



Written Testimony Submitted by National Wildfire Suppression Association

Date: 11/13/2017

Senate Interim Committee on Environment and Natural Resources, and the
House Interim Committee on Agriculture and Natural Resources

Submitted by: Deborah Miley, Executive Director, National Wildfire Suppression
Association

Re: 2017 Fire Season Report on Professional Private Resources on the fire lines

Chair Clem, Chair Dembrow and Committee Members. I am submitting this
testimony to provide you with a picture of the support that the folks we
represent, the Professional Private Fire Industry, provided to the both federal and
state response to wildfires. Our resources are the “Boots on the Ground” folks
that work under the direction of our agency partners on the fireline.

In Oregon this summer, the professional private fire services had over 5000
firefighters and over 2000 pieces of equipment on the lines. That number is over
half of all resources that were used to provide support on the fire lines in Oregon.
Many private resources were on the lines in Oregon since the initial fire call back
in early July in Oregon.

We recognize that our customer is the landowner either state, federal or private
for our services as well as the taxpayers in Oregon. The vehicles by which they can
obtain our services is either through the Interagency Fire Crew Agreement

administered by Oregon Department of Forestry (ODF) for Type 2 Hand Crews, the National Type 2 Initial Attack crews through the National Interagency Crew Contract and the United States Forest Service (USFS) through the Incident Blanket Procurement Agreements for equipment and specialized resources.

In private industry, currently there are 236 Type 2 Hand crews under Interagency Fire Crew Agreement with the Oregon Department of Forestry which has been in existence since 1986. Additionally, we add to the agency toolbox in Oregon, 32 Type 2 Initial Attack crews under the National agreement through the USFS since 2002, and over 2700 pieces of equipment through the federal Incident Blanket Procurement Agreements. Oregon has long been the leader in contracting resources for fire suppression, and seventy-five (75%) percent of those resources are based out of the Pacific NW including ninety (90%) of the hand crews.

The National Wildfire Suppression Association(NWSA) represents over 250 private wildfire/all hazard vendors across the United States. These vendors can yield a workforce of up to 7500 seasonally in Oregon, and provide over 2700 pieces of equipment and specialized resources.

These agreements/contracts allow for more than 5000 family wage jobs seasonally that go to Oregonians. These companies also provide a significant investment in Oregon through dollars paid out in payroll, and services by the private industry. Additionally, when draw down of resources and fire staffing allow for it, these resources also help fight fire outside the state of Oregon as we did this year in Montana, the Southwest, and California. The dollars from the services these companies did outside the state of Oregon not only help keep the industry healthy by providing much needed additional work for our forces, but also brought back into the state of Oregon dollars from those states in wages to Oregon workers, purchasing of supplies, dollars paid into worker's compensation in Oregon and other financial investments made in Oregon. Ninety percent (90%) of these vendors are based in rural areas of the Pacific Northwest, and many of them also do fuels reduction work during non-fire season months. In fact, prior to 15 years ago seventy-five percent 75% of their income was from from Pre Supression fuels work in our forests, and now seventy-five 75% comes from fire suppression. Our folks have a vested interest in protecting our forest lands as many of them and their employees live near, recreate in and work in those lands.

The Professional Private Fire Industry bears the all-inclusive costs both direct and indirect within our bid pricing. We also bear total liability for our own resources through all our insurance responsibilities including Liability, Workers Compensation and Automobile insurance. These resources are “Call When Needed” with no financial guarantees, therefore making a very cost-effective addition to the agency’s toolbox for fighting fires.

We consider ourselves a very significant part of the Oregon’s Complete and Coordinated Wildfire Response on all land ownerships in Oregon. We take our role in assisting with fire suppression efforts seriously, and look forward to continued relationship with all our agency partners.

We also look forward to working through some issues we have with best value contracting/dispatching with the ODF Procurement Division this fall so that we can better respond as needed to land owners, agencies and taxpayers with our cost-effective resources. They have promised us some time to sit down this fall and talk about these issues, and we look forward to that opportunity. Our goal is to provide the landowner, agencies and taxpayers of Oregon a professional quality, cost effective resources when we are needed.

Our Association holds a Memorandum of Understanding (MOU) with the Pacific Northwest Coordinating Group (PNWCG) to certify instructors that provide training to wildland firefighters. Through this MOU we have been able to help provide “Fire Schools” to train up the military both in Oregon & Washington for our agency partners when asked. We currently have 102 instructors and we continued to train as was needed during the fire season, so that we could help the private industry maintain strength in numbers. We also hold Memorandum of Understandings to perform Record Inspections and Equipment Inspections for the Incident Blanket Procurement Agreements for the federal agencies with the PNWCG helping to ensure that they meet all the requirements of the agreements. These MOU’s help us ensure that the private industry works in a professional and safety minded manner. At the end of the day, our goal is the same as the agencies we work with, to meet the goals of the mission in an efficient, cost effective manner, and ensure that “everyone goes home”.

I am available to answer any questions or concerns regarding my testimony submitted at the phone/email below. I am submitting a document about Best Value Contracting that we plan to share with the Oregon Department of Forestry and the Pacific Northwest Coordinating Group.

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List of Private Resources under award by all ownerships in Pacific Northwest

*Type 2 -20 person Crews 236 (Equates to 4720 firefighters)
 **Type 2IA 20 person Crews 32 (Equates to 640 firefighters)

*** for all the following:

Fallers	434
Water handling Equipment	812
Ambulances	10
Crew Carrier	13
Caterers	14
Chippers	64
Clerical Units	11
Heavy Equipment	610
Heavy Equipment w/water	62
Misc. Heavy Equipment	236
Weed washing	36
Communication Trailers	9
Transport Pickup:	261
Gray Water/Potable Water:	146
Shower Units	18
Handwashing Units	36
Mechanic with Truck	38
Laundry	18
Refrigerated Trucks	56
Fuel Trucks	41

Total Resources available from Private Industry under agreements: 2925

These Resources are under the following types of Agreements/Contracts:

*Interagency Firefighting Crew Agreement Administered by ODF

**National Crew Contract administered by National Interagency Fire Center

***Under current Interagency Procurement Blanket Agreements administered by USFS



Best Value Contracting – Oregon Wildland Fire Contractors Commitment to Best Value Methodology and Dispatch Procedure

Prepared: October 20, 2017

Executive Summary

Best Value contracting is an alternative contracting method that can be used when it is deemed that simply going with low bid contracting may not result in the best, or most appropriate, services needed for achieving an agency mission. It allows for competitive proposals and pricing based upon the level of expertise and experience that a contractor can provide in addition to basic physical labor which is normally approached only as low bid.

As severe fire seasons keep occurring, government agencies are choosing to disregard the published Best Value dispatching process used across government agencies, and instead revert to a “closest forces” dispatch that frequently provides highly technical assignments to less experienced crews, instead of observing the commitment to maintaining the agreed upon investment in highest ranked crews.

The Oregon Department of Forestry has been a leader in, and responsible for, contracting with private wildland firefighting contractors in Oregon since the early 1990's.¹ Oregon's business climate has changed since that time, and so have the methods by which agencies can contract for services. Greater flexibility has been codified in statutes which allow state agencies to use new and alternative methods for solicitation and contracting.

The contractor community has emerged and grown as a reliable resource where significant financial and experiential investments continue to be made. The results were, and are, a level of service that can be paired with incident management team command to provide initial attack capability that can stop wildfires early and small. By receiving dispatches according to the high level of expertise and service, contractors can maintain or increase their level of investing to keep seasonal crews returning for government wildland firefighting needs.

Best Value contracting has facilitated retention of the best and most experienced firefighters and crew management, allowing for annual seasonal availability of experienced crews. It is of great benefit and in the best interest of Oregonians to continue the Best Value contracting, which rewards the private contractor's investment in their people, their business as a component of protecting the forestlands of Oregon. Government agencies are not receiving additional positions for firefighting, and are facing continued years of severe and catastrophic fire seasons. By maintaining the Best Value dispatch order which rewards superior experience and service, private wildland firefighter contractors can continue to invest in and grow their strength to further serve Oregon.

As with any complex conditions where an agency chooses to acquire and deploy contract resources, it is appropriate to continue to act in accordance with the legal contractual conditions that create a level playing field for contractors who offer their services and do their best to comply with emergent conditions.

¹ "Interagency Strategic Plan for Fire Suppression in Contracting in the Pacific Northwest" Prepared for Pacific Northwest Wildfire Coordinating Group By Blue Ribbon Task Group for Fire Suppression Contracting – 2004

Background

Oregon Department of Forestry (ODF) was a member of the *Blue-Ribbon Task Force for Fire Suppression Contracting in the Pacific Northwest*, established in 2004 to execute the agreed upon tenets outlined in the *“Interagency Strategic Plan for Fire Suppression in Contracting in the Pacific Northwest” Prepared for Pacific Northwest Wildfire Coordinating Group (PNWCG)*. The resulting recommendations² to illustrate and implement the Best Value methodology were clearly laid out by PNWCG, and a significant part of the mission was to further the positive communication and support for private contractors who are providing 50% or more of the seasonal firefighting resources.

ODF is the agency responsible for the solicitation, award and contract administration of the Interagency Fire Crew Agreement (IFCA), and has been since its inception in the early 1990’s. ODF uses existing Oregon Revised Statutes (ORS) 279.B authority to prepare and conduct the solicitation process as well as manage the award process and oversee activities during the fire season as contract services are engaged to support wildfire incidents in Oregon and across the nation.

To comply with the PNWCG initiative to *better incorporate fire suppression contractors into the work of the federal agencies and two states*³, a Blue-Ribbon Task Force (comprised of an expanded FS/BLM Engine/Tender Contract Work Group) conducted strategic analysis of the problems and concerns with using contract services for wildland firefighting. The Task Force developed the Action Plan that included *steps and processes that would ensure high quality performance by all contract resources that enhance work accomplishment without problems*⁴.

The Best Value solicitation was offered by ODF in early 2006 to provide crews for the 2006 fire season. Best Value allowed for evaluating and ranking firefighting contract offers based upon the experience, safety and education of the crew members. Dispatch would occur according to Statewide Best Value Ranking, allowing for the highest-ranking crews – who had the highest level of experience and performance – to be dispatched for initial attack or the most complicated onset of fires in difficult theaters of operation. The outcome for contractors was that their crew members felt valued and rewarded for their knowledge and experience, which facilitates continuity of crews and bolsters the confidence and deployment of those skills on the fire line.

The IFCA as awarded is a no-guarantee-of-work price agreement. In other words, the contractor community acts on good faith that they will be treated in accordance with the terms and conditions they bid under when an agency dispatches those resources, but there is no actual contract until that dispatch occurs. Contractors

² Interagency Strategic Plan for Fire Suppression in Contracting in the Pacific Northwest”: II-Vision Statement; VII-Action Plan - 2004

³ Interagency Strategic Plan for Fire Suppression in Contracting in the Pacific Northwest”: I-Strategic Planning Process-2004

⁴ Interagency Strategic Plan for Fire Suppression in Contracting in the Pacific Northwest”: VII-Action Plan Goal 1.2

spend significant sums of money and time to establish reliable, skilled and efficient crews that can work side-by-side with government employee, but are not treated with the same consistency and conditions for work Assignment. Approximately 5 vendors who were ranked in the top 20 also provided Initial Attack Type 2 Crews through the National Type 2 IA Contact with NIFC.

A presentation for PNWCG in 2006 showed a statistical look at the number of contract crews used and needed to supplement the government forces. It highlighted the anticipated benefits of building and enforcing a highly skilled contractor resource base that could carry the industry into the future, allowing for long range needs of supplements to existing and dwindling government overhead. The Best Value dispatching process was regarded as an integral part of creating and sustaining an experienced and high functioning contractor resource base.

In 2007, following the successful fledgling effort to acquire and deploy Best Value contractor resources during the fire season, several articles were published that highlighted the innovative approach. One example was the April 2007 Issue of Rural Voices for Conservation Coalition⁵, which supported the concept that "...allows federal government to acquire goods and services from the businesses that offer the best value to the government, not simply the lowest price. ..." One challenge identified in the Issue Paper rings true across the landscape of incident management, which is "...use of best value is uneven; at times, the agencies place too much emphasis on obtaining services at the lowest possible cost. ... "

A position paper was issued by the National Institute for Government Procurement in 2013⁶, in which Best Value contracting principles, considerations and best practices were discussed and illustrated for the positive impact on government services that must be provided as part of an agency's legal mandates. From the "Conclusion" of the paper, "...Stewardship of public funds no longer equates strictly to lowest product or service cost. ..."

As recently as the September 6, 2017 Board of Forestry meeting, the value and necessity of contract wildland firefighting crews was included in a "2017 Fire Season Update"⁷ report delivered by Ron Graham, ODF Fire Protection Division Deputy Chief, and Doug Grafe, ODF Fire Protection Division Chief. During the oral presentation, Doug Grafe gave a few remarks about contractors:

"...I've spoken quite a bit with Ron, and you're hearing in the backbone of our operations, our connection with landowners and what they bring to bear. I would also like to highlight, if the backbone of the connection an ability to fight fire in partnership with our landowners, I would say the flesh and blood is the contractors that fill this body of work out. We cannot meet this mission and address the fire on the landscape on an annual basis without that capacity. That comes in the form from aviation assets down to the contract crews and we're very fortunate in Oregon to have that capacity to address these challenging issues every year...."

⁵ "Best Value Contracting Issue Paper" – April 2007; (ODF is a Coalition Partner)

⁶ "Best Value in Government Procurement" – NIGP; Contributing Authors included Oregon Business Development Department

⁷ Oregon Board of Forestry – Public Meeting (Amended) Action and Information: Annual Topic: 2017 Fire Season Update Meeting Materials – Audio

Contract resources use statistics were not included in the Board of Forestry presentation on September 6th, but anecdotal references from ODF staff during the 2017 fire season indicate the ratio of private contract crews deployed on incidents has reached 60%. More information on specific crew offers and utilization are needed.

Problem Definition

The immediate operational problem is the government's ability to simply issue a change of dispatch procedure that completely disregards the initial terms of solicitation and agreement between the government and contractors. For example, during the 2017 fire season, contractors were forced to agree with a suspension of Best Value dispatching procedures that were agreed upon and presented to the contractors, dispatchers and contract personnel for the 2017 fire season. No reason was given, nor was there any recourse for contractors to question the decision and provide to collaborative feedback to ODF.

Contractors have worked together as a community, through contractor associations, to do their part in the creation of an effective resource to supplement government agency needs while building a strong industry with an experienced and capable workforce. The passion and commitment by contractors, and their employees is clearly demonstrated with the longevity of companies who have retained high performing crews that can provide a range of service levels when needed.

As administrator of the solicitation, contract award and ongoing compliance of contractors, ODF bears the responsibility of communicating regularly and with context to facilitate contractor compliance with the terms of any agreement or contract. Ignoring and dismissing feedback from the contractor community does not build relationships, and has caused logistical and economic issues for contractors who try to follow the rules that are changed with no explanation or notice. Making unpredictable changes to crew dispatching and operations requirements as a moment's notice has created tension and problems for contractors trying to retain highly skilled and experienced personnel that are ready to fight fire at the IA level. The result is gaps in resource availability that could be avoided with better communication.

Government agencies use local and national versions of Fire Mobilization Guides to orchestrate movement of resources during readiness, initial attack, mop-up and demobilization. While agencies enjoy the ongoing ability to order and move resources on a moment's notice, it creates economic and logistical difficulties for contractor firefighting resources – and not just firefighting hand crews.

ODF is allowed by law to engage a range of resources that are available through government and international compacts, landowner / cooperator agreements, and other methods. While agencies rely upon contract services to a large extent, the recognition and accolades are regularly expressed about the non-contractor resources. The contractor community feels increasingly ignored by ODF who appears to place little or no regard on feedback or concerns raised by the contractors and their associations.

The incident management community, including state and federal incident management agencies, have a long-standing practice of making decisions and changes at the last minute that directly affect the IFCA contractors. It is understood that incident conditions dictate rapid movements of resources to meet critical areas of need. However, increasingly the IFCA conditions that change are forced upon contractors via email with no context or recourse.

Immediate changes in conditions, such as suspending the Best Value dispatch protocol with no explanation, is a condition that creates negative impact on contractors who cannot always financially or logistically react in the response timeframe. Contractors must agree to the change or face being removed from the dispatch list, which in turn further jeopardizes their work opportunities. An email containing the words “this is not an Amendment to the IFCA” does not negate the lack of adherence to the terms of the contract or agreement by the agency. Those email notices do change the terms of operational procedures for the contractor from what they bid on, which is an amendment to the original terms.

ODF has no accountability to the Legislature or Board of Forestry for the lack of communication and poor treatment of this valuable resource that is needed to protect life, health and property. The practice of changing the conditions so rapidly and so often means the contractor community is negatively impacted.

High Level Solution

Immediate reinstatement of the Best Value dispatch process as outlined in the “IFCA Best Value Crew Ordering Template 2017”⁸ would partially alleviate the economic and workforce retention concerns of the contractors. Commitment to better communication and context for sudden changes would provide some level of confidence that ODF will observe and act accordingly around the interests of the contractors. Since ODF is responsible for the administration of all processes and terms surrounding the IFCA, contractors have come to count on being included by ODF when considering how those resources are a part of the mobilization plans around the state and the country. When ODF does not demonstrate respect for the contractor resource, there is a deepening of the communication gap.

Trust has been lost by the contractor community for ODF as communication and fairness have diminished during a vast agency personnel turnover in the past five to six years. Meaningful engagement of the contractor community in the development of operating principles and mutual commitment to a complete and coordinated system of resources and goals is very important. While it is vital that ODF maintain good relations with other state and federal agencies, and landowner cooperators, those resources are also limited and look to the contractor community to come through with high value, highly trained and experienced workforce to fight fire. It is also vital to rebuild trust with contractor community to assure concerns are heard and visibly reflected in future fire seasons and future IFCA solicitation and awards.

⁸ R-6 Fire & Aviation PNW Incident Business / Dispatcher Workshop 2017 “IFCA Best Value Crew Ordering Guide Handout”