

Choosing a Contractor

The Conservancy has adopted a tiered approach for evaluating training and qualifications standards when choosing a contractor to serve as a burn boss on Conservancy land. The best alternative is to hire a person whose qualifications meet those of the National Wildfire Coordinating Group for Type 2 Burn Boss. If such a person is not available in your area, or if the cost is prohibitive based on available funds, document your search effort or funding limitations and go to the next-best alternative. An individual who is qualified by a state-regulated prescribed fire burn boss certification process or qualified as a burn boss by a respected state agency would be acceptable under this alternative. If a person with this level of qualification is not found, document the search effort again and go to the third alternative. At this level, you will need to review the training and experience record of the individual and make an informed decision as to his/her suitability.

In any of the above scenarios, the Fire Manager for the state must approve the person contracted to conduct a prescribed burn.

Checklist

This checklist provides guidance for developing a contract with an agency or company to conduct a prescribed burn on TNC property. There is a standard template for contracting a burn, available on the Conservancy fire/legal intranet pages. However, every burn is different, and so every contract must be developed in conjunction with your Conservancy Attorney. The items below are not all requirements, but points for discussion with your attorney and your potential contractor.

Burn Boss and Crew Qualifications

- The burn boss is qualified as an RxB2, or his/her agency equivalent, and is a certified burn boss according to state regulations or laws where they exist.
- The burn boss has led burns of similar complexity.
- The burn boss has led burns in the same fuel type.
- The burn boss will be on site during the burn.
- All members of the burn crew have been trained (S130-S190, or prescribed fire crew member training or equivalent).
- Crew members are trained and experienced in the use of the equipment needed to conduct the burn.
- All crew members and the burn boss have passed a physical fitness test.

Planning and Equipment

- The Contractor has developed a written plan for the prescribed burn.
- The Conservancy Fire Manager provides comments on the plan and approves it.
- A wildland fire engine or other water-delivery system will be on site during the burn.
- All prescribed fire crew members and fire observers will wear personal protective gear.

Insurance, Administration, Legal

- The contractor has at least \$1 million of liability insurance.
- The contractor has worker's compensation insurance for the crew members.
- The contractor has insurance that covers accidents or injuries resulting from smoke.
- The contractor has supplied proof of above insurance policies and the policy has been reviewed by a TNC attorney.
- The contractor will indemnify and defend TNC against all claims arising from the burn.
- A contract has been approved by TNC legal counsel and signed by all parties involved.
- The contract specifies burn objectives and/or specific desired outcomes.
- All required permits and authorizations for the burn will be obtained by the contractor.
- Either party can withdraw from the contract on written notification.