

HIRING AND UTILIZATION GUIDE

(No.69 November 2016)

7761

Effective May 1st, 2017

USE OF PRIVATELY OWNED EQUIPMENT ON INCIDENTS

(No.69 November 2016)

Hiring privately-owned equipment to perform work for 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 Department's Mobile Equipment Management Program in conjunction with the Department Accounting Office and will not require field input.

The Incident Commander decides what kind and type of equipment should be hired for an incident, and also when it will be released. All employees are responsible to ensure that hired equipment is being properly utilized. Suppression costs can be minimized by careful management of hired equipment resources, including releasing equipment not being utilized, replacing expensive equipment with less expensive equipment, and by making managers aware of equipment or services that are underutilized. 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 vendor to rent equipment for emergency use.

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 vendors 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 requires of hired equipment vendors and operators, the following operating procedures apply while vendors are employed in firefighting operations.

Most agreement requirements for complement, capacity, and capability are listed in Section 3833 of the Incident Financial Management Handbook. Rates and specific payment requirements are listed in Section 3934 of the Rates Handbook.

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COORDINATION AND SUPERVISION

7761.1

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DIRECT SUPERVISION

7761.1.1

(No.69 November 2016)

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

When forming a functional group, strike team, or task force containing hired equipment, the functional Group Supervisor or Strike Team/Task Force Leader shall perform the

following duties:

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

The ratio of supervisors to resources should be as follows:

Dozer Strike Team:	2 dozers, 1 dozer tender	1 Strike Team Leader
Water Tender Strike Team:	5 tenders	1 Strike Team Leader
Task Force or Functional Group:	1-5 resources	1 Task Force Leader or 1 Group Supervisor

Bulldozer: 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 private operators **will not** work on the fire line without such supervision.

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 fireline 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.

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HIRED EQUIPMENT COORDINATOR

7761.1.2

(No.69 November 2016)

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 Incident Command System (ICS) qualified in at least one of the following positions: Equipment Manager, Hired Equipment Technical Specialist, 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 Statewide Hired Equipment Coordinator for inclusion on the Statewide coordinator list. A statement of duties for the

coordinator is shown in the exhibit to this handbook: "[Hired Equipment Coordinator](#) Duty Statement."

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HIRED EQUIPMENT TECHNICAL SPECIALIST (EQTS) 7761.1.3 (No.69 November 2016)

The complexities inherent with hiring privately owned equipment on a large fire are many and varied, and will usually require the full-time attention of competent individuals. The position of Technical Specialist - Hired Equipment shall be filled whenever a large amount of equipment is to be hired. This position works for the Planning Section. A duty statement for this position is shown in the exhibits portion of policy section 7700: "[Hired Equipment Technical Specialist](#)"

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GENERAL HIRING GUIDE - GROUND EQUIPMENT 7761.2 (No.56 April 2014)

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 vendor to rent equipment for emergency use.

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 on working with organized fire departments.

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CAL FIRE AGREEMENTS 7761.2.1 (No.69 November 2016)

The Emergency Equipment Rental Agreement (EERA) (CAL FIRE-294) with its General Clauses and Supplemental General Provisions shall be used to establish the terms and conditions of the agreement. Additional documentation, as required by [Handbook 3833.5.1](#), shall be completed or provided prior to signing an EERA.

When preparing an EERA at an incident, the agreement must only cover the duration of the incident. Long-term agreements must be prepared by the Unit Hired Equipment Coordinator. Each piece of equipment can be under the control of only one vendor 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 hired equipment ordering system of record of one CAL FIRE unit.

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HIRED EQUIPMENT FORMS

7761.2.2

(No.69 November 2016)

CAL FIRE uses the forms found in [Handbook 3833.5.1](#) to complete the EERA process.

In addition, CAL FIRE also uses the following Federal form:

- OF-304 Emergency Equipment Fuel and Oil Issue

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HIRING DOCUMENTATION

7761.2.3

(No.69 November 2016)

1. The vendor must enter into a pre-hire Emergency Equipment Rental Agreement (EERA) establishing terms of employment, rate and method of payment, and equipment conditions. The vendor 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 vendor. Vendor equipment may only be covered by one EERA at a time.
2. The EERA is a 3-part form which includes a detail page, CAL FIRE's General Clauses and Supplemental General Provisions. All pages of the EERA should be completed and signed well before the beginning of the fire season. The vendor must carry a current copy of the entire agreement on each piece of equipment covered by the agreement.
3. When a pre-hire EERA has not been prepared by the Unit, one must be completed at the incident. Instructions for completing the EERA agreement are found in Section 3833 of the Incident Fiscal Management Handbook 3800.
4. Requirements for vendor's proof of licensing, ownership or legal control and insurance are detailed in Section 3833.9 and 3833.10.2. Prior to completion of the EERA, the vendor must provide evidence that the types of insurance listed are current and in force.

5. The CAL FIRE-290 checklist shall be used when completing the EERA to verify all documentation has been submitted.

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EQUIPMENT CATEGORIES

7761.2.4

(No.69 November 2016)

Fireline Equipment refers to equipment that meets the minimum equipment, performance and response time requirements detailed in Section 7761.7.4.

Support Equipment refers to equipment that is not used for fire suppression operations work, but rather is used to meet other incident 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 and water tenders. Response time requirements are detailed in Section 7761.7.5 of this policy.

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RENTAL RATES

7761.2.5

(No.56 April 2014)

Rate Policies and Procedures are detailed in Section 3833 of the Incident Fiscal Management Handbook.

Specific Equipment rental rates are listed in Section 3934 of the Rates Handbook.

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REQUEST AND DISPATCH PROCEDURES

7761.3

(No.69 November 2016)

The hired equipment ordering system of record shall be used by CAL FIRE personnel any time CAL FIRE orders resources for itself or for contract counties.

There must be a genuine need for the equipment hired. 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.

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TIME UNDER HIRE

7761.3.1

(May 2015)

Time under hire begins at the time the resource is needed at the incident, plus travel time. Example: The resource is contacted at 2200 but is not needed at the incident until 0600 and has a travel time of two hours. The time under hire will begin at 0400 and stop when the equipment has returned to its point of hire.

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IMMEDIATE AND PLANNED NEED DEFINITIONS

7761.3.2

(No.69 November 2016)

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 7761.7.4.](#)

Planned Need is defined as the period beginning after 24 hours have passed since the time of the initial dispatch and is based on the requested report time, not when the resource order was placed.

For example, if a fire starts at 1400 on Tuesday, any resource orders placed with a report time after 1400 hours on Wednesday are planned need, and will be filled from the planned need list. The maximum allowable response time for each resource will be specified by CAL FIRE. Planned need resources that cannot meet the specified time because of distance will be bypassed but not rotated. If the vendor can reasonably make the time frames and declines the assignment, then the vendor will be rotated to the bottom of the list. This practice does not restrict CAL FIRE from hiring any locally available resources to fill immediate need requests. If the request is deemed as immediate need after 24 hours have passed since the time of initial dispatch, then the wording "immediate need" will be documented in the special needs request. Example "immediate need request, fire is making significant runs in Division A. Structures are threatened."

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 7761.3.4.

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HIRING OF “IMMEDIATE NEED” RESOURCES: “CLOSEST RESOURCE” CONCEPT

7761.3.3

(No.69 November 2016)

- 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's hired equipment ordering system of record have been exhausted, the unit ECC will place the request for additional hired equipment with the Region Operations Coordination Center (OCC).
- B. In filling resource requests, if hired equipment resources are closer and 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 with their Region OCC following 8100 Command and Control Procedures Handbook procedures. (Utilize Procedure 345 for Dozers and Water Tenders).
- 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 7761.3.2, will be placed with vendors that can best meet these criteria.
- D. Each vendor will be assigned as many requests as they can fill for the type of resource being ordered and will then rotate to the bottom of that list.

Vendors unable to meet response time requirements will be bypassed to access other vendor(s) who can be on scene and available within the required time frame. The minimum acceptable response requirements are detailed in [Section 7761.7.4](#).

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HIRING OF “PLANNED NEED” RESOURCES

7761.3.4

(No.69 November 2016)

Executive Orders D-37-01 and D-43-01 from the California Governor's Office direct all State agencies to establish a goal of conducting at least 3% of their business with Certified Disabled Veteran Businesses (DVBs) (Public Contracts Code section 10115 [c]). The Executive Orders also direct State agencies to establish a goal of conducting at least 25% of their business with Certified Small Businesses (CSB's) (Government Code sections 14835 – 14843.)

In order to meet these goals, CAL FIRE makes a special effort to hire DVBE and CSB vendors for bulldozer and water tender firefighting assignments that are needed at the incident 24 hours after the initial dispatch. These hires will be made regardless of whether there is other non-DVBE or non-CSB vendor equipment available closer to the fire. This practice does not restrict CAL FIRE from hiring any locally-available resources to fill immediate need requests.

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CERTIFIED SMALL BUSINESS AND DISABLED VETERAN BUSINESS ENTERPRISES

7761.3.5

(No.69 November 2016)

The intent of the Department is to maximize the utilization of Certified Small Business and Disabled Veteran Business Enterprise resources as defined in this policy to meet the goals as stated herein.

- Command Centers shall attempt to hire local Certified Small Business (CSB) and Disabled Veteran Business Enterprises (DVBE) support resources prior to hiring non CSB or DVBE resources.
- Command Centers shall document in the hired equipment ordering system of record the reason why they did not hire CSB or DVBE support resources.

If a vendor who is a CSB and another vendor 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 contactor who is both CSB and DVBE. CAL FIRE will apply the following policy when hiring equipment on a Planned Need basis.

1. Vendors who are both CSB and DVBE are placed on a statewide rotational list identified as Tier 1. Vendors, who are either CSB or DVBE, but not both, are placed on a separate statewide rotational list identified as Tier 2. Per Incident Fiscal Management Handbook Section 3833.4, vendors who do not meet the criteria for Tier 1 or Tier 2 are not placed on the statewide rotational lists.
2. Whenever the Sacramento Command Center receives requests for planned need bulldozers or water tenders, the dispatcher shall go to the appropriate list and contact the vendors in Tier 1 rotational list to fill all of the current requests. This process will continue until all requests are filled or until the Tier 1 list has been exhausted.

3. When the Tier 1 list 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.
4. When planned need resources are exhausted from the Tier 1 and Tier 2 statewide lists, the dispatcher will then return the unfilled requests to the appropriate Region, who will then return those requests to the requesting Unit to be filled from the Unit's local Immediate Need list.

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EQUIPMENT DISPATCH

7761.4

(No.69 November 2016)

When ordering support equipment, CAL FIRE uses the "closest available resource" concept. Local equipment, under agreement, should be used prior to ordering other hired equipment resources from outside the zone of influence of that particular Unit. CAL FIRE shall attempt to use all vendors equally. Dispatchers shall attempt to share the fire assignments with as many different vendors as possible. Hiring preference will be given to CSB and DVBE vendors that can meet the needed date and time at the incident.

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NO HIRING UNLESS REQUESTED

7761.4.1

(No.69 November 2016)

Vendors must not respond to emergency incidents without being requested. ICs will not hire equipment of any kind that arrives at an incident without a request number, 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.

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RENTAL AT INCIDENT

7761.4.2

(No. 39 July 2011)

Hiring equipment at an incident should only be done when the normal equipment ordering process cannot meet the immediate need. Investigations have shown that

some vendors attempt to bypass the dispatch system by arriving at an incident with one legitimate Resource Order Number then marketing additional equipment at the site. This deprives legitimate vendors of hiring opportunities.

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RENTAL AT SCENE

7761.4.3

(No. 39 July 2011)

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

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EERAS NOT CONSISTENT WITH STANDARDS

7761.4.4

(No.69 November 2016)

The rate schedule shown in the Rates Handbook Section 3934, details the standard rates payable for each of the types of equipment listed. These rates represent maximum rates to be paid and may not be exceeded without prior written approval from the Deputy Director of Fire Protection.

A rental agreement presented by an ordered vendor that is not consistent with the standard EERA rate structure does not have to be accepted by the receiving incident. In these cases, since the vendor is not responsible for the error, the incident command staff can do any of the following:

- A. Continue to use the vendor for the assignment for which they were hired, pay them in accordance with the original EERA, and then advise the issuing unit and the Statewide Hired Equipment Coordinator of the error in the EERA and request them to cancel and re-issue it with the correct rates; or
- B. Offer to issue a new EERA for the correct rate, thus allowing the vendor to remain on the incident for the duration of the determined need and advise the issuing unit and the Statewide Hired Equipment Coordinator of the error in the EERA and request they cancel the EERA and issue a new EERA with the correct rates; or
- C. Immediately release the vendor, pay the vendor for the time assigned to the incident. Advise the issuing unit and the Statewide Hired Equipment Coordinator of the error in

the EERA and request they cancel the EERA and issue a new EERA with the correct rates.

EQUIPMENT HIRED BY A FEDERAL AGENCY

7761.4.5

(October 2016)

If the vendor was ordered by a federal agency to fill a request placed with them by CAL FIRE, the rates, terms, and conditions of the vendor's federal EERA will apply.

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ROTATIONAL DISPATCH OF RESOURCES

7761.4.6

(No.69 November 2016)

The hired equipment ordering system of record will utilize rotational hiring lists that include all fireline bulldozer and fireline water tender vendors, with whom CAL FIRE has agreements. Utilization of equipment from these groups will also be based on incident need - whether the need is "Immediate" or "Planned" (Section 7761.3.2).

All equipment must be hired in accordance with the Incident Fiscal Management Handbook (3800), Section 3833 "Emergency Equipment Rental Agreements."

All other resource types will be hired from EERA vendors listed in the hired equipment ordering system of record. This hiring will not necessarily be done in a rotational manner.

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FIRELINE BULLDOZER AND WATER TENDER ROTATION

7761.4.7

(No.69 November 2016)

Utilization of the Statewide Fireline Bulldozer and Water Tender Lists will be requested by the Units (8100 Handbook, [Procedure 345](#)) to fill incident requests for resources where the criteria set forth in the definition of Planned Need (Section [7761.3.2](#)) is met.

All hired equipment resources will be ordered through the hired equipment resource ordering system of record. Fireline bulldozer and water tender vendor contact and hiring will be done from the appropriate list on a rotational basis. When fireline bulldozers or fireline water tenders are needed, all pending requests for the type of equipment requested shall be placed with the first-up vendor on the list. It is not acceptable to order water tenders and dozers from the same vendor at the same time unless the vendor is at the top of both lists being used. If the vendor is not able to fill any or all of the

request(s), unfilled requests shall be placed with the next vendor on the list. If the vendor is able to fill all request(s), then the next request, or group or requests, will be placed with the next vendor on the list. This sequence shall continue until all requests have been filled, or no vendor on the list is able to fill the request.

Vendors shall be rotated to the bottom of a list for the following reasons:

- **Unanswered calls:** An unanswered call is considered a call. If the vendor calls back within ten minutes, and there is still an unfilled order, the vendor may be given the opportunity to fill the order. If the vendor does not return the call in the allotted ten minutes, then the vendor will be rotated to the bottom of the list.
- **Equipment unavailable:** A vendor's equipment is unavailable at the time of request.
- **Vendor declines:** If the vendor declines the opportunity to be hired for any reason, unless committed to a CAL FIRE incident as outlined below.
- **Vendor accepts:** When a vendor accepts a request.
- **Failure to comply:** Violation(s) of any part of Section HB7761 or HB3833.

Vendors 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.
- Vendor is currently assigned to a going CAL FIRE incident and can provide Incident and request number at the time originally contacted by the command center.
- Vendor has made prior contact with their Unit Hired Equipment Coordinator during the vendor sign-up period and has placed specific equipment as “Restricted” or “Out of Service” until the next sign-up period.
- Vendor cannot reasonably meet the needed date and time due to travel distance.

NOTE: See the 8100 Command and Control Handbook, [Procedure 345](#), for details on this process.

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DOZER-TRANSPORT REQUEST AND DISPATCH PROCEDURES

7761.4.8

(No.69 November 2016)

To facilitate resource tracking and payment, the dozer and transport will each be ordered under separate request numbers. The dozer and transport shall be logged on separate Emergency Shift Ticket and Evaluation form, CAL FIRE-297, to verify vehicle use, and shall be posted on separate data lines of the Emergency Equipment Use Invoice (CAL FIRE-61). Transports will be released at the discretion of the Incident Commander.

- A. The ECC will issue a separate request number for each piece of equipment. The transport may be acquired in one of two ways, at the option of the ordering office:
1. The preferred method; CAL FIRE will provide the bulldozer operator with one request for the bulldozer and a separate request number for the transport. The bulldozer vendor may then contact a transport vendor who has cargo insurance and is covered by a current EERA with CAL FIRE, provide the transport vendor with the request number, and arrange for hauling services as requested by CAL FIRE.
 2. Depending on resource ordering workload and at the sole discretion of the CAL FIRE ordering point, CAL FIRE may agree to contact a transport vendor that is covered by a current EERA and has cargo insurance, provide the transport vendor with the request number, and arrange to have the transport vendor haul the other vendor's bulldozer to the incident. The Department is under no obligation to exercise this option.
- B. Pilot Vehicles: Vendors must provide pilot vehicle(s) when required by permitting agencies. Transport rates include the cost of using pilot vehicle(s) when required by permitting agencies.
- C. Station Coverage Assignments: CAL FIRE has the option to hire a vendor to provide a bulldozer, transport, and two operators, each qualified to operate both the dozer and the transport, to stand-by at a CAL FIRE station or other location in order to provide for an immediate response, "initial attack" firefighting capability. In this situation, each operator must be "off duty" and away from the equipment for 12 hours, and then "on duty" with the equipment for 12 hours. This will allow the drivers to have sufficient driving time available when dispatched to a fire.
- Bulldozer/transport units hired for station coverage and initial attack: CAL FIRE also has the option to hire the unit with one operator qualified to operate both for 12 hour coverage. If actual use exceeds 16 hours in a 24 hour period, a second operator must be ordered. When a Transport /Dozer has been hired for a station coverage assignment, and is subsequently dispatched to an incident (initial attack or extended attack), it will retain and be compensated in the configuration in which it was originally ordered for station coverage.
- D. Hired Bulldozers and Transports in Strike Team Assignments: Occasionally CAL FIRE may hire a vendor to provide a bulldozer, transport, and operators to work with a CAL FIRE bulldozer and transport in a "bulldozer strike team" assignment. In this situation CAL FIRE shall require 2 operators that are each qualified to operate both the transport and the bulldozer. Transports ordered for strike team assignments will

be compensated for the entire duration of hire until the strike team assignment is terminated and the transport/dozer combination has returned to its point of hire.

NOTE: Not all bulldozer operators possess a Class A CDL. Not all commercial drivers can operate a bulldozer. Latitude should be given to the vendor to fill dozer/transport requests due to their operators' qualifications and availability.

NOTE: ICS Type 1A and Type 1B dozers should not be used for strike team and station coverage. Dozers "flagged" by Unit Coordinators as "local use only" shall not be hired for station coverage. Private dozers covering State fire stations are expected to respond to out of Unit requests if so dispatched.

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PERMITS AND DRIVING REGULATIONS

7761.5

(No.69 November 2016)

Vendors are responsible for obtaining any transportation permits required by regulatory agencies. Consideration for the cost of such permits is factored into the rates paid by CAL FIRE. If a vendor is unable to secure the necessary permits due to permit offices being closed, the hiring CAL FIRE Unit will first advise the vendor of the 24 hour permit office contact numbers. CAL FIRE has an option to contact the permitting agency and facilitate the emergency issuance of the required permits. It is the vendor'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.

The Caltrans 24-hour permit office telephone numbers are:

Inquiries: **916-653-3442**

Fax: **916-653-3291**

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

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HIRING CONTACTS

7761.6

(No. 39 July 2011)

REQUEST NUMBERS

7761.6.1

(No. 39 July 2011)

When filling hired equipment requests, the vendor will be provided with one request number for each resource being requested. "Assigning" an issued order and request number to another vendor, or accepting such an order and request number from another vendor (except as specifically allowed below) is not permitted. CAL FIRE will not conduct business with "brokers". All requests will be placed with vendors who have a current EERA covering the listed equipment.

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DEPARTMENT CONTACT TELEPHONE NUMBER **7761.6.2**
(No.69 November 2016)

At the time of dispatch, the vendor 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.

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VENDOR CONTACT **7761.6.3**
(No.69 November 2016)

Vendors 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 vendors with EERAs as described in this policy.

Unsolicited contact slows down and disrupts the dispatching process. This is the main reason for the existence of the pre-hire EERA and the rotational hiring lists.

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EQUIPMENT LOCATION **7761.6.4**
(No. 39 July 2011)

At the time of a contact by CAL FIRE, it is the vendor'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.

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RECORD OF CONTACT

7761.6.5

(No.69 November 2016)

All CAL FIRE Command Centers shall utilize the hired equipment ordering system of record to record all transactions made in furtherance of this policy. (Command and Control Handbook 8100, Procedure 345 for Dozers and Water Tenders.) These records will provide documentation of CAL FIRE actions that can be used in an investigation of a vendor complaint 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 was attempted; 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 and Type 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.](#)"

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RESPONSE REQUIREMENTS

7761.7

(No.69 November 2016)

VENDOR COMPLIANCE WITH ALL DEPARTMENT POLICIES

7761.7.1

(No. 56 April 2014)

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

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ABILITY OF PERSONNEL TO PERFORM UPON ARRIVAL **7761.7.2**
(No.69 November 2016)

Vendor 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.

Substance Abuse: The vendor is responsible to ensure compliance with applicable drug testing requirements for his or her employees. When under hire with CAL FIRE, vendor employees are subject to CAL FIRE rules of conduct and policies of reasonable suspicion and testing for substance abuse.

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.

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ENGLISH SPEAKING REQUIREMENT **7761.7.3**
(No. 56 April 2014)

Clear communications are essential for safe and effective performance. All vendor personnel shall be able to fluently communicate in English (both written and verbal).

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FIRELINE EQUIPMENT RESPONSE REQUIREMENT **7761.7.4**
(No.56 April 2014)

All immediate need fireline equipment covered by a CAL FIRE EERA is required to initiate a response within one (1) hour of notification. If the vendor cannot meet the response criteria for the particular incident, e.g., the required ETA to the incident, or if the vendor does not have equipment of the size and type needed for the mission, CAL FIRE may bypass but not rotate the vendor for that incident and proceed to contact the next vendor on the rotational list.

The dispatch of vendors covered by this section will be consistent with the criteria set forth in Section 7761.4, and specifically Section 7761.4.6.

It is the responsibility of the vendor to provide a single dispatch 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.)

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SUPPORT EQUIPMENT RESPONSE REQUIREMENT **7761.7.5** (No. 56 April 2014)

Incident support resources must be able to arrive at the incident location within the time prescribed by the agency dispatcher at the time of contact. If the vendor cannot meet the response criteria for the particular incident, e.g., the required ETA to the incident, or if the vendor does not have equipment of the size and type needed for the mission, CAL FIRE will place the request with another vendor.

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RESPONSE AND ARRIVAL AT SCENE **7761.7.6** (October 2016)

A vendor 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 shall be made to the Department using the contact number provided to the vendor at the time of dispatch. See Section 7761.6.2 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.

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ACCEPTANCE OF EQUIPMENT

7761.8

(No. 39 July 2011)

IDENTIFICATION NUMBER

7761.8.1

(May 2015)

All hired equipment will display their request number on their equipment for the duration of the incident. Ground Support Unit personnel or the Hired Equipment Technical Specialist should apply this number as soon as the equipment arrives at the incident, in a highly visible location with water-based paint, or with a temporary placard.

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FIRE EMERGENCY PLACARDS

7761.8.2

(October 2016)

CAL FIRE does not endorse the use of “Fire Emergency” or a CAL FIRE insignia by vendors and shall request that any such signs be removed while under hire with CAL FIRE. The California Vehicle Code section 27905 states that fire department vehicles can display such signs. CAL FIRE shall release equipment that refuses to remove such placarding and terminate the appropriate agreement. .

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PRE USE INSPECTION

7761.8.3

(No.69 November 2016)

An inspection of each piece of equipment should be made by the Ground Support Unit or the Hired Equipment Technical Specialist prior to assignment, or as soon as possible thereafter, using Form FC-291, “Minimum Equipment Requirements Checklist”.

The purpose of this inspection is to verify equipment complement, capability, and capacity. 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. All equipment that does not pass initial inspection may be afforded the opportunity for a second inspection. The cost for the second inspection, \$150.00 per hour, pro-rated in ½ hour increments, will be borne by the vendor. 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 defective or unsafe, it shall be rejected.

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

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RADIO FREQUENCY USE AGREEMENT

7761.8.4

(No.69 November 2016)

In order for hired equipment vendors to operate on CAL FIRE radio frequencies, both the vendor and a CAL FIRE representative must complete Form [FC-100R](#) "Radio Frequency Use Agreement." Proof of annual frequency and deviation inspection by a manufacturer's authorized warranty repair technician is no longer required. The Radio Frequency Use Agreement should be renewed every EERA agreement period or as required when CAL FIRE makes changes to the authorized frequencies.

PERFORMANCE DURING INCIDENT

7761.9

(October 2016)

DOCUMENTATION OF VENDOR WORK HOURS

7761.9.1

(SHIFT TICKETS)

(October 2016)

Work hours shall be documented on form CAL FIRE-297 "Emergency Shift Ticket and Evaluation Form." The CAL FIRE (or other agency) employee supervising the equipment is responsible for recording the vendor work hours on the CAL FIRE-297 (shift ticket form), and for ensuring that the vendor signs the form. This is done at the end of the shift or work day (whichever is appropriate). The State employee completing the form is responsible for delivering the original copy of the CAL FIRE-297 to the appropriate 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 VENDOR CANNOT PROCEED UNTIL THE SUPERVISOR PROVIDES THE APPROPRIATE TIME RECORDER WITH A COMPLETED SHIFT TICKET.

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PERFORMANCE EVALUATIONS

7761.9.2

(No.69 November 2016)

A vendor performance evaluation shall be completed by the immediate supervisor of all vendors and operators at the end of each operational period to document exemplary, standard, or substandard performance. The “Emergency Shift Ticket and Evaluation Form” (CAL FIRE-297) shall be used for this purpose.

Substandard performance should be discussed with the vendor/operator no later than the end of the shift, so that the vendor/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. If additional pages are required for documentation, the CAL FIRE-230, Vendor Evaluation, form should be used.

Supervisors shall forward performance evaluations to the Time Unit Leader, or his/her designee. At the time the vendor/operator is released from the incident, the Time Unit Leader should provide them with copies of all performance evaluations. If that is not possible, the Time Unit Leader shall mail copies of the evaluations to the vendor. The Time Unit Leader shall also forward these evaluations to the Hired Equipment Coordinator of the Unit that issued the agreement with the vendor, for inclusion in that vendor's file.

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PROBLEM RESOLUTION AND APPEALS

7761.9.3

(No.69 November 2016)

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 Department's operations. All violations of policy by vendors and their employees will be referred, with documentation, to the Unit Chief and the Hired Equipment Coordinator of the Unit issuing the EERA for review and possible action. The Unit Chief issuing the EERA is authorized to implement sanctions against vendors. Actions, and/or sanctions, by the Department may result from a single action, or a combination of actions on the part of the vendor. Sanctions may be appealed to the Region Chief within 10 days of the Unit Chief's decision.

All disputes between CAL FIRE and vendors or their employees will be resolved as soon as possible in a manner consistent with CAL FIRE policy based on the violation.

If immediate resolution is not possible, the dispute must be documented in writing and sent to the Statewide Hired Equipment Coordinator, Unit Chief and Hired Equipment Coordinator for the Unit that generated the vendor's EERA within 10 days of the incident. The Unit Chief will review the documentation and render a decision with 10 days.

The Unit Chief's decision may be appealed to the Region Chief within 10 days of the Unit Chief's decision.

The Region Chief, or his/her designee, will be the final appeal point for any sanctions or other dispute resolution administered by the Unit Chief. Notice of any action upheld, modified, or dismissed will be forwarded to the vendor within 15 days of the appeal being received. Notice will also be provided to the Unit Chief and Hired Equipment Coordinator of the Unit issuing the EERA as well as the CAL FIRE Statewide Hired Equipment Coordinator for documentation purposes.

The maximum time allowed for the decision and appeals process will therefore be a total of 45 days from the date of the original dispute.

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NON-COMPLIANCE AND SANCTIONS

7761.9.4

(No.69 November 2016)

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

- Contacting any Unit, incident, or other location, soliciting hiring by the Department.
- Responding to an 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 vendor, or accepting such an order and request number from another vendor except as specifically allowed in section 7761.4.8.
- Misrepresentation of Small Business and Disabled Veteran-owned business status.

- Operating equipment on fire line 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 the incident.

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

- Placement at the end of rotation
- Vendor sanction and removal from list(s) for a specified period of time
- Removal from list(s) indefinitely
- Cancellation of the EERA
- Civil and/or criminal action

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EQUIPMENT OPERATORS

7761.10

(No. 40 October 2016)

EQUIPMENT WITH OPERATORS

7761.10.1

(October 2016)

Operators of equipment listed in Section 3833 “Emergency Equipment Rental Agreements” of the 3800 Incident Financial Management Handbook will be hired with their equipment on a CAL FIRE-294 and remain employees of the vendor or independent sub-vendors. The following equipment categories are normally contracted with operators and signed up on a CAL FIRE-294 Agreement:

- Bulldozers
- Water tenders
- Transports
- Fallers
- Fireline Suppression Repair Equipment
- Special Vehicle Module

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

When an incident base or camp is established, meals and bedding for the vendor’s operator(s) will be furnished without charge at the incident base. When en-route to and from the incident, meals and lodging are the responsibility of the vendor. (Clause 10 of the General Clauses attached to the CAL FIRE-294)

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ANNUAL TRAINING FOR OPERATORS OF EQUIPMENT USED ON THE FIRELINE

7761.10.2

(No.69 November 2016)

CAL FIRE requires specific annual firefighter safety training for all operators of equipment that is hired for fireline work. This includes operators of

- Fireline Dozers
- Dozer Transports
- Fireline Water Tenders
- Faller/Swampers
- Specialized Module/ Pickup Drivers
- Relief/Bus Drivers
- All other personnel who may perform fireline assignments.

Specific requirements can be found in the Office of State Fire Marshal's training program, FSTEP Course – Fireline Safety Awareness for Hired Vendors. Each operator who successfully completes the required annual training will receive a course completion card valid for one year from date of attending the class. While operating equipment on a fireline or cover assignment under hire to CAL FIRE, all operators will have a copy of the safety training completion card in their possession and present it upon request by a representative of the Department.

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OPERATOR HOURS

7761.10.3

(No.69 November 2016)

The number of operators and hours worked per shift, per piece of hired equipment are solely determined by the operational needs of the incident.

Bulldozers: Bulldozers will be ordered with one operator unless the work shifts are expected to exceed 16 hours, then a second operator should be requested. A single operator will not work more than 16 hours in a calendar day except in unusual circumstances, which must be clearly justified in writing by the fireline supervisor responsible for the work of the equipment. If a second operator has been used and the operational needs no longer require 2 operators, then CAL FIRE should advise the vendor that the second operator for the next day's shift shall be released. If the vendor objects, then he should be released as soon as conditions allow.

Bulldozer/transport units: The number of operators required to operate transports shall be determined by the Incident Commander. At no time shall two operators be paid for the same hours of work on the same piece of equipment. Payment for overlapping travel time to and from the incident base, motel, etc. is not allowed.

Water Tenders: When hired to assist CAL FIRE with fire suppression, privately-owned water tenders are not exempt from the driving hour limitations contained in CVC 34501 or CCR Title 13, section 1212. The firefighting exemption in CVC 34501.2(b)(4) does not apply to operators of privately owned commercial vehicles. Drivers of privately owned regulated vehicles must adhere to the applicable commercial driving regulations.

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EQUIPMENT WITHOUT OPERATORS

7761.10.4

(May 2015)

When equipment without operator is hired under a daily rate, it is hired "dry" and CAL FIRE will furnish all operating supplies in order to provide more equitable compensation to the vendors.

Example: On a rented generator 19KW or less, for ease of maintaining the unit without an operator, the responsible agency will service the trailer as necessary and the State will provide the fuel.

Deductions: When hired dry, the State furnishes **only** fuel, oil and lube at no cost. Mechanic's services or parts are chargeable back to the vendor and the transaction must be posted on the Forestry Mobile Equipment Work Order, ME-107, and transferred to the Emergency Equipment Use Invoice, CAL FIRE-61, at the end of the incident.

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GENERAL EQUIPMENT REQUIREMENTS

7761.11

(No.69 November 2016)

All personnel and resources must arrive with all required safety equipment and other equipment in good repair and operating condition. For personal protective equipment see Section 3833.11.2 for operators of fireline equipment and Section 3833.11.3 for operators of support equipment. For equipment minimum safety requirements, see Sections 3833.13 – 3833.15.

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SUFFICIENT QUALIFIED OPERATORS:

7761.11.1

(No. 56 April 2014)

Vendors 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 be operated for more than 16 hours, a second operator must be requested from the vendor and driving/operating duties should be divided between the two operators.

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MAINTENANCE, REPAIR AND DAMAGE

7761.11.2

(No.69 November 2016)

1. Unless ordered dry, the Vendor 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 vendor at the established incident rate, recorded on the OF-304 Fuel Use Invoice and documented on the CAL FIRE form ME-107.
2. All repairs and replacement are the responsibility of the Vendor and shall be made at the Vendor'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.
3. 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 Vendor.
4. Per Clause 8 (C) of the General Clauses attached to the CAL FIRE-294, CAL FIRE will bear all costs to return equipment that becomes inoperable to the point of hire as promptly as emergency conditions allow. Time that equipment is inoperable/out of service at an incident is not compensable.
5. **Damage:** Damage to hired equipment resulting from exposure to the fire or from firefighting 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 California Victim Compensation Board claims process.
6. **Inspection Upon Release:** 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. A demob inspection is not required if the vendor states "No

Damage No Claim” on the CAL FIRE-61 Emergency Equipment Use Invoice at finance during the demobilization process.

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HIRING OF CERTAIN EQUIPMENT TYPES

7761.12

(No.69 November 2016)

The requirements of complement, capacity, and capability for each type of equipment are described in Section 3833 of the Incident Fiscal Management Handbook. Additional considerations for hiring at the incident are listed below.

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TRANSPORTS REQUIREMENTS

7761.12.1

(No.69 November 2016)

Transports are an incident resource. Transports retained for incident operations use should be identified in the Incident Action Plan and identified by their request number. Signed shift tickets are adequate documentation for this purpose. Transports that are retained shall have cargo insurance that covers other vendors’ equipment being transported, Refer to form FC-290.

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FIRELINE WATER TENDER REQUIREMENTS

7761.12.2

(October 2016)

INSPECTIONS FOR FIRELINE WATER TENDERS

7761.12.2.1

(No.69 November 2016)

Inspection at Incident: Upon arrival at the incident, or at any time thereafter, CAL FIRE shall conduct an inspection of the equipment to ensure that the vehicle and operator meet all requirements for complement, capacity, and capability, and that the vehicle and operator are in a condition to work safely. Any pre-existing damage will be documented at this time. See [3833.12.2](#) for more details.

Rejection at Incident: Any vehicle arriving at an incident without proof of successful completion of the annual safety inspection referenced in 3833.13.5.3 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 vendor.

NOTE: An exception is made for imminent threat situations when 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. This type of hiring does not exempt the vehicle from the required inspection process necessary for listing in the Unit hired equipment ordering system of record.

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METHODS OF HIRE FOR FIRELINE WATER TENDERS/DOZERS/TRANSPORTS 7761.12.2.2

(No.69 November 2016)

1. Water tenders and dozers have two separate daily rates: 1) single operator and 2) two operators. It is essential that information is retrieved from the original resource order and request number identifying how the equipment was ordered (i.e., one or two operators). It is equally important to monitor the services provided to ensure that, if two operators are ordered, two operators are utilized over a 24-hour period.
2. Dozer Transports have 4 daily rate options: 1) single operator, 2) two operators, 3) one operator not available and 4) two operators not available. Dispatchers shall document in the resource ordering system of record the configuration in which the vendor is providing the equipment.
3. Hiring fireline equipment with two operators does not mean that both operators must be on-site 24 hours a day. It does mean that, if that piece of equipment is expected to be operated for more than 16 hours, a second operator will be ordered by CAL FIRE and provided by the vendor.

(See Section 7761.10.3 for policy on water tender operator hours.) Fireline supervisors must ensure that equipment operators are not working excessively long shifts.

4. The one-operator Daily Rate for fireline equipment includes compensation for 8 hours of straight time and 8 hours of time and one-half. The two-operator rate adds compensation for another 8 hours of straight time, for a total of 24 hours: 16 hours of straight time and 8 hours of overtime. This means that compensation for 8 hours straight time and 4 hours overtime for each operator is included in the rate.

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COMPRESSED AIR FOAM SYSTEMS (CAFS)

7761.12.2.3

(May 2015)

Compressed Air Foam Systems shall be used as directed by the fire line supervisor. The vendor shall be compensated for foam agent as listed in Rates Handbook Section 3934.2.1.5 or shall be replaced "In Kind" by the government. "In Kind" replacement foam agents may or may not be from the same manufacturer as provided by the vendor.

FALLER MODULE

7761.12.3

(May 2015)

Faller Module will be made up of two people; either a faller and a swamper or two fallers. Incident Commanders will determine the most appropriate Faller Module configuration.

REFRIGERATOR TRAILERS

7761.12.4

(No.69 November 2016)

Agencies will only pay transport charges for haul-in and haul-out of refrigerator trailers. Unless requested by CAL FIRE, the hauling tractor will not remain on the clock after delivery. The tractor will be compensated for haul in and the return trip to its point of hire. The tractor shall be compensated for another round trip to return the trailer to its point of hire.

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HIRED EQUIPMENT FROM THE CALIFORNIA MILITARY DEPARTMENT (CMD)

7761.13

(October 2016)

The use of California Military Department (CMD) equipment will be conducted in accordance with the Reciprocal Fire Protection Agreement for State of California Military Department Assets among the California Military Department (CMD), CAL FIRE, Bureau of Land Management (BLM), National Park Service (NPS), and Office of Emergency Services (Cal OES), and in accordance with the following policy: (8500 Cooperative Fire Services Procedures Handbook; State Agreements; Exhibit B)

- A. An inspection shall be conducted on all CMD equipment assigned to an incident upon its arrival at the incident. The OF-296 (Vehicle/Heavy Equipment Inspection Checklist) will be used to record this inspection. In addition, all CMD equipment shall be recorded and tracked via the CAL FIRE-297 use record. Retain the CAL FIRE-

297 in the Emergency Use Envelope (FC-250) for verifying and auditing CMD invoices when received.

- B. Only qualified CMD personnel shall operate CMD equipment.
- C. CMD shall be responsible for the maintenance and repair of CMD equipment while such equipment is assigned to a supported agency. The supported agency shall provide reimbursement for all CMD maintenance and repair costs incurred as a direct result of supporting the wildland fire operations. CMD shall bill for post incident aircraft and equipment maintenance at established Department of Defense emergency rates based on the number of hours of flight time or equipment use attributable to the incident. CMD shall not bill for personnel time performing post incident aircraft or equipment maintenance.
- D. The supported agency (CAL FIRE, Forest Service, BLM or NPS) is responsible for providing fuel for CMD aircraft and equipment while at an incident.
- E. The agency managing the maintenance operations for the incident is responsible for the proper collection, storage, packaging, manifesting and disposal of all hazardous waste generated as a result of CMD maintenance operations at the incident, command post, base camp, staging area or mobilization center. Such collection, storage, packaging, manifesting and disposal shall be in conformance with all applicable federal, state and local laws, rules and regulations.
- F. Prior to the release of military vehicles, a joint inspection shall be conducted by CMD and supported agency personnel. The Vehicle/Heavy Equipment Inspection Checklist, Form OF-296 or R5-5100-2T, will be used to record this inspection and signatures, with clearly printed names of those inspecting the equipment, shall be shown on the form.
- G. Supported agencies shall reimburse CMD only for damages to equipment directly caused by the wildland fire being suppressed and where CMD, its employees, and/or operational failures in the equipment are not a contributing factor to such damage, upon which there will be mutual agreement between CMD and supported agency.
- H. Supported agencies shall reimburse CMD for all expendable materials and services procured by CMD in support of specific wildfire operations. This includes fuel costs for CMD equipment deploying to or from home bases to incidents. Any procurement of materials, supplies or services made by CMD while at an incident shall be coordinated with the incident logistics function. No direct payments shall be made to CMD from the incident for any of the above mentioned items. Expenses incurred by the military for fuel or authorized repairs will be billed to the Department Accounting Office in Sacramento and payment issued directly from Sacramento. All fuel or authorized purchases shall be approved via signatory process by authorized CAL

FIRE Personnel assigned as the incident liaison to the CMD. Per the CMD Cooperative Agreement, purchases must be approved prior to payment.

- I. The supported agency pays an hourly flight rate for all CMD aircraft. CMD bills the supported agency a wet (CMD provides fuel) or a dry (supported agency provides fuel) rate depending upon who purchased the fuel used.

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HIRING AIRCRAFT

7761.14

(No. 39 July 2011)

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.)

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LAND AND FACILITY RENTAL AGREEMENTS

7761.15

(May 2015)

When negotiating land use and facility rental agreements, agreed upon rates must be fair to both the Vendor and CAL FIRE. The Procurement Unit Leader should work closely with the Logistics Section regarding incident needs. The Procurement Unit Leader, or other Contracting Officer negotiating the agreement, should be involved before any commitments are made by CAL FIRE for use of the land. Consideration should be given to the use of a sliding scale (i.e. daily-weekly-monthly rates) in order to lower the overall cost, especially on incidents of long duration.

Some of the factors to consider in negotiating land use agreements are:

- Fair market rental rates for the land in use
- Costs to the landowner
 - Moving of stock
 - Loss of rental fees from other sources
 - Disruption
 - Alterations needed, and who will make them
 - Loss of crops
- Cost of Utilities

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EMERGENCY HIRE OF PERSONNEL

7761.16

(No. 39 July 2011)

SUPERVISION AND DIRECTION

7761.16.1

(May 2015)

- Paid pick-up 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, 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. (Incident Fiscal Management Handbook 3800 and instructions on SCIF 3301.)

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HIRING GUIDES – PERSONNEL

7761.16.2

(No. 39 2011)

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.

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EMPLOYMENT PROCEDURE

7761.16.3

(No. 39 July 2011)

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. See Section 3836 of the Incident Fiscal Management Handbook.

NOTE: For CAL FIRE Emergency Workers, overtime is paid for all hours worked in excess of 40 hours during the workweek. The workweek is defined as starting at 0001 on Sunday and ending at 2400 on Saturday. (See Incident Fiscal Management Handbook Section 3836.7.1 for additional details.)

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I-9 FORMS

7761.16.4

(No. 39 July 2011)

I-9 Forms, required by the Immigration and Naturalization Service (INS), are to be completed for all new employees, including US citizens. As this applies to individuals signed up at the EW rates, vendors under agreement for equipment without operator should be notified that individuals hired at EW rates will be required to complete these forms. INS has not authorized an exemption from this requirement during emergencies.

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EMERGENCY WORKER DRUG TESTING

7761.16.5

(No. 39 July 2011)

When under hire with CAL FIRE, employees are subject to CAL FIRE rules of conduct and our policies of reasonable suspicion and testing for substance abuse.

Emergency Worker (EW) drivers required to have a Commercial Driver's License (CDL) are subject to the controlled substance and alcohol testing rules under the Omnibus Transportation Employee Testing Act of 1991. A CDL is required for drivers operating a vehicle in excess of 26,000 pounds GVW designed to carry 16 or more passengers (including driver), or of any size if used in the transportation of a placard-able amount of hazardous material. These drivers are subject to pre-employment alcohol and controlled substance testing, random testing, reasonable suspicion test, post-accident testing, return to duty testing and follow-up testing.

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EMERGENCY WORKER CLASSIFICATIONS

7761.16.6

(October 2016)

For information on emergency worker classifications, see [Handbook Section 3925](#).

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