

CHAPTER 16  
LAND/FACILITIES ACQUISITION

Because Federal funds are often involved in paying some or all the costs of all-risk incidents, all vendors must certify that they are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation by completing the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions found in the Forms section (Form 3)

**Land Use and Facility Rental Agreements**

Temporary rental of property for fire purposes requires the same degree of good business judgment, including reasonable price determinations, as any other procurement action. In making the determinations, as to price fairness, consideration should be given, but not limited, to the following items:

1. Fair market rental rates for the property in the area
2. Costs to the property owner, loss of rental fees from other sources, disruption
3. Alterations needed and who will make them
4. Impacts on the property
5. Costs of restoration, and who will do the restoration work
6. Duration of the rental, (emphasis should be on weekly or monthly rates), with a limit on total costs

Schools and other governmentally owned facilities should be compensated for operating costs only, since these facilities are funded by the taxpayers through tax revenues. Additional costs incurred will be paid for by the incident such as additional janitorial services or cleaning fees.

A pre-inspection and post-inspection shall be made of the premises using the forms found in the Forms section. The inspections can be documented on separate inspection documents if additional details or information are needed. Pre- and post-inspection photographs are required showing where actual damages occur that may result in a claim.

Such pre- and post-inspections shall note all improvements and conditions, including items such as fences, buildings, wells, crops, road conditions, etc. The rental documents shall indicate who will be responsible for providing services and utilities, if any are required. Whenever possible, coordinate with the Division's Procurement Officer. The rental documents shall indicate whether site rehabilitation requirements exist, or a site rehabilitation plan must be signed by the owner/agent and the state prior to completion of the final inspection.

## **Land Use Agreements Checklists And General Guidance**

### **SCHOOLS, FAIRGROUNDS OR OTHER RELATED FACILITY CHECKLIST**

- Number of Classrooms
- Gym
- Cleaning/Janitorial/Custodial Services
- Use of Showers
- Government furnished supplies vs. Contractor furnished
- Supplies
- Phones
- Computers
- Kitchen
- Keys, Access
- Security
- Sleeping Areas
- Noxious Weeds
- AC/Heater operational or available
- Sprinkler System
- Reduce/increase costs when camp changes (i.e. from Type I – II – III) (reduce number of classrooms needed, area needed, buildings needed, etc.)
- Other prescheduled/concurrent uses of the facility by owner
- Parking
- Athletic Field

### **DIPPING SITES/PONDS CHECKLIST**

- Impact – amount of drawdown, site disturbance, etc.
- Fish
- Noxious Weeds
- Water (usage and/or replenishment)
- Water Rights (who owns the water)
- Fences
- Access
- Flight Path
- Livestock/Wildlife
- Loss of Foliage/Crop/Pasture
- Use of pumps or wells

## **IC CAMP/HELIBASE CHECKLIST**

- Access – roads, gates
- Noxious Weeds
- Fences / cattle guards / gates
- Livestock
- Flight Path
- Irrigation/Sprinkler System
- Spillage/Hazmat
- Hours of Operation
- Property Impact
- Re-seeding / de-compaction requirements
- Abandonment of improvements
- Specific clean-up requirements (bark, mulch, sawdust, gravel, carpet, etc.)

## **AIRPORTS CHECKLIST**

*Facilities Usage (except for federally funded runways, towers) Check other FAA restrictions*

- Landing Fee
- Fuel Fee (if Contractor provided)
- Security
- Flight Path
- Hazmat/Spillage
- Parking
- Availability
- Water/Electricity/Phones
- Portable Retardant Plant
- Hours of Operation
- Access
- Check with Air Ops for further concerns

## **LAND/FACILITY RESTORATION CONSIDERATIONS**

- Loss of crop/pasture – how many seasons
- Reseeding / de-compaction requirements
- Noxious Weeds Abatement and Survey
- General clean-up (trash removal, final janitorial service, floor waxing, etc.)
- Re-sod of athletic fields
- Reconditioning floors (of gyms, carpet replacement, etc.)
- Pumping of septic systems (feasible to use systems, or rely solely on port-a-potties?)
- Mending fences damaged during incident

## **CONSIDERATIONS FOR DETERMINING RATE**

### **BEFORE NEGOTIATING RATE:**

- Determine ownership of land / facilities
- Confirm owner's agent if applicable
- Resources available to confirm ownership
  - City or Borough Tax Assessor's Office
  - Courthouse
- Private Campgrounds – what are average receipts / revenues for similar time period
- Facilities – if facility is abandoned from normal use, consider revenue lost for the activities
- Fairgrounds – were there any events cancelled or rescheduled to make them available?
- Cost of relocating and feeding of stock
- Are there vacant facilities held by other agencies that may be available?
- Consider a “not to exceed” rate commensurate with property value
- Sources of market research
  - Banks
  - Real estate offices
  - Local employees
  - Local assessor offices
  - Local agency lands offices
  - Newspapers
  - Feed store bulletin boards
  - Documentation at local offices from previous incidents