety Operations.

**NOTE:** CHP 108, Truck and/or Tractor Maintenance & Safety Inspection **is not accepted as the safety inspection.**

F. Weight Certification for Fire Engines and Water Tenders

- At the time the agreement is prepared, the contractor will provide weight tickets showing the gross (full) weight and tare (empty) weight of the vehicle from a certified scale written within the previous 90 days.
- CAL FIRE will compare the gross weight to the Gross Vehicle Weight Rating (GVWR) of the vehicle (as shown on the manufacturer's build plate) to determine whether the fully-laden vehicle is within the maximum allowable weight. If it is not, CAL FIRE will not put the tender under agreement.
- If the fully-laden vehicle is within the maximum GVWR, CAL FIRE will then deduct the tare weight from the gross weight to determine the maximum load weight that the tender can carry. A weight of 265 pounds will then be deducted from the maximum load weight to account for the weight of the driver and personal gear. This weight the maximum legal weight of water that can be carried by the tender.
- CAL FIRE will then divide that number by 8.34 to determine the maximum gallons that the tender can carry.
- The contractor must then show that the tender is capable of carrying that volume of water.
- If the maximum tank volume is less than the number of gallons that the vehicle chassis can legally carry, the tender capacity will be the maximum gallons the tank can hold.
- If the maximum tank volume is more than the number of gallons that the vehicle chassis can legally carry, the tender capacity will be rated at the maximum number of gallons that it can legally carry.
- The contractor must also show that the load is balanced so that all axle weights comply with the manufacturer's gross axle weight ratings, or the vehicle will not be put under agreement.

**Rejection at Incident:** Any vehicle arriving at an incident without proof of successful completion of this inspection, along with proof that noted defects have been corrected will be rejected and will not be hired until such documentation is produced. No payment will be made for any time incurred by the contractor. An exception is made for imminent threat situations as described in Sections 7761.2.7.2 and 7761.2.7.3. Imminent threat hiring does not exempt the vehicle from the required inspection process necessary for listing in the unit Emergency Resource Directory.

## **FIRELINE BULLDOZER EQUIPMENT REQUIREMENTS 7761.4.3** **(No. 37 May 2005)**

Fireline bulldozers under agreement with CAL FIRE will meet or exceed the following equipment requirements:

- backup alarm, minimum 87 DBLs
- safety belt
- Roll Over Protection System (R.O.P.S.) with heavy mesh screens on rear and on rear half of sides. Includes tractors with glass-enclosed environmental cabs. ¼" mild steel woven wire screen with 2" openings is recommended.
- lights, 4 front and 2 rear
- belly pan and rock guards, unless rock guards are not recommended or produced by the original manufacturer
- radiator guard
- radio, field programmable to VHF-FM frequencies. Either portable or fixed-mount is acceptable. Operators must use an earphone/microphone headset with the radio (7761.6). Narrowband capability is required beginning in 2006.
- protective fire curtains inside of R.O.P.S. on sides and rear
- 2A10BC fire extinguisher
- shovel
- axe or Pulaski
- Operator personal protective equipment will comply with all [3900 Handbook](#) and applicable Title 8 requirements and as a minimum will include:
  - Nomex shirt and trousers - CAL OSHA specification
  - Nomex face shroud .
  - hard hat
  - goggles
  - gloves
  - fire shelter - USFS Specification
  - lace-up leather boots
- canteen with water, 1 gallon minimum

## FIRELINE WATER TENDER REQUIREMENTS

7761.4.4

(No. 37 May 2005)

Fireline Water Tenders under agreement with CAL FIRE will meet or exceed the following requirements:

1. Minimum useable capacity shall be **1,000 gallons**.
2. When loaded (including operators and accessory equipment), water tenders will conform to the manufacturer's gross vehicle weight rating (GVWR). This includes balancing the load in a manner **so that all axle weights comply with the manufacturer's gross axle weight ratings**. Loaded/empty weights are necessary to correctly calculate the water capacity of the truck.
3. Water tanks must be baffled. (Not applicable to potable water tenders or tanks.)
4. Tender shall be configured in a manner that the vehicle center of gravity is within the design limits of the equipment.
5. Tender shall be equipped with a back flow protection device for hydrant filling.
6. Pump: **120 gpm minimum capacity**. Pump must be driven either by power-take-off or auxiliary engine drive. Auxiliary engine-driven pump assemblies must be permanently mounted and plumbed to the tank, discharge, and suction outlets. Contractor must demonstrate that the pump can draft water and fill the tank.
7. Discharge fittings: two each 1.5" NH connections or one each 2.5" NH connection with gated wye to two each 1.5" NH connections. All discharge outlets shall be plumbed to the pump. Gravity discharge outlets, with the exception of the dump valve described below, are not acceptable.
8. Road Spraying: The water tender must have road spraying capability, either forward or rear-facing.
9. Suction fittings: The pump shall be plumbed with one or more 2.5 " or 3" National Hose (NH) thread connections to allow drafting and filling from a non-pressurized source such as a pond, river, or stream to refill the tank, to pump directly to the fire, or to allow filling under pressure, as from an engine, another tender, or from a pressurized source. **A portable pump may be used for filling. The portable pump must meet the gpm requirements of the ICS Type.**

10. Tender shall be equipped with a minimum 24 feet of appropriate diameter hard suction hose equipped with a screened foot valve or strainer.
11. A dump valve of a minimum 4" diameter or equivalent is desirable so that water may be discharged into portable tanks. This valve is to be at the bottom rear of the tank to allow complete water discharge and should have a minimum clearance of 34" from the ground to the bottom of the outlet.
12. It shall be the contractor's responsibility to ensure that the equipment meets the standards or specifications.
13. Tender must be equipped with the following minimum safety and equipment items:
  - Reflectors, one set of three
  - Fire extinguisher, rated 10 BC or better
  - Chock blocks of appropriate size for tire diameter
  - Flashlight
  - Electronic backup alarm, minimum 87 DBLs
  - one axe/Pulaski and 1 shovel
  - operator personal protective equipment will comply with applicable CAL - OSHA requirements, and as a minimum will include:
    - Nomex shirt and trousers - CAL OSHA specifications (Title 8, section 3410).
    - Nomex face shroud
    - hard hat
    - goggles
    - gloves
    - fire shelter - USFS specifications
    - lace-up leather boots
  - canteen with water, 1 gallon minimum
  - one-hundred (100) ft. 1-1/2 serviceable cotton jacketed fire hose with nozzle
  - one 1" combination fog/straight stream nozzle with 1-1/2" NH to 1" NPSH reducer
  - one 2.5" soft suction hose, minimum 20 ft. long, with NH couplings
  - one fire hose clamp to clamp 1" to 3" or larger diameter fire hose
  - one hydrant wrench

- radio, field programmable to VHF-FM frequencies. Either portable or fixed-mount is acceptable. Narrowband capability is required beginning in 2006.

All contractor-owned equipment should be clearly marked to prevent accidental confiscation by fire agency personnel. Such marking should be documented on arrival at the incident on the vehicle check-in inspection form.

**Special Note Regarding SE-plate Water Tenders:** Fireline water tenders under agreement with CAL FIRE that utilize SE plates, in lieu of a full commercial registration, operate under the same rules as “Fully Licensed” water tenders. They must report to the incident loaded with water and ready for an immediate assignment. They may be operated on public roads and highways loaded to their maximum GVW limitations. (See additional information in “Hired Equipment Job Aids” section of this book concerning SE plated water tenders.)

## **POTABLE WATER AND GREY WATER TRUCK EQUIPMENT REQUIREMENTS**

**7761.4.5**

(No. 35 March 2005)

All potable water trucks and grey water trucks must be equipped with the following minimum safety items:

- Reflectors, one set of three
- Fire extinguisher, rated 10 BC or better
- Chock blocks of appropriate size for tire diameter
- Flashlight
- Electronic backup alarm, minimum 87 DBLs

## **FIRE ENGINE EQUIPMENT REQUIREMENTS**

**7761.4.6**

(No. 33 February 2004)

In addition to FIREScope ICS capabilities, specific minimum equipment and performance requirements are listed in [Engine Equipment and Accessories](#).

Privately-owned fire engines may possess equipment and capabilities in excess of the minimum requirements specified in the FIREScope Field Operations Guide, or [Engine Equipment and Accessories](#). Such additional equipment and capabilities should be separately identified and the price agreed upon by CAL FIRE and the contractor on Form CAL FIRE-294, Emergency Equipment Rental Agreement. CAL FIRE will only pay for such additional equipment and capabilities if specifically requested by CAL FIRE or its authorized agents and actually utilized.

Rates to be paid by CAL FIRE will be as agreed upon by CAL FIRE and the contractor on Form CAL FIRE-294. A rate for such government surplus equipment shall be negotiated to provide for operational costs only, e.g., fuel, oil, insurance and ancillary equipment. CAL FIRE will only make payment for actual hours that the engine is assigned to an incident under an order and request number. CAL FIRE will make no payments for "availability" during times that the engine is not assigned an incident order and request number.

All contractor-owned equipment should be clearly marked to prevent accidental confiscation by fire agency personnel. Such marking should be documented on arrival at the incident on the vehicle check-in inspection form.

## **ENGINE COMPANY PERSONAL PROTECTIVE EQUIPMENT**

**7761.4.6.1**

(No. 37 May 2005)

The work is performed in a wildland/urban interface environment involving steep terrain where surfaces may be extremely uneven, rocky, covered with thick tangled vegetation, etc. Temperatures are frequently extreme (hot and cold), both from the weather or from the fire. Smoke and dust conditions are frequently severe. The hazardous nature of the work requires that personal protective equipment (PPE) be worn. PPE requirements are found in Title 8, Section 3410, California Code of Regulations. All required PPE, must be Cal-OSHA approved and will be provided by the contractor prior to any assignment. The contractor is responsible for assuring that all PPE is of the proper size and type, personnel are trained in its use and care, and that it is used as required by policy and statute.

At the time of hire and for the duration of the incident, each engine company member shall have and maintain the following Personal Protective Equipment:

- Boots: leather, lace-up type, minimum 8 inches high with lug-type soles in good condition. Steel toe boots are not acceptable.
- Hard hat: plastic, Class B, ANSI Z89.1, OSHA approved, with chin strap
- Goggles: one pair per person
- Head lamp: with batteries and attachment for hard hat
- Fire shelter: USFS approved
- Canteen: one quart size, three per person required, 4 per person recommended. Must be full upon arrival at incident.
- Nomex shirt, trousers, and face shroud: Cal-OSHA approved.
- Firefighter gloves, Cal-OSHA approved.
- Cal-OSHA approved turnout coats and pants

All personnel and resources must arrive with all required safety and other equipment in good repair and operating condition.

## **COORDINATION AND SUPERVISION**

**7761.5**

(No. 21 March 1999)

## **HIRED EQUIPMENT COORDINATOR**

**7761.5.1**

(No. 35 March 2005)

To assist in the routine process of pre-planning the emergency use of hired equipment, all Unit Chiefs will designate a Hired Equipment Coordinator for their unit. The Unit Hired Equipment Coordinator should be ICS qualified in at least one of the following positions in both the Finance and Logistics Sections: Equipment Manager, Ground Support Unit Leader, Logistics Section Chief, Equipment Time Recorder, Time Unit Leader, or Finance Section Chief.

The name of this designee shall be forwarded to the Region Hired Equipment Coordinator for inclusion on the region-wide coordinator list. A suggested list of duties for the coordinator is shown in [Hired Equipment Coordinator Responsibilities](#).

## **TECHNICAL SPECIALIST, HIRED EQUIPMENT**

**7761.5.2**

(No. 35 March 2005)

On incidents of significant magnitude with multiple hired resources, the Incident Commander is encouraged to utilize the position of Technical Specialist - Hired Equipment. This position works for the Equipment Manager within the Ground Support Unit. The Technical Specialist – Hired Equipment should be ICS-qualified as an Equipment Time Recorder, Equipment Manager, or Ground Support Unit Leader. A suggested duty statement for this position is shown in [Technical Specialist – Hired Equipment](#).

## **DIRECT SUPERVISION**

**7761.5.3**

(No. 33 February 2004)

All incident commanders must provide direct supervision for all hired resources. Division or Group supervisors are responsible for the safety, proper deployment, and time keeping of their assigned resources. They will prepare shift tickets and contractor evaluations for all hired equipment resources assigned to their supervision.

When forming a functional group, strike team or task force containing hired equipment, a the functional group supervisor or strike team/task force leader shall perform the following duties:

1. Initiate shift ticket process.
2. Determine equipment readiness and conformance to requirement standards.
3. Respond to incident with the group or task force.
4. Act as group supervisor or task force leader under direction of Operations Section personnel.
5. Prepare contractor evaluations

The ratio of supervisors to resources should be as follows:

Dozer Strike Team:	2 dozers, 1 dozer tender	1 STL
Water Tender Strike Team:	5 tenders	1 STL
Task Force or Functional Group:	1-5 resources:	1 leader/supervisor
	5-10 resources:	2 leader/supervisor + 1 Tech. Spec.- Hired Equip
	10-15 resources:	3 leader/supervisor + 1 Tech. Spec - Hired Equip

**RADIO FREQUENCY USE AGREEMENT**

**7761.6**

(No. 33 February 2004)

In order for hired equipment contractors to operate on CAL FIRE radio frequencies, both the contractor and a CAL FIRE representative must complete Form [FC-100R](#) "Radio Frequency Use Agreement," example attached. Proof of annual frequency and deviation inspection by a manufacturer's authorized warranty repair technician is no longer required.

**RENTAL RATES**

**7761.7**

(No. 21 March 1999)

Equipment rental rates can be determined by reviewing the Equipment Rental Rates in the [Rates Procedures Handbook 3900](#).

**(RESERVED)**

**7761.8**

(No. 21 March 1999)

**(RESERVED)**

**7761.9**

(No. 21 March 1999)

**AIRCRAFT**

**7761.10**

(No. 21 March 1999)

Emergency hiring of aircraft is authorized, as necessary, to meet emergency fire situations. This privilege must be administered judiciously to avoid unnecessary expenditure of public funds. (See [8300 Aviation Management Procedures Handbook](#).)

[\(see next section\)](#)

[\(see HB Table of Contents\)](#)

[\(see Forms or Forms Samples\)](#)