

COVID-19 AND WORKING WITH CONTRACTORS FOR FIRE MANAGEMENT PERSONNEL

The following is intended to provide guidance and direction for agency personnel who work with national logistics contracts and I-BPA (VIPR) resources on incidents. Specifically, it applies to the national catering, shower, Type 2-IA crew contract, mobile retardant, VIPR agreements and EERA resources and is not applicable to national aviation contracts.

All VIPR agreements include the following FAR clause:

52.212-4 – CONTRACT TERMS AND CONDITIONS – COMMERCIAL ITEMS (OCT 2018)

(q) Other compliances. The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.

In general, all contractors are required to follow CDC, OSHA and other applicable federal, state and local health authority guidelines and requirements regarding COVID-19 when assigned to incidents.

General Contractor Responsibilities

Prior to incident assignment

- *Adhere to all federal, state and local guidelines for employers regarding COVID-19*
- *Provide for the safety of all employees*
- *Be aware of the risks associated with COVID-19 prior to accepting an assignment*
- *Do not accept an assignment if any employee is suspected of or showing symptoms of COVID-19*

During incident assignment

- *Adhere to all federal, state and local guidelines for employers regarding COVID-19*
- *Follow incident management direction and guidelines while assigned*
- *Immediately report to fire management personnel any employee suspected or showing signs and symptoms of COVID-19*

1. **Question:** Is FAM recommending changes to National Logistics Contracts and VIPR agreements that will affect contractors due to COVID-19?

Answer:

National Logistics Contracts: Yes, contract modifications have been issued modifying the requirements of the specific contract due to COVID-19.

I-BPA: No, modifications are not being done as the basic requirements have not changed.

COVID-19 AND WORKING WITH CONTRACTORS FOR FIRE MANAGEMENT PERSONNEL

2. **Question:** Who will be responsible to ensure; cleanliness, proper social distancing, proper PPE, providing PPE, mitigating hazards and enforcing COVID-19 policies?

I-BPA

Answer: Contractors and their employees shall follow all Federal, State and local laws pursuant to FAR 52.212-4(q) – Contract terms and Conditions. Contractors will be responsible for only their employees, not the employees of other contractors nor any Government employee.

*52.212-4 – CONTRACT TERMS AND CONDITIONS – COMMERCIAL ITEMS (OCT 2018)
(q) Other compliances. The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.*

National Logistics Contracts

Answer: Contractors are required to comply with the following:

****This clause applies to non-commercial only****

FAR 52.236-7 - PERMITS AND RESPONSIBILITIES (NOV 1991)

The Contractor shall, without additional expense to the Government, be responsible for obtaining any necessary licenses and permits, and for complying with any Federal, State, and municipal laws, codes, and regulations applicable to the performance of the work. The Contractor shall also be responsible for all damages to persons or property that occurs as a result of the Contractor's fault or negligence. The Contractor shall also be responsible for all materials delivered and work performed until completion and acceptance of the entire work, except for any completed unit of work, which may have been accepted under the contract.

Additionally, the CDC also recently published [FAQs for Wildland Firefighters](#).

3. **Question:** Are incidents responsible for providing COVID supplies to contractors/cooperators?

I-BPA

Answer: No, contractors are required to provide COVID supplies according to the following agreement clause;

D.1 – SCOPE OF AGREEMENT

(a) The intent of this Agreement is to obtain equipment for use on a local, Regional and Nationwide basis. The Contractor is responsible for all equipment, materials, supplies, transportation, lodging, personnel, and supervision and management of those personnel, necessary to meet or exceed the Agreement specifications. The resources may be used on fire suppression and all-hazard incidents. The Incident Commander or

responsible Government Representative is authorized to administer the technical aspects of this agreement.

National Logistics Contracts

Type 2-IA Crews

Answer: No, contractors are required to provide COVID supplies according to the following agreement clause;

C.2 SCOPE OF CONTRACT

The intent of this solicitation, and any resulting contracts, is to obtain the services of commercially provided Type 2 Initial Attack (IA) qualified wildland firefighter crews, hereafter referred to as National Contract Crews (NCC), on a nation-wide basis, for fire suppression activities, All-Hazard incidents, and Severity/Preparedness assignments. The Contractor is responsible for furnishing and managing all equipment, materials, supplies, transportation, lodging, and trained/certified personnel necessary to meet or exceed the contract specifications.

National Mobile Shower Facilities

Answer: No, contractors are required to provide COVID supplies according to the following agreement clause;

C.1 GENERAL REQUIREMENTS

(a) Scope of Contract

(2) MSFUs are to include all equipment, labor, supervision, materials, supplies, equipment set up and take down, transport and maintenance (except for those items listed as Government furnished) to accomplish the full scope of the work defined herein. Only equipment necessary for the operation of a MSFU will be allowed and approved for use under this contract. Equipment must be capable of operating in remote, primitive locations with limited access.

4. Question: Do the recommendations and Best Management Practices provided in the US Forest Service Wildland Fire Response Plans apply to contractors?

Answer: No, the Wildland Fire Response Plans provides thoughts and possible actions, strategic and tactical guidance to the interagency wildland fire management agencies responsible for wildland fire management activities for the 2020 fire season. Contractors are required to adhere to the terms and conditions of their respective contract or agreement.

COVID-19 AND WORKING WITH CONTRACTORS FOR FIRE MANAGEMENT PERSONNEL

5. **Question:** NMAC memo 2020-22, *Interagency Checklist for Mobilization of Resources in a COVID-19 Environment*, provides a checklist of questions for the Sending Unit prior to mobilizing a resource. Are dispatchers required to ask these questions of contractors and are contractors required to meet the checklist items when mobilizing?

Answer: No. The memo does not apply to contract resources or change any contract requirements. The checklist is an optional tool to help agency administrators, fire managers and duty officers have appropriate conversations for interagency mobilization (ordering and/or sending) for severity, pre-position, and fire response resources while working in the COVID-19 environment.

6. **Question:** Is an incident responsible to conduct screening of contractor employees upon arrival or during check-in?

Answer: Fire Management Board (FMB) Memo 20-006 recommends incidents screen all wildland fire personnel upon arrival regardless whether personnel are agency, cooperator or contractor employees. The government reserves the right to screen all incident personnel and it's an independent incident decision.

7. **Question:** What happens if a contractor employee becomes infected, is suspected of infection or has been in close contact with an infected person?

Answer: The contractor should immediately isolate the employee(s) and notify incident management personnel. The incident shall implement team or local unit exposure response plan consistent with agency guidelines and procedures for exposure to COVID-19.

8. **Question:** Is the contractor required to test their employees or will the agency test contractor employees suspected or showing signs and symptoms of COVID-19? The government reserves the right to test all incident personnel.

Answer: The contractor is responsible to provide employee testing if required or recommended by state and local health authorities. The government reserves the right to test all incident personnel.

COVID-19 AND WORKING WITH CONTRACTORS FOR FIRE MANAGEMENT PERSONNEL

9. **Question:** If one member of a contract crew, module or resource becomes infected or is suspected of infection, is the entire resource demobilized? Can the resource stay assigned to the incident and the contractor provide replacement personnel?

Answer: It will be left to the discretion of the Incident Commander to demobilize an entire resource or to allow replacement personnel considering team, local agency administrator, medical professional and best management practices to help prevent the spread of COVID-19.

10. **Question:** Will contractors be reimbursed for hotels and/or meals due to COVID 19 if a camp is provided?

Answer: If a camp is provided and the contractor chooses to stay in hotels and/or feed themselves, then they are not reimbursed.

For any additional questions or clarification, please contact the appropriate Fire Program Regional point of contact and visit the [AQM Incident Procurement](#) website.