

CONTRACTOR PROCURMENT AND MINIMUM QUALIFICATIONS

The process for working with local contractors will vary based on the method that the Subrecipient chooses to follow, however, it is important to ensure that Subrecipient complies with the most stringent procurement policies (whether those be the local, state, or federal policies).

The federal procurement standards that apply can be found via the following link:

<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D>

Process for Obtaining Contractor Quotes

Although there is more than one approach that may be used to engage contractors, the strategy recommended for use under this program's framework is outlined below:

Pre-qualified list – Contractors quote each site

- Subrecipient holds an open/competitive solicitation period utilizing a Request for Qualifications (RFQ) where contractors are vetted on their qualifications (experience, license, free and clear to do business, etc.). Leading to the establishment of a pre-qualified list.
 - Note: Once this pre-qualified list is established, the Subrecipient and the contractors on this list must enter into a master agreement, through which task orders will be issued. The master agreement should include a "not to exceed" amount of the total project costs.
- As a home site has a final home assessment report, the construction manager will work with the homeowner to determine the final SOW.
- The construction manager will request contractors on the prequalified list conduct a physical walkthrough assessment of the site.
- Contractors will have approximately one week to produce a site-specific quote.
- The Subrecipient selects the contractor with the lowest bid from the list of responsible, responsive bidders.

- The selected contractor(s) enters into a tri-party agreement(s) with the homeowner and Subrecipient. Upon successful completion of site work by the selected contractor(s) from the pre-qualified list, the Subrecipient issues payment directly to the contractor for work performed in accordance with the tri-party agreement and any subsequent amendments.
- The Subrecipient will periodically (every four, six, or twelve months) re-open the solicitation/RFQ for additional contractors to be vetted and added to the pre-qualified list.

Contractor Qualifications Vetting

The Subrecipient should procure all vendors in accordance with the most stringent local, state, and federal procurement requirements, 2 CFR 200.318-327.

The Subrecipient should develop a procurement vehicle (solicitation) to obtain a list of qualified contractors. The procurement solicitation (Request for Qualifications/Statements of Qualifications, etc.) should be publicly advertised. It may benefit the local community to issue two solicitations, one for ignition resistant construction and one defensible space. Once the pre-qualified list is established, the Subrecipient should issue a Master Contract agreement with each vendor.

The pre-qualified list(s) will be used by the construction manager to obtain ignition resistant construction and defensible space quotes. The Subrecipient will be required to obtain at minimum three quotes from vendors from the established list. The Subrecipient should select the lowest bid unless there is sound reason why the lowest was not chosen. Documentation will be required to support and justify why the lowest priced vendor was not selected.

Note: The procurement option above must be allowed by the Subrecipient's procurement policy. If not, another route must be taken following the local policy.

When developing the procurement solicitation, the qualifications described below should be considered.

Contractors Performing Home Hardening Retrofits

Contractors engaged in the Wildfire Community Hardening project must be qualified and licensed to complete the retrofitting activities. The Subrecipient must vet the contractors to ensure quality work is performed within the scope of the project. Minimum qualifications are outlined below along with additional considerations for the Subrecipient.

Minimum Qualifications

- a) Possess a California Contractor License
- b) Possess General Liability Insurance
- c) Possess Workers Compensation Insurance
- d) Meets Bonding Requirements
 - For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold (currently \$250k), the Federal awarding agency or Recipient, aka pass-through entity, may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has determined the Federal interest is adequately protected.

Local Considerations

Contractors must also meet conditions imposed by the Subrecipients. This may include, but is not limited to, determining the following:

- a) What is required to obtain a permit?
 - Are design plans required or will an assessment identifying the building deficiencies be sufficient?
 - If design plans are required to pull a permit, can a licensed contractor provide the plans or is an Architectural/Design firm required?
- b) What type of bonding is required at the local level? What type of insurance is required at the local level?
- c) Are there other requirements at the local level to engage in residential construction?
- d) What type of contract and provisions are required between the vendor, Subrecipient, and homeowner?
- e) Is a Home Improvement Contract required between vendor and Subrecipient or vendor and homeowner?

- f) Will a tri-party contractual agreement be required for homeowner execution preventing the Subrecipient from being held responsible for contractor negligence/damages?

Subrecipient Informational Resources

- a) FEMA Home Builder's Guide to Construction in Wildfire Zones
https://defensiblespace.org/wp-content/uploads/2021/01/FEMA_2008_P-737-Home-Builders-Guide-to-Construction-in-Wildfire-Zones.pdf
- b) Contractors State License Board: <https://www2.cslb.ca.gov/>
- c) Check a contractor license:
<https://www2.cslb.ca.gov/online services/CheckLicense/checklicense.aspx>

Contractors Performing Defensible Space Activities

Minimum Qualifications:

- Possess License Required. Depending on the scope of work, a license(s) may be required.
 - i. If the work does not alter the grade of the ground and no trees/stumps are removed, no license is required.
 - ii. If trees or stumps are removed, C61/ or D49 classification is required.
- Possess General Liability Insurance
- Poses Workers Compensation Insurance

Local Considerations

Defensible Space Contractors must also meet conditions imposed by the Subrecipient. This may include, but is not limited to, determining the following:

- a) Is a permit required for defensible space activities?
- What is required to obtain a permit?
- b) What type of bonding is required at the local level?
- c) What type of insurance is required at the local level?
- d) Are there other requirements at the local level to engage in defensible space activities?
- e) What type of contract and provisions are required between the vendor, Subrecipient, and homeowner?
- f) Will a tri-party contractual agreement be required for homeowner execution preventing the Subrecipient from being held responsible for contractor negligence/damages?

Subrecipient Informational Resources

a) Tree Service License:

cslb.ca.gov/about_us/library/licensing_classifications/Licensing_Classifications_Detail.aspx?Class=D49

Contractor License Types

As mentioned previously, the local community should evaluate the scope for the ignition resistant construction activities and defensible space activities per site and ensure the vendor is licensed to complete the scope of work. The scope should be evaluated before the homeowner engages in obtaining quotes to complete activities.

Building Contractor Classifications

[B - General Building Contractor](#) - See CSLB Webpage for more details

- Used in connection with any structure built, being built, or to be built requiring in its construction the use of at least two unrelated building trades or crafts, or to do or superintend the whole or any part thereof.
- May not take a prime contract for any project involving trades other than framing or carpentry unless the prime contract requires at least two unrelated building trades or crafts other than framing or carpentry, or unless the general building contractor holds the appropriate license classification or subcontracts with an appropriately licensed specialty contractor to perform the work.

[B-2 – Residential Remodeling Contractor](#) - See CSLB Webpage for more details

- Used in connection with any project to make improvements to, on, or in an existing residential wood frame structure, and the project requires the use of at least three unrelated building trades or crafts for a single contract.
- May not take a contract unless the contract includes three or more unrelated trades or crafts.
- May self-perform its contract or may subcontract any of the trades or crafts to appropriately licensed subcontractor or subcontractors.
- Shall not contract to make structural changes to load bearing portions of an existing structure.

[Specialty Contractor](#) - See CSLB Webpage for more details

- C-5 - Framing and Rough Carpentry Contractor (including siding, roof decking, truss members, and sheathing.)

- C-13 - Fencing Contractor
- C-27 - Landscaping Contractor
- C-39 - Roofing Contractor
- C-47 - General Manufactured Housing Contractor
- C-61 - Limited Specialty
 - The CSLB has listed the C-61 classifications into "D" subcategories for administrative tracking. The definitions for the "D" subcategories were developed by staff and approved by the Board as policy. Those most likely to be commonly used by the program and/or its contractors include:
 - D-3 – Awnings
 - D-8 - Doors and Door Services (Now under D-28)
 - D-11 - Fencing (Converted to C-13)
 - D-27 - Movable Partitions (Now under D-34)
 - D-41 - Siding and Decking
 - D-49 - Tree Service
 - D-51 - Waterproofing and Weatherproofing (under relevant class)
 - D-52 - Window Coverings
 - D-65 - Weatherization and Energy Conservation

Additional Notes and Consideration:

1. B contractors may be able to perform the measures themselves or subcontract unless tree removal is in play. If tree removal is among the measures to be performed at a home site, the Class B Contractor would need to hold the appropriate license or subcontract to a licensed vendor. For example: A project that included a new roof and replacement of attic/crawlspace vents would be appropriate for a B contractor to self-perform. The only trades a B contractor must subcontract out (unless they hold the additional classification(s)) are C16-Fire Protection and C57-Well Drilling. A B-General Building contractor does not need to hold all the

additional classifications to self-perform the work if the particular project includes work in two or more unrelated trades.

2. It is recommended that procurement documents and master contracts indicate that local and state licensure requirements must be met.
3. If the total project costs (defensible space and retrofit measures) is \$1000 or more including labor and materials, a D49 license would be required no matter the cost of the tree service work (trees/stumps).

Defensible Space/Vegetation Management Compliance

Description of Work

The Contractor will be responsible for defensible space compliance as required by Public Resources Code (PRC) 4291 and the State Board of Forestry and Fire Protection (BOF) California Department of Forestry and Fire Protection Appendix A General Guidelines for Creating Defensible Space.

The Contractor will be provided

- NEPA or CEQA Environmental Mitigation Requirements
- Accepted/ Approved Harvest Document from CAL FIRE
- Other local government tree maintenance permits
- Cut trees will be marked with blue tracer paint. Paint a highly visible attention band 2" wide at eye level. The attention mark shall be visible from 360 degrees and from at least 50 feet. The Contractor shall paint two personalized stump marks on all marked trees. The stump marks shall be placed in the furrows of the bark at ground level on the downhill and uphill sides of the trees. Stump marks should touch the ground and be at least 2" wide.

Project Area Delineations/Markings

The project Construction Manager will provide the contractor:

- Property boundary delineations. If flagging is required, the property boundary will be identified in red flagging.
- Watershed and Lake Protection Zones (WLPZ) delineations. If flagging is required, the WLPZ will be identified: Blue and white stripe with "Watercourse and Lake Protection Zone" black print.

- Equipment Exclusion Zone delineations. If flagging is required, the WLPZ will be identified: Yellow and white stripe with "Equipment Exclusion Zone" black print.
- Work Exclusion Zone delineations. If flagging is required, the WLPZ will be identified: Red and white checkers.
- Hazard Tree delineations. Flagging will be Solid orange with "Killer Tree" black print and skull-and-bones symbol.

Safety

Operation of fire causing equipment (PRC 4427) -During any time of the year when burning permits are required, the contractor shall not use or operate any motor, engine, or stationary equipment (This section does not apply to portable power saws and other portable tools powered by a gasoline-fueled internal combustion engine) located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following (PRC 4427):

(1) First clearing away all flammable material, including snags, from the area around such operation for 10 feet.

(b) Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

Gasoline powered saws, etc.; firefighting equipment (PRC 4431) – The contractor shall, during any time of the year when burning permits are required in an area pursuant to this article, shall not use or operate or cause to be operated in the area any portable saw, auger, drill, tamper, or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest-covered land, brush-covered land, or grass-covered land, within 25 feet of any flammable material, without providing and maintaining at the immediate locations of use or operation of the saw or tool, for firefighting purposes one serviceable round point shovel, with an overall length of not less than 46 inches, or one serviceable fire extinguisher rated at a minimum of 2A10B. The required fire tools shall at no time be farther from the point of operation of the power saw or tool than 25 feet with unrestricted access for the operator from the point of operation.

Spark arresters or fire prevention measures; requirement; exemptions (PRC 4442) -The contractor shall not use, operate, or allow to be used or operated, any internal combustion engine which uses hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land unless the engine is equipped with a spark arrester (See PRC 4442 for specific equipment covered in the code).

Zone 0 (Extends 5 feet from each structure or attachment)

- ☐ The contractor shall remove all dead or dying grass; plants; shrubs; trees; branches; leaves; weeds; and tree needles from Zone 0. The contractor shall dispose all material off site at an approved facility. (Site Specific Specifications)
- ☐ The contractor shall reduce the grass lawn and herbaceous ground covers to four inches (4 in.) in height. (Site Specific Specifications)
- ☐ The contractor shall remove woodchips, bark, combustible mulch, or synthetic lawns. The contractor shall dispose all material off site at an approved facility. (Site Specific Specifications)
- ☐ The contractor shall remove all plants with non-woody stems that are greater than 18 inches in height, cultivated, and set apart by 1.5 times the height of the plant or 12 inches, whichever is greater, from the structure and each other. Groupings of plants with a total foliage width of no more than one square foot may be treated as a single plant. The contractor shall dispose all material off site at an approved facility. (Site Specific Specifications)
- ☐ The contractor shall remove all shrubs, bushes, or woody-stemmed plants unless they are no greater than 18 inches in height, cultivated, and kept in a noncombustible pot or container. The contractor shall dispose all material off site at an approved facility. (Site Specific Specifications)
- ☐ The contractor will remove all live tree branches 10 feet above the roof and 10 feet away from chimneys and stovepipe outlets. The contractor will remove all live branches or ladder fuels within five feet (5 ft.) of the sides of the structure. (Site Specific Specifications)
- ☐ The contractor shall remove combustible boards, timbers, planting pots or containers within Zone 0. (Site Specific Specifications)
- ☐ The contractor shall remove planting pots or containers, regardless of material, mounted on the structure or located directly beneath a window. (Site Specific Specifications)
- ☐ Combustible materials located on top of or underneath a deck, balcony, or stairs shall be removed. (Site Specific Specifications)
- ☐ Firewood piles shall be removed. (Site Specific Specifications)

- The contractor will install a noncombustible ground material five feet from the structure or deck to 3-inch-deep layer. The installation should include a roll of weed barrier fabric (Site Specific Specifications)

Zone 1 (Extends 5 feet to 30 feet)

- The contractor shall remove all dead or dying grass, plants, shrubs, trees, branches, leaves, weeds, and pine needles from the Zone whether such vegetation occurs in yard areas around the Structure, on the roof or rain gutters of the structure, or any other location within the Zone.
 - Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a depth of 3 inches.
 - Down logs or stumps anywhere within 100 feet from the building or structure, when embedded in the soil, may be retained when isolated from other vegetation. (Site Specific Specifications)
- The Contractor shall remove dead tree or shrub branches from Zone 1. (Site Specific Specifications)
- The Contractor shall relocate exposed firewood piles outside of Zone 1 unless they are completely covered in a fire resistant material. (Site Specific Specifications)
- The Contractor shall remove flammable vegetation and combustible items which are located within Zone 1. (Site Specific Specifications)
- The contractor will remove single trees marked in Zone 1. The trees will be felled to avoid damage to remaining trees. (Single specimens of trees or other vegetation may be retained provided they are well-spaced, well-pruned, and create a condition that avoids spread of fire to other vegetation or to a building or structure).

Zone 2 (Extends from 30 feet to 100 feet)

****The Construction Manager will choose one or both methods below:**

The contractor shall implement vegetation compliance using the Fuel Separation method as described in the State Board of Forestry and Fire Protection (BOF) California Department of Forestry and Fire Protection Appendix A General Guidelines for Creating Defensible Space:

- ☐ Grass generally should not exceed 4 inches in height. However, homeowners may keep grass and other forbs less than 18 inches in height above the ground when these grasses are isolated from other fuels or where necessary to stabilize the soil and prevent erosion.
- ☐ Clearance distances between vegetation shall depend on the slope, vegetation size, vegetation type (brush, grass, trees), and other fuel characteristics (fuel compaction, chemical content etc.). Properties with greater fire hazards, including but not limited to steep slopes and large vegetation, will require greater separation between fuels
- ☐ Groups of vegetation (numerous plants growing together less than 10 feet in total foliage width) may be treated as a single plant.
- ☐ Table 1. Plant Spacing Requirements. Horizontal clearance between trees to reduce the spread of fire from one fuel to the next. Horizontal clearance between shrubs to reduce the spread of fire from one fuel to the next. Horizontal clearance between aerial fuels and surface fuels to remove ladder fuels and reduce the spread of fire from shorter to taller fuels.

Plant Spacing Guidelines		
Guidelines are designed to break the continuity of fuels and be used as a "rule of thumb" for achieving compliance with Regulation 14 CCR 1299.		
Trees	Minimum horizontal space from edge of one tree canopy to the edge of the next	
	Slope	Spacing
	0% to 20 %	10 feet
	20% to 40%	20 feet
	Greater than 40%	30 feet
Shrubs	Minimum horizontal space between edges of shrub	
	Slope	Spacing
	0% to 20 %	2 times the height of the shrub
	20% to 40%	4 times the height of the shrub
	Greater than 40%	6 times the height of the shrub
Vertical Space	Minimum vertical space between top of shrub and bottom of lower tree branches: 3 times the height of the shrub	

The contractor shall implement vegetation compliance using Continuous Tree Canopy method as described in the State Board of Forestry and Fire Protection (BOF) California Department of Forestry and Fire Protection Appendix A General Guidelines for Creating Defensible Space:

- ☐ All surface fuels greater than four inches (4 in.) in height shall be removed. Single-specimen trees or other vegetation may be retained provided they are well-spaced, well-pruned, and create a condition that reduces the potential spread of fire.
- ☐ Lower limbs of trees shall be pruned to at least six (6) feet up to 15 feet (or the lower 1/3 of branches for trees less than 18 feet tall). Properties with greater fire hazards, such as steeper slopes or more severe fire danger, will require pruning heights in the upper end of this range.