

AMENDMENT # 2 to
2007 INTERAGENCY FIREFIGHTING CREW AGREEMENT

1. This is Amendment No. 2 to the 2007 Interagency Firefighting Crew Agreement (as amended from time to time the "Agreement") between the State of Oregon acting by and through its Oregon Department of Forestry hereafter called GOVERNMENT, and **(Please Print Company Name)** _____, hereafter called CONTRACTOR. By signing this Amendment, CONTRACTOR agrees to be bound by the terms and conditions of this amendment for all crews awarded to your company. Changes to the Agreement made by Amendment #1 remain in full force unless superseded by a change made by Amendment #2.

2. The Contract is hereby amended as follows:

Sections D.2.1.3.2 and D.1.3.3, are deleted and replaced in their entirety to read as follows:

D.2.1.3.2 When (a) a Crew Member leaves the employ of a CONTRACTOR for any reason, or (b) there is a change in a manifest, or (c) the qualifications of a Crew Member have changed, CONTRACTOR must notify the ODF Protection Contract Unit of the change within twenty-four (24) hours of the change by fax to 503-945-7494 .

D.2.1.3.3 When a Hiring Contractor hires a Crew Member formerly employed by another CONTRACTOR (the "Prior Contractor"), the Hiring Contractor shall provide written notice of the hiring to the Prior Contractor by personal delivery, certified or registered letter, or telefax and must notify ODF within 24 hours by fax to 503-945-7494. The Prior Contractor shall thereafter deliver true and correct copies of all of the Records of the Crew Member to the Hiring Contractor in accordance with ORS 652.750.

Section D.2.1.4 shall read as follows:

A valid Incident Qualification Card (IQC)(also known as a Red Card) or similar official agency document) for the positions listed for this Agreement issued by any of the NWCG member agencies will be acceptable support documentation that an individual has met the training and experience requirements for such position(s) for purposes of this Agreement. For each of its employees who possesses an IQC issued by any of the NWCG member agencies, CONTRACTOR must retain either (1) a letter on official letterhead from the issuing agency that states the

certification record was validly issued or (2) copies of the individual's training and experience records validating the certification record.

Section D.2.2.9 is deleted and replaced in its entirety to read as follows:

D.2.2.9 All CONTRACTOR Crew Members must have a valid IQC issued at least annually for the current fire season and again upon all changes in employment for that fire season as described in Section D.2.1, "PERSONNEL QUALIFICATIONS". IQCs must be available when requested by GOVERNMENT. IQCs must identify the CONTRACTOR employing the Crew Member. Cards must be in the format specified below and in Exhibit I. Records providing proof of experience to qualify for a STCR, CRWB, ICT5, or FFT1 must be inspected and verified by current Firefighting Contractor Association **BEFORE** an IQC is issued.

D.2.2.9.1 IQCs shall be 3.5" x 2". The card must be issued by a recognized Training Association with current MOU with PNWCG. Information on the card shall be typewritten and include: company name; name of the employee; digitally imprinted photograph of the employee; experience indicator (1/4 inch size see D.2.2.10); unique identifier assigned by GOVERNMENT (may have two unique identifiers if shared resource for multiple Agreements); the level of required work capacity fitness test; Language skills assessment (Documentation from testing institution supporting bi-lingual abilities must be included in section two (2) of employee training file); list highest position (may have more than 1 position listed if shared resource for multiple Agreements) the employee is qualified to perform and the date he or she became qualified in the position(s) listed; and any special skills. The certifying authority (CONTRACTOR) must sign (in ink or electronically) the identification card and provide the issue date. The Firefighting Contractor Association issuing the card must verify the information on the identification card and provide its signature (in ink or electronically). Any GOVERNMENT-designated representative, if required for shared resources with other agreements, must verify the information on the identification card and provide it's signature as well (in ink or electronically). Those signatures verify that the individual has met all position qualification requirements of this Agreement. GOVERNMENT will accept CONTRACTOR'S electronic signature, as long as it is the signature of the CONTRACTOR and not of a CONTRACTOR'S representative.

D.2.2.9.2 Required information and format of the identification card: (cards not in the required format will not be accepted) (See Exhibit I)

FRONT OF CARD

- Company name (include company and/or MOU logo)
- Full legal name of the employee
- Digitally imprinted photograph of the employee
- Experience indicator (1/4 inch diameter size)
- Employee number (unique identifier assigned by GOVERNMENT)

- Work Capacity Test level (Arduous)
- Language evaluation (LSA/S and/or LSA/E)
- List only highest position(s) the employee is qualified to perform and the date achieved (example: CRWB or ENGB, CRWB or STCR, CRWB)

BACK OF CARD

- Firefighting Contractor Association name, address, phone
- Additional skills (example: EMT, Sawyer, Class B Faller)
- Owner's signature and issue date
- Signature of verifying official, date, affiliation
- Signature of verifying official, date, affiliation

Section D.5.7.9 is deleted and replaced in its entirety to read as follows:

D.5.7.9 CONTRACTOR shall provide adequate food, water and lodging for Crew Members during travel from the Point of Hire until end of first shift worked.. GOVERNMENT does not furnish lodging unless GOVERNMENT directs CONTRACTOR to authorized designated facilities. (See Section D.8.2, Subsistence). GOVERNMENT will pay travel from incident to lodging site when directed by GOVERNMENT. Documentation from GOVERNMENT shall be in writing (in addition to Resource Order) and include the name of GOVERNMENT representative authorizing subsistence.

Section D.8.1.8 is deleted and replaced in its entirety to read as follows:

D.8.1.8 INCIDENTAL ITEMS. CONTRACTOR shall furnish all labor, materials, equipment, tools, transportation, and supplies and perform all work required under any contract that results from this Agreement. Payment for work will be made only for those items described in the Agreement. No payment will be made for costs associated with equipment support, shift briefings (except as described in Section D.8.1.7), **STCR trainee, invoice reconciliation or check out time. *These costs are considered incidental and are to be incorporated into the crew hourly rate.***

Check in time is considered compensable. GOVERNMENT may release CONTRACTOR at the check in point and schedule a return time for check in. If the CONTRACTOR is released at the check in point compensation is not authorized until the CONTRACTOR returns to the check in point at the scheduled time.

In Exhibit O, The “MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT (MINI TEMPLATE)” has been deleted in it’s entirety.

EXHIBIT C, EXHIBIT T and EXHIBIT T - EXAMPLE are deleted and are replaced in their entirety to read as follows:

EXHIBIT C

POSITION TASK BOOK ADMINISTRATION

I. Purpose:

The purpose of this Exhibit is to describe how **CONTRACTORS** must use the Position Task Books (PTB) component of the Wildland and Prescribed Fire Qualification System Guide Subsystem to qualify their employees to meet the specifications listed in EXHIBIT B of this Agreement.

II. Scope:

These procedures address the Incident Command System (ICS) positions that are required under the Agreement. Currently these positions include Firefighter 2 (FFT2), Advanced Firefighter/Squad Boss (FFT1), Incident Commander Type 5 (ICT5), Single Resource Boss - Crew (CRWB), and Strike Team Leader - Crew (STCR). This document addresses only task book administration, and does not modify or replace any other requirements specified in the Agreement.

III. Pre-Incident Procedures:

Before assigning an employee to a trainee or position performance assignment on a wildfire Incident, **CONTRACTOR** shall ensure that each employee is issued a PTB appropriate for the position(s) the employee will perform. This is accomplished by completing the following procedures:

Step 1: CONTRACTOR obtains PTBs from the National Interagency Fire Center (NIFC) in Boise, ID. It is also recommended that the Wildland and Prescribed Fire Qualification System Guide, PMS 310-1, be obtained. APPENDIX A in this publication covers Position Task Book Administration.

- A. All orders must be faxed or requested in writing to:

National Interagency Fire Center
ATTN: Supply
3833 South Development Avenue
Boise, ID83705
FAX #(208) 387 5573

- B. The catalog numbers for ordering the PTBs are: (these taskbooks may be duplicated and are available on the NWCG web site www.nwcg.gov):

NFES # 2320 – FFT2
NFES # 2319 - FFT1/ICT5
NFES # 2318 - CRWB/ENGB
NFES # 2312 – STCR/STEN

- C. The catalog number for ordering the Wildland and Prescribed Fire Qualification System Guide, PMS 310-1 is: NFES # 1414.

Step 2: CONTRACTOR ensures that each employee completes all required training for his or her position, as specified in Exhibit B.

Step 3: After ensuring that the employee has completed all required training for the position, **CONTRACTOR** issues the appropriate PTB to the employee and employee becomes a Trainee in that position and may then be given a trainee assignment on a wildfire.

IV. Incident Procedures:

A. General

1. **CONTRACTORS** are responsible for administering the task books for their employees. Qualified individuals are not required to carry their PTBs. Trainees in a training or Evaluation Assignment must carry their PTB.
2. The Incident Management Team will not provide PTBs. **GOVERNMENT** Incident Training Specialist, except to answer technical questions, will not be involved in the PTB administration for **CONTRACTORS** nor will **GOVERNMENT** personnel sign the certification portion of the PTB.
3. **CONTRACTOR Trainees: CONTRACTOR** may qualify and certify no more than two (2) Trainees for each 20 person crew or one (1) Trainee for a 10 person crew. and one non-compensable STCR” Trainee (for strike teams). (See D.8.18, Incidental Items) for every 10 days of an incident assignment to which such employee(s) has/have been assigned. **CONTRACTOR** employee’s trainee status must be clearly identified as such on the Handcrew Manifest Form (see D.3.2.8 and Exhibit T) that is submitted to **GOVERNMENT** at each Incident and on the appropriate daily timekeeping record for each shift the employee is in trainee status, in order for **GOVERNMENT** to confirm acceptance of the trainee’s performance. (See Exhibit B) The minimum FFT1, ICT5, CRWB, and STCR position requirements shall be maintained by Crew members not in trainee status. (See Sections D.2.1.5 and D.2.1.6).

CONTRACTOR’s coach or evaluator must, as a minimum, be certified in the position he or she is coaching or evaluating.

- a. **FFT2** personnel must be certified prior to arrival at the Incident. No task book administration at an Incident is required.
- b. **FFT1** Trainees must work on at least three (3) training or evaluation assignments on Type 1, 2 or 3 wildfire or prescribed fire Incidents that include hotline activities to qualify for certification as an FFT1. Refer to the procedures that follow for specific steps for PTB administration for these Assignments.

- c. **ICT5** Trainees must work on at least one (1) additional training or evaluation assignments on Type 5 wildfire incidents that included hotline activities to qualify for certification as an ICT5 after completion of FFT1 requirements. Refer to the procedures that follow for specific steps for PTB administration for these Assignments.
 - d. **CRWB** Trainees require Performance Evaluation Assignments on wildfire or prescribed fire Incidents that consisted of a minimum of three (3) training/evaluation assignments on Type 1, 2 or 3 wildfire or prescribed fire Incidents to qualify for certifications. Refer to the procedures that follow for specific steps for PTB administration for these Assignments.
 - e. **STCR** Trainees require Performance Evaluation Assignments on wildfire fire Incidents that consisted of a minimum of three (3) training/evaluation assignments on Type 1, 2 or 3 wildfire incidents to qualify for certifications. Refer to the procedures that follow for specific steps for PTB administration for these assignments.
- B. PTB administration for Training Assignments and Performance Evaluation Assignments for FFT1s, ICT5s, CRWBs, and STCRs shall be accomplished through the following procedures:

Step 1: CONTRACTOR must identify any Trainee in a training or performance evaluation assignment to the Incident Management Team at initial check-in and on the Crew manifest. **CONTRACTOR** shall also request an Incident Personnel Performance Rating (ICS 225) form and **GOVERNMENT** will provide the evaluation form during this initial check-in at the Incident.

Step 2: During the assignment the **CONTRACTOR'S** evaluator must observe the Trainee's performance and initial all tasks in the PTB that the Trainee demonstrates successfully. The performance evaluation assignment for an FFT1, ICT5, CRWB or STCR Trainee should occur no sooner than the second training or evaluation assignment and should be of sufficient duration and complexity so that the Trainee has the opportunity to demonstrate all the tasks of the position. If the Trainee does not have the opportunity to demonstrate all the tasks, an additional performance evaluation assignment will be necessary.

Step 3: Upon completion of each training assignment and performance evaluation assignment, the **CONTRACTOR'S** evaluator will complete an "Evaluation Record" in the back of the PTB.

Step 4: CONTRACTOR'S evaluator will complete a written rating of the Trainee's performance on the ICS 225 form provided by the **GOVERNMENT** in Step 1 and will give a copy of the completed form to the Incident Management Team (IMT). **CONTRACTOR** shall retain a copy of this rating to place in the employee's training records. The IMT will maintain a copy with the final Incident records.

Step 5: CONTRACTOR'S evaluator will obtain a completed Incident Crew Performance Rating (ICS 224) from the **GOVERNMENT** Operations Supervisor (STCR, TFLD or DIVS) that covers the assignment in which the Trainee was

trained/evaluated. The Crew Performance Rating must include a rating for "Hot Line Construction" for the evaluation assignment to be accepted as a valid assignment to meet the EXHIBIT B position qualification requirements.

Step 6: CONTRACTOR'S evaluator will provide the **CONTRACTOR** copies of the evaluator's evaluation of the Trainee and the **GOVERNMENT'S** evaluation of the Crew. A copy of both evaluations will be placed in the Trainee's training records.

V. Post Incident Procedures:

A. **CONTRACTOR** is responsible for certifying its employees' PTBs using the following procedures:

Step 1: CONTRACTOR shall review all information written in each PTB to ensure it has been properly completed. The **CONTRACTOR** must ensure that an evaluator has initialed all tasks, that the Evaluation Records in the back of the PTB have been correctly completed and that the Final Evaluator's Verification recommending certification has been completed.

Step 2: CONTRACTOR shall review each employee's training and experience records to ensure all other qualification standards for the position, as listed in Exhibit B, are met and documentation exists to verify the training and experience.

Step 3: When all Exhibit B qualification requirements are met, **CONTRACTOR** shall complete the "Agency Certification" portion of the inside cover of the PTB and have its Certifying Authority sign this portion of the PTB.

Step 4: CONTRACTOR shall place a copy of the completed PTB in the employee's training file.

Step 5: If an individual leaves **CONTRACTOR'S** employ, **CONTRACTOR** shall give the original PTB to the departing individual. It is recommended that **CONTRACTOR** keep a copy for future reference purposes.

EXHIBIT T Handcrew Manifest Form

HANDCREW MANIFEST FORM									
ORDERING UNIT	INCIDENT NAME			INCIDENT NUMBER			RESOURCE NUMBER C-		
CONTRACTOR				IFCA NUMBER			DESIGNATED DISPATCH LOCATION		
CONTRACTOR REPRESENTATIVE				CONTACT PHONE:			REPORT TO:		
DEPARTURE			INTERMEDIATE STOPS				DESTINATION		
PLACE	ETD	ETA	PLACE		PLACE		ETD	ETA	
EMPLOYEE NAME		M	F	IDENTIFICATION NUMBER	INCIDENT POSITION	SAWYER	EXPERIENCE AND LSA (Blue-Red-Yellow)		
1.					CRWB				
2.					FFT1				
3.					FFT1				
4.					FFT1				
5.					FFT2				
6.					FFT2				
7.					FFT2				
8.					FFT2				
9.					FFT2				
10.					FFT2				
11.					FFT2				
12.					FFT2				
13.					FFT2				
14.					FFT2				
15.					FFT2				
16.					FFT2				
17.					FFT2				
18.					FFT2				
19.					FFT2				
20.					FFT2				
DRIVER AND VEHICLE INFORMATION									
Driver Name Number	Identification Number			MSPA Number	Exp. Date	Vehicle License			
SIGNATURE OF AUTHORIZED REPRESENTATIVE (PRINT)							DATE		

EXHIBIT T - EXAMPLE **Handcrew Manifest Form**

HANDCREW MANIFEST FORM										
ORDERING UNIT Willamette NF		INCIDENT NAME Shady Beach Fire			INCIDENT NUMBER OR-WIF-456			RESOURCE NUMBER C - 17		
CONTRACTOR Western Contractors				IFCA NUMBER 08125			DESIGNATED DISPATCH LOCATION Eugene			
CONTRACTOR REPRESENTATIVE Owner Jim Johnson				CONTACT PHONE: 503-391-5675			REPORT TO: Shady Cove State Park			
DEPARTURE			INTERMEDIATE STOPS			DESTINATION				
PLACE		ETD	ETA	PLACE		PLACE		ETD	ETA	
123 West Main Street Eugene, Oregon		0600	0700	Willamette NF SO Eugene, (inspection)		Shady Cove State Park		0800	0900	
EMPLOYEE NAME			M	F	IDENTIFICATION NUMBER	INCIDENT POSITION	SAWYER	EXPERIENCE AND LSA (Blue-Red-Yellow)		
1. John Smith			X		051025	CRWB		B	LSA-E/S	
2. Jim Jones			X		052125	FFT1		B	LSA-E	
3. Susan Smith				X	062055	FFT1		B	LSA-E/S	
4. Pedro Gonzalez			X		052205	FFT1		B	LSA-E/S	
5. Esteban Gomez			X		063500	FFT2	X	R		
6. Tom Savage			X		053415	FFT2	X	R		
7. Steve Jackson			X		063002	FFT2	X	R		
8. Greg Johnson			X		064210	FFT2		R		
9. Timothy Erickson			X		073285	FFT2		R		
10. Don Morris			X		073543	FFT2		R		
11. Mike Jones			X		053345	FFT2		R		
12. Carla Smith				X	074325	FFT2		R	transfer	
13. Luis Cortez			X		083005	FFT2		R		
14. Jesus Rodriguez			X		083014	FFT2		Y		
15. Jose Ruez			X		074533	FFT2		Y		
16. Jamie Pedro			X		083123	FFT2		Y		
17. Jorge Coria			X		083222	FFT2		Y		
18. Terry Brown			X		074531	FFT2		Y		
19. James Brown			X		074532	FFT2		Y		
20. Don Campbell			X		053167	FFT2		R		
DRIVER AND VEHICLE INFORMATION										
Driver Name Number		Identification Number			MSPA Number		Exp. Date		Vehicle License	
John Smith		051025			XXXXXXXXXXXX		07/10		RGH 250	
Susan Smith		062055			XXXXXXXXXXXX		08/10		LDX 322	
Pedro Gonzalez		052205			XXXXXXXXXXXX		11/09		FIRE 10	
Timothy Erickson		073285			XXXXXXXXXXXX		02/09		123 RED	
SIGNATURE OF AUTHORIZED REPRESENTATIVE (PRINT)								DATE 07-15-08		

3. Except as expressly amended above, all other terms and conditions of original contract are still in full force and effect. Contractor certifies that the representations, warranties and certifications contained in the original Contract are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

Certification: The individual signing on behalf of Contractor hereby certifies and swears under penalty of perjury: (a) the number shown on this form is Contractor's correct taxpayer identification; (b) Contractor is not subject to backup withholding because (i) Contractor is exempt from backup withholding, (ii) Contractor has not been notified by the IRS that Contractor is subject to backup withholding as a result of a failure to report all interest or dividends, or (iii) the IRS has notified Contractor that Contractor is no longer subject to backup withholding; (c) s/he is authorized to act on behalf of Contractor, s/he has authority and knowledge regarding Contractor's payment of taxes, and to the best of her/his knowledge, Contractor is not in violation of any Oregon tax laws (including, without limitation, the following pursuant to OAR 150-305.385(6)-(B): For purposes of this certification, "Oregon tax laws" means the tax laws names is ORS 305.380 (4), including without limitation the state inheritance tax, gift tax, personal income tax, withholding tax, corporation income and excise taxes, amusement device tax, timber taxes, cigarette tax, other tobacco tax., 9-1-1 emergency communications tax, the homeowners and renters property tax relief program and local taxes administered by the Department of Revenue (Multnomah County Business Income Tax, Lane Transit District Tax, Tri-Metropolitan Transit District Employer Payroll Tax, and Tri-Metropolitan District Self-Employment Tax; (d) Contractor is an independent contractor as defined in ORS 670.600; and (e) the supplied Contractor data is true and accurate.

CONTRACTOR

By Signature _____

Printed Name: _____

Title: _____

Company Name _____

Date: _____

STATE OF OREGON by and through its Agency

By _____
Burke Mayer- Interim Chief Procurement Officer

Date