

**CHAPTER 320: PROCUREMENT (INCLUDING EQUIPMENT)**

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## **321 PROCUREMENT AUTHORITY**

DNRC is delegated procurement authority by the Department of Administration. This delegation specifies that DNRC has the authority to purchase/rent wildfire suppression equipment, supplies and services following the requirements of the Montana Procurement Act, 18-4-101 through 18-4-314, MCA, Title 2, chapter 5, ARM.

DNRC will follow all procurement rules when purchasing/renting equipment to meet fire suppression needs. This would also include obtaining a Resource Order when appropriate.

DNRC Procurement Manual and Contracting Forms are located at the following website: <https://portal.dnrc.mt.gov/directors-office/financial-services-office/procurement>.

Additional information on ordering of specialized equipment and other resources not readily available locally is contained in the DNRC Wildland Fire Suppression - 900 Manual, Section 960. This manual can be found at the following website: <http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/resources/manuals>.

## **322 EQUIPMENT, CREWS, AND OTHER RENTAL**

The Montana DNRC may utilize any resource to aid in the suppression/rehabilitation of any fire on lands protected by the State of Montana. This includes but is not limited to, use of any resource from the following sources: DNRC, other states, federal agencies, local government fire forces, other countries (e.g. Canadian Resources via NW Compact) and private contract resources (including competed solicitation resources and local EERAs).

DNRC will order and utilize resources from the best, closest, and most appropriate source based on urgency (date and time needed), availability, reasonable cost, and operational impact on the agency and incident.

### **A. State-Owned, Hired, or Leased Equipment**

Time recording of State-owned, Federal Excess Personal Property (FEPP) or leased equipment is accomplished by using the OF-287 Emergency Equipment Shift Ticket or combined DNRC Emergency Personnel and Equipment Shift Ticket which is then posted to the OF-286 Emergency Equipment Use Invoice needed for billing/payment and County Co-op Support Funding purposes.

#### **1. Cooperating Agency Equipment**

If applicable, charges for equipment owned or operated by cooperating agencies and used on DNRC incidents will be included in the agency bill presented to DNRC for payment. Timekeeping for such use will be done by the cooperating agency on its own regular forms. No additional DNRC documentation is

required. If the cooperating agency has no regular equipment use reporting system, the OF-287 Emergency Equipment Shift Tickets summarized onto the OF-286 Emergency Equipment Use Invoice, should be used to record and bill for equipment use.

## 2. Reimbursement for Use of DNRC Equipment by Other Agencies

See DNRC Fire Follow-up - 1000 Manual and the NRCG Chapter 50 supplement to the SIIBM Section 01.11 – State-Owned and Other Equipment.

All DNRC equipment use is to be recorded on the OF-287 Emergency Equipment Shift ticket or combined DNRC Emergency Equipment and Personnel Shift Ticket which is then posted to the OF-286 Emergency Equipment Use Invoice. Also attached must be the DNRC Resource Rate form (contains rates and equipment information) and a Resource Order documenting the order of that same equipment for use on the incident. These OF-286 Use Invoices are not submitted through SABHRS for payment. In Block 22 (remarks) enter: “For Fire Record Only, per Region 1 Cooperative Fire Management Agreement” and forward to the DNRC Forestry Division Financial Specialist for billing to the using agency.

## **B. Competed Resources**

See NRCG Chapter 20 supplement to the SIIBM, General Guidelines for Equipment Hire.

NRCG member agencies agreed to establish and use competed resources where agency regulations allow. They are pre-negotiated and normally competed in the spring. DNRC can use and will honor these competed agreements. However, the federal agencies are not always able to use and honor DNRC agreements unless they are co-signed by a Forest Service or respective agency contracting officer. An exception to this requirement will be during Initial Attack (IA), when closest resources may be used to accomplish the agency mission.

DNRC may utilize any resource to aid in the suppression/rehabilitation of any fire on lands protected by the State of Montana. This includes but is not limited to, use of any resource from the following sources: DNRC, other states and federal agencies, local government fire forces, and private contract resources including competed solicitation resources and local EERAs. *DNRC will order and utilize resources from the best, closest, and most appropriate source based on urgency (date and time needed), availability, reasonable cost, and operational impact on the agency and incident.*

If a private contractor utilized during IA, or after competed resources are exhausted, does not have an agreement through this competed process, an EERA may be written on an incident-only basis or can be written for a longer period of time if it is in the best interest of the DNRC. Please see the NRCG Chapter 20 supplement to the

SIIBM for current rates for private contractors being hired under these circumstances. Equipment that has not been competed but is available locally can be procured through the execution of an EERA at any time. See Appendix for A-6 Contractor/Operator Checklist and A-7 Contracted Resource Payment Procedures.

The NRCG member agency solicitation and competed agreements can be found on this website: [https://gacc.nifc.gov/nrcc/dispatch/equipment\\_supplies/agree-contract/solicitations.htm](https://gacc.nifc.gov/nrcc/dispatch/equipment_supplies/agree-contract/solicitations.htm).

*The following definitions are for reference purposes only.*

1. **Dispatch Priority List and Resource List**

Within the Northern Rockies the competitive solicitations are awarded using acceptable past performance, qualified personnel, minimum equipment standards and other factors to generate a Dispatch Priority List (DPL) and equipment is dispatched by ranking order on the DPL. There is also the Geographic Out-of-Area DPL that is unique to the Northern Rockies. Other solicitations generate a Resource List (RL). The RL is **not** ranked by priority and you may choose the vendor that best meets incident needs.

2. **Dispatch Priority List (DPL)**

Equipment assigned according to ranking on the DPL. The Host Dispatch Center must ensure the most recent version of the DPL is utilized.

3. **Dispatch Zone Priority List (Local DPL)**

List of contracted resources located within the dispatch zone, ranked on the DPL. Centers will follow the priority list when dispatching resources. This is not a rotation-if the number one priority on the list is unavailable that day, the resource should be checked for each order because they are highest on the priority list.

4. **Geographic Out of Area Priority List (GACC DPL)**

Utilized for Out-of-Area orders. An overall Dispatch Priority List of contracted resources located within the Northern Rockies - compiled from the zones' Dispatch Priority Lists. Equipment must be dispatched in priority sequence based on the DPL. This is not a rotation. If the number one priority on the list is unavailable that day, the resource should be checked for each order because they are highest on the priority list.

5. **Resource List (RL)**

Dispatch may choose the vendor that best meets their need considering factors such as cost, availability, and location. **Not** ranked by priority.

6. **NR Resource list (RL)**

A list of contracted resources, usually listed alphabetically by vendor **or** by location that allows dispatchers to choose the resource that best meets their needs based on cost, availability, location, special needs, etc.

### **C. Non-Competed Resources**

See the Emergency Equipment Rental Agreement (EERA) documents under the Resources section on the DNRC Fire Protection, Fire Business website: <http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/fire-business/vendors-and-eeras>. Additional information may be found in Chapter 20 of the SIIBM.

## **D. Performance Evaluations**

Performance evaluations are required for all private contractors. A copy of the ICS-224, or other applicable evaluation form per applicable agreement, is retained in the Fire Package, the contractor retains a copy and a copy is sent to the NRCG agency responsible for the agreement.

## **E. Local Government Fire Forces (LGFF)**

See the NRCG Chapter 50 supplement to the SIIBM for rates and minimum standards for equipment rented from Montana LGFF.

### **1. LGFF Resources**

Procurement of equipment from local government fire agencies will follow the procedures in the NRCG Mobilization of Local Firefighting Forces and NRCG Chapter 50 supplement to the SIIBM.

All payments made by a State agency to any city, town, county, or local government entity must be payable to the finance officer of the appropriate city, town, or county. There should be sufficient documentation with the payment to specify where the payment is to be directed or applied, such as the local Fire Department name.

- **MCA 17-8-311. Payments to Local Government Entities – Notice.**

- a. *"Finance officer" means the county treasurer, city treasurer, town clerk, or the equivalent provided for in Title 7, Chapter 3, MCA.*
- b. *"Local government entity" means a public entity that, whether or not governed by the legislative body of local government, is required by law to conduct financial affairs through the finance officer of a city, town, or county. The term does not include a school district or a conservation district.*

If the State agency is unable to determine if the payee is a local government entity, the State agency shall process the claim to the entity in question and mail a notice of payment to the finance officer of the county and city to which the payment was issued.

## **F. Private Sector**

### **1. Private Industry**

Large forest industry companies may bill DNRC directly for both labor and equipment provided by the company, using current company pay rates, when their

suppression efforts are directed by DNRC officials. When labor is paid directly by a private forest industry company (NOT through the DNRC EFF employment procedure) they must provide worker's compensation coverage for their employees as required by Montana State law.

Time worked on DNRC fires are recorded on regular DNRC timekeeping forms and should be clearly marked "To be paid by (name) Company." One copy of the completed timekeeping form will be given to the company official in charge to support company billing. One copy of the completed timekeeping form will be forwarded to the DNRC Forestry Division Office, Missoula, for verification of company billing. The company bill when submitted is verified as to hours worked and then paid.

An alternate acceptable practice is DNRC direct hire of company employees and/or equipment at appropriate rates as outlined in the NRCG Chapter 10 supplement to the SIIBM, Exhibit NR1 – MT DNRC EFF Pay Plan. Exceptions to DNRC EFF rates can be made when dozer operators or other specialized equipment operators are able to furnish a current union membership card. Under these conditions, these equipment operators may be paid current union wages.

Montana DNRC is not authorized to procure fare tickets, rentals, lodging, or give travel advances for private contractors or their employees. This includes mobilization to and demobilization from emergency incidents. DNRC may reimburse for travel costs per contract provisions.

## 2. Contract Crews

Type 2 IA Crews – are private contractors with National contracts consisting of qualified wildland firefighters. These are referred to as National Contract Crews, on a nation-wide basis, for fire suppression activities, All-Hazard incidents, and Severity/Preparedness assignments. These crews provide their own transportation and insurances. Hours worked for this type of crew are typically combined and processed using one hourly rate on an OF-286 or a vendor invoice of some type. All original invoices for national contract resources are to be sent to the Albuquerque Payment Center for payment. Originals are not to be given to the resource.

## 3. State Employee/EFF owned Vehicles

With their supervisor's pre-approval utilizing a Personal Vehicle Use Authorization Form, a State employee or EFF may utilize their privately owned vehicle for transportation to/from an incident. The employee/EFF is reimbursed mileage only on a Travel Expense Voucher.

If deemed to be in the best interest of the State, a State employee or EFF's privately owned vehicle may be hired on an EERA for use on an incident. If this

option is utilized, only the vehicle owner may operate it. The following guidelines must be in place for this type of acquisition.

**Hired Un-operated:**

- Resource Order required for payment.
- Chapter 50 Section 01.11-1 Daily rate plus mileage rate.
- The government provides operating supplies, including fuel.
- Vehicle's insurance coverage includes commercial liability coverage sufficient to comply with agreement requirements, i.e. hauling cargo, transporting people, etc. Proof of insurance coverage is required at time of inspection.
  - The Vehicle Owner assumes responsibility for all damage and/or injury to persons and/or property.
  - The Vehicle Owner shall maintain adequate public liability and property damage insurance.

**G. Inspection Guidance Forms**

The equipment shall meet the requirements of the OF-296 Vehicle/Heavy Equipment Pre-Use Inspection Checklist. See the SIIBM, Chapter 20, for the "OF-296 - Vehicle/Heavy Equipment Pre-Use Inspection" form.

**H. Motor Carrier Safety Regulations**

The Motor Carrier Safety Regulations can be found at the following website for your review or to print a copy for your files:

<http://www.mdt.mt.gov/mdt/organization/mcs.shtml>.

Please note: "Some states may have different rules, and some agencies may adopt more stringent rules. This guide is not intended to replace any law or rule; it is up to you to know the law."

**I. Land or Other Facilities**

1. Use of Land or Other Facilities

A Land Use Agreement (LUA) or Letter of Agreement (LOA) should be finalized in coordination with the Line Officer or his/her designated representative. The short-term rental of land, office, or warehouse space, fire station, school facility, fair grounds or other such facilities, shall be negotiated at a daily, weekly or monthly rate, and specified on a LUA. The LUA shall indicate who will be responsible for providing service and utilities, if any are required, as well as who is responsible for any restoration work that may be needed. Payment for a LUA should be submitted on an OF-286 unless other arrangements have been made.



A joint pre-use and post-use inspection of the premises shall be conducted. Such inspections shall note all improvements and their condition, including items such as fences, buildings, wells, crops, road condition, etc.

For the LUA template, see the DNRC Fire Protection, Fire Business website: <http://dnrc.mt.gov/divisions/forestry/fire-and-aviation/fire-business/forms-and-information>.

For DNRC owned land only: If the use is considered mutually beneficial on a multi-jurisdictional incident there is no fee required, and a Letter of Agreement (LOA) must be completed. Contact the Real Estate Management group for additional guidance.

For additional guidance on the use of a LUA or LOA, see Appendix 19.

### **323 SOURCES OF SUPPLY**

Supplies to be used for fire suppression should normally be obtained from the most economic (i.e., least costly) source, provided that the items needed can be delivered in time and in sufficient quantity for operational requirements. Local cooperating agency supplies can also be considered and, if needed, provided for in local annual operating plans.

Land Offices should also make annual pre-season local arrangements for commercial purchase of supplies normally needed for fire suppression. These pre-season arrangements can be shared and coordinated, if appropriate, with local cooperating agencies. Land Offices should annually prepare a summary of such prearranged contracts, agreements, and arrangements. This is normally called the Service & Supply Plan. See the Appendix for an example.

The Service & Supply Plan should list vendor names, day/night telephones, addresses, rates, etc. and include the following:

- ✘ Completed rental agreements for equipment, separated into broad categories, such as bulldozers, trucks, saws, etc.
- ✘ Available local open-market sources--list sources for heavy-demand items such as food supplies, food service (include menus if appropriate), fuel, equipment repair service, batteries, clothing, etc.
- ✘ Logistical support agreements with local cooperating agencies.

#### **A. Fire Caches and Mobile Kitchens**

DNRC maintains mobile fire caches and kitchens. See the NRCG Chapter 50 supplement to the SIIBM, Section 01.11 – State-Owned Equipment