

CHAPTER 16
LAND/FACILITIES ACQUISITION

PURPOSE: This chapter provides information on acquiring the use of land and/or facilities for use in emergencies.

NOTE: 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 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. Since it is difficult to know the final cost of the rental of land/facilities, an employee with a high delegation of authority such as Area Foresters should sign Agreements as the Warranted Contracting Officer. The IC, the Finance Section Chief or Procurement Unit Leader can also sign the Agreement according to their Delegation of Authority.

LAND USE AGREEMENTS CHECKLISTS AND GENERAL GUIDANCE
(See Appendix C)

CLAIMS

Any damage claims under an Emergency Facilities and Land Use Agreement will follow the claims process outlined in Chapter 11.