

## Chapter 16 – Land Use and Facility Rental Agreements

### 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](#) (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:

- Fair market rental rates for property in the area.
- Costs to the property owner, loss of rental fees from other sources, disruption.
- Alterations needed and who will make them.
- Impacts on the property.
- Costs of restoration, and who will do the restoration work.
- 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 Chapter 16. 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.

Any claims for damages are submitted using the process outlined in Chapter 11.

While admins or other personnel in the field may conduct negotiations with the land/facility owners, the Warranted Contracting Officer signing the Agreement should be the Area Forester, Incident Commander (IC), the Finance Section Chief or Procurement Unit Leader depending on their Delegation of Authority.

## **FINAL FIRE FINANCE PACKAGE**

The incident will submit the final finance package to the Incident Area office.

### **How to arrange Final Finance Package**

#### **Timesheets**

Crews filed alphabetically, crew boss on top, squad bosses next alphabetically, then the rest of the crew filed alphabetically - CTR's clipped to each crews' OF-288's.

Single resources filed alphabetically - CTR's filed chronologically.

#### **Injury Files**

Keep a completed injury log. Identify files that are complete and those that require follow-up.

#### **Claims**

Claims should be filed alphabetically. For any potential claims, provide narrative and verbally inform the Area Admin or the agency administrative contact. Maintain claim log. Provide written documentation on follow up, problems, and recommendations for solutions. Process per the directions in Chapter 11.

#### **Equipment Procurement**

Original equipment logs

File emergency equipment invoice copies and backup documentation alphabetically by vendor. Identify files as ready for payment or follow-up required if turning over to a new team or back to the administering Area. Each file, (envelope) to contain (original or copy):

1. Rental agreement.
2. Pre-use and release inspections plus any inspection notes and photos.
3. Copy of Resource Order.
4. Shift Tickets in chronological order with E# in top right corner.
5. Copies of backup for any deductions (commissary, fuel, etc.).
6. Completed and signed invoices.
7. Documentation of existing or potential claims.
8. Narrative of follow up required, provide recommendations for resolution.
9. Receipts - copies of all receipts with appropriate Resource Order number indicated.

#### **Land/Facility Use**

Other agreement files - Original agreement, pre-/post- photos, documenting of any potential claims.

## **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.