

Oregon Department of Forestry
Incident Resource Agreement
2025-2029



Appendix Five (5) – FUEL TENDER
RESOURCE DUTIES, QUALIFICATIONS, COMPENSATION, &
INVENTORY

A.1 – Roles and Responsibilities

A.1.1 – Scope of Work

Provide a mobile source of diesel and fuel for Incident vehicles and equipment in order to maintain operations in remote areas.

A.1.2 – Operational Environment

Fuel Tenders may be used on uneven terrain or gravel surface roads, narrow routes, and off-road in rangeland or timbered areas.

A.1.3 – Operational Requirements

A.1.3.1 – Resource Provider Operator

The Resource Provider will provide a properly trained, fully qualified, and appropriately licensed operator to manage all daily operations of the Fuel Tender. The Resource Provider is responsible for delivering fuel in a safe, compliant, and efficient manner consistent with Incident requirements and all applicable laws and regulations.

A.1.3.2 – Payment Processing and Fuel Documentation

The Resource Provider must be capable of accepting all major credit cards, including WEX cards for fuel sales, and will provide receipts for all transactions conducted at the Incident. Fuel tickets must be completed and reconciled with the Finance Section of the Incident. [Emergency Equipment Fuel and Oil Issue Tickets \(OF-304\)](#) or the like may be utilized.

A.1.3.3 – Fuel Tender Mechanical and Regulatory Requirements

Fuel Tenders are required to:

- a) Be in safe, reliable mechanical condition.
- b) Meet all tank vehicle construction, marking, inspection, and certification requirements set forth in 49 CFR Parts 172, 173, and 178, including but not limited to:
 - Tank specification standards;
 - Hazardous materials packaging and transport requirements;
 - Placarding and marking rules; and
 - Inspection and maintenance standards.
- c) Be classified as a Tank Vehicle as defined under ORS 801-522.

A.1.3.4 – Fuel Pricing

- a) Establishment of Price – The per-gallon fuel price will be established based on Resource Provider’s actual fuel cost plus a reasonable markup utilizing local retail fuel station pricing or geographic references.

- b) Credit Card Fees – Credit card fees may be applied with [GSA SmartPay Bulletin #17](#), not to exceed 4% when applicable.

A.1.5 – Operational Knowledge

Operators must be trained and licensed to manage the transportation and operations of the Fuel Tender.

A.1.6 – The Resource Provider must comply with all applicable federal and state laws, including but not limited to:

a) Oregon Revised Statutes (ORS)

- **ORS 319.010 - 319.050** – Fuel Dealer Licensing
- **ORS 319.180 – 319.190** – Distributor Recordkeeping
- **ORS 319.230** – Bulk Fuel Transport Documentation
- **ORS 801.522** – Tank Vehicle Definition
- **ORS 825** – Motor Carrier Regulations

b) Oregon Administrative Rules (OAR)

- **OAR 735-128-0030** – Transporting Gasoline
- **OAR 735-170-0000** – Registered Fuel Handler Definitions
- **OAR 340-140** – Hazardous Materials Transport
- **OAR 437 (OR-OSHA)** – Flammable Liquids, Mobile Equipment

c) Federal Regulations

- **49 CFR 383** – CDL and Endorsement Requirements
- **49 CFR 172** – Shipping Papers, Placards, Emergency Information
- **49 CFR 173** – Hazardous Materials Packaging and Transport
- **49 CFR 178** – Tank Vehicle Construction Standards
- **Wages and the Fair Labor Standards Act**
- **ERG / DOT Hazmat Requirements** – Emergency Response Standards

A.2 - Training and Qualifications

A.2.1 - Operator Qualifications

Fuel Tender Operators are required to:

- a) Possess a valid Commercial Driver’s License (CDL) with the following required endorsements:
- N endorsement (tank vehicle), or
 - X endorsement (tank and hazardous materials), as applicable.

- b) Comply with FMCSR driving and duty-hour limitations when traveling to, from, or while assigned to an Incident.
- c) Comply with all OR-OSHA flammable liquid handling rules and NWCG fueling standards.
- d) Have full discretion and final authority to determine where and how the vehicle can safely operate.

A.2.2 - Change of Qualified Operators

Whenever there is a change in Resource Provider's Qualified Operator(s) during an Incident assignment, the incoming Qualified Operator(s) must follow the Incident's Check-in and inspection procedures upon arrival at the Incident.

A.2.3 - Communication Requirements

All personnel representing the Resource Provider must be able to proficiently communicate in English to ensure safe and effective performance of assigned duties. The Resource Provider's representative must be able to proficiently communicate in English and read and communicate the IAP, Safety Alerts, and other operational documentation.

A.3 – Fuel Handling and Documentation Requirements

Fuel Tenders transporting on public highways are required to carry documentation that meets ORS 319.230, including:

- a) Type of fuel and total gallons transported;
- b) Name and address of the consignor and consignee; and
- c) Any shipping papers required under 49 CFR.

Fuel Tenders operations must follow all NWCG and OR-OSHA safety requirements, including grounding/bonding, spill prevention, fire extinguisher use, and appropriate Personal Protective Equipment (PPE).

A.4 – Supervision

The Fuel Tender personnel report to the Ground Support Unit Leader (GSUL) and functions within the Logistics Section.

A.5 - Rates and Compensation

A.5.1 – Wet Rates

Rates provided by Resource Provider, and approved by the State, are understood to be 'Wet' Rates. Wet Rates include:

- a) Equipment
- b) Transports and chase vehicles;

- c) Qualified Operator(s) and drivers;
- d) Fuel, and
- e) All required maintenance.

Unless modified under **Section A.6 - Exceptions**, payment will be made at the agreed-upon rates.

A.5.2 - Daily Rates

A.3.2.1 - Daily Rates apply when equipment with a Qualified Operator is ordered by the State and placed On-Shift.

A.5.2.2 – On-Shift Definition

On-Shift includes:

- a) Time the equipment (with Qualified Operator) is performing work;
- b) Time the equipment (with Qualified Operator) is held or directed to remain in a state of readiness;
- c) Time Qualified Operator(s) spend in Operational Period briefings;
- d) Mobilization activities (Check-in time); and
- e) Compensable travel that has a defined start and end time.

A.5.3 - Minimum Daily Compensation

A.5.3.1 – Minimum Hours

Daily Rate payment is based on a minimum of eight (8) hours of On-Shift time between 0001 and 2400 hours.

A.5.3.2 – Reduced Hours

When On-Shift time totals fewer than eight (8) hours, payment is made at one-half (½) of the agreed-upon Daily Rate.

A.5.3.3 – Shift Length

A single-shift Operator is not restricted to a 12-hour shift; shift duration will be determined by the operational needs of the Incident.

A.5.4 - Extended-Shift Rates

A.5.4.1 – Applicability

When equipment (with a Qualified Operator) works eighteen (18) hours or more within a single day (0001–2400 hours), the Extended-Shift Rate apply. The Extended-Shift Rate is not determined by how many Operators are assigned, but hours worked.

A.5.4.2 – Rate

The Extended-Shift Rate is 165% of the agreed-upon Daily Rate.

A.5.5 - Double-Shift Rates

A.5.5.1 – Staffing Requirements

The Double-Shift Rate applies only when equipment is staffed with two (2) operators providing continuous coverage over a 24-hour period (0001–2400 hours), typically through two 12-hour shifts (day and night). Double-shift staffing must be clearly documented on the Resource Order.

A.5.5.2 – Rate

The Double-Shift Rate is 165% of the agreed-upon Daily Rate.

A.6 – Exceptions

A.6.1 - Inoperable Equipment or Unavailable Operator

A.6.1.1 - No payment will accrue for any period during which the equipment is not in a safe or operable condition, or when a Qualified Operator is not available for all or part of the assigned shift.

A.6.1.2 - Payment is based solely on the hours the equipment is operational during the assigned shift, as documented on the Shift Ticket, compared against the designated shift identified in the IAP.

A.6.1.3 - Equipment work time (with a Qualified Operator) of fewer than eight (8) hours is compensated at one-half (1/2) of the agreed-upon daily rate.

A.6.2 - Failure to Replace or Repair Equipment/Operator

After inspection and acceptance for use, if equipment and/or Qualified Operator(s) cannot be replaced, or if equipment cannot be repaired at the Incident within twenty-four (24) hours, the equipment and/or Qualified Operator(s) may be considered withdrawn by the Resource Provider.

A.6.3 - Voluntary Withdrawal by Resource Provider

If the Resource Provider withdraws equipment, Qualified Operator(s), or both prior to release by the State, no further payment accrues. The Resource Provider bears all costs associated with returning the equipment and/or Qualified Operator(s) to the PoH.

A.6.4 - Mandatory Work/Rest and Length-of-Assignment Compliance

No payment accrues when the Resource is off-shift in compliance with mandatory Work/Rest or

Length-of-Assignment provisions. As an alternative to rotating personnel or taking an unpaid mandatory day off, the Resource may be released from the Incident at the discretion of the State.

A.7 – Inventory and Equipment Requirements

FUEL TENDERS	
<input type="checkbox"/>	Vehicle Company Identification (external, on both driver and passenger sides of vehicle)
<input type="checkbox"/>	Reflective Triangles
<input type="checkbox"/>	Wheel Chocks (Q=2)
<input type="checkbox"/>	Fire Extinguisher, 40 BC with Current Inspection Tag
<input type="checkbox"/>	Back-Up Alarm
<input type="checkbox"/>	Brakes on All Axles
<input type="checkbox"/>	Seatbelts for all Personnel
<input type="checkbox"/>	Hazardous Materials Compliance Pocketbook
<input type="checkbox"/>	Emergency Response Guidebook (current addition)
<input type="checkbox"/>	Spill Response Plan Book
<input type="checkbox"/>	Spill Containment Kits
<input type="checkbox"/>	First Aid (5 person) (Q=1)
<input type="checkbox"/>	Commercially Registered
<input type="checkbox"/>	DOT Certification
<input type="checkbox"/>	Current OSFM, ODA and DEQ Inspections
<input type="checkbox"/>	Separate Dispensing System for Diesel and Unleaded Fuel (LBELED)
<input type="checkbox"/>	Certified Meter
<input type="checkbox"/>	Current Yearly Visual Leakage (VK) Test on Tank
<input type="checkbox"/>	Current Internal and Pressure (I&P) on Tank
<input type="checkbox"/>	Emergency Shut-Off Valves (LBELED)
<input type="checkbox"/>	Tank Control Valves with Fusible Nuts
<input type="checkbox"/>	Covered, Unexposed Electrical Wiring with Tank Compartments
<input type="checkbox"/>	Lights and Switches within Explosion Proof Housing
<input type="checkbox"/>	Openings into Fixtures Protected with Rubber Grommets (seal out fumes)
<input type="checkbox"/>	Large Nozzles for Diesel
<input type="checkbox"/>	Small Nozzles for Unleaded
<input type="checkbox"/>	Bonded Hose Reel and/or Ground Rod and Cable (for grounding while fueling)
<input type="checkbox"/>	Emergency Equipment Fuel and Oil Issue Tickets
<input type="checkbox"/>	Adequate Lighting
<input type="checkbox"/>	Ability to Accept all Major Credit and WEX Cards