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Date: July 6, 2006

Route To: (6300)

Subject: Emergency Equipment Rental Agreement (EERA) Procedures for 2006

To: Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Staff

The National Wildfire Coordinating Group recently approved and released two sets of General Clauses to be attached to the Emergency Equipment Rental Agreement (EERA) Form OF-294. While the content of the clauses is the same, two sets were issued in order to reference the appropriate blocks on the OF-294; one set of clauses is to be used with the existing printed OF-294s in stock, dated REV 8-90; the other set is for use with a newly revised OF-294. This revised OF-294 shows (draft) on the bottom and is approved as a test form at this time. The draft form and applicable General Clauses are being tested during throughout the 2006 fire season.

In order to ensure consistency and interagency cooperation when executing EERAs, the Forest Service (FS) shall use the NWCG approved forms. One of the two sets of General Clauses released by the NWCG shall be attached to the appropriate EERA form (existing stock "REV 8-90" or "draft" form) and incorporated into the EERA. Both forms and versions of the General Clauses can be found electronically on the AQM Incident Procurement website (click on the EERA folder in the AQM site) at: <http://fsweb.wo.fs.fed.us/aqm/incident.php>.

In addition to the General Clauses, the appropriate Federal Acquisition Regulations (FAR) clauses must be incorporated into all EERAs (whether they are obtained through competition or not). When obtained competitively, the solicitation governs the appropriate version of FAR clauses, i.e. Commercial Items, simplified procedures, or FAR Part 15. When EERAs are not competitively obtained, the awarding Contracting Officer (CO) determines the appropriate FAR clauses. Updated 2006 FAR clauses to be incorporated/attached to the EERAs for commercial items and simplified procedures are posted at the website above. We are currently working on the FAR Part 15 set of clauses, and will post them on the website as soon as they are completed. In the meantime, be aware that if FAR Part 15 procedures/clauses are appropriate, the CO must incorporate the applicable FAR clauses into the EERAs. Please ensure that when FAR 52.212-03, Offeror Representations and Certifications - Commercial Items, is completed by the vendors, they are retained in the EERA file.

The applicable Service Contract Act Wage Determination for 2006 EERAs is posted at the website above.

Many useful changes are being developed and implemented for acquiring Incident services at this time which we anticipate will result in greater cost savings. Other useful information and tools for Incident purchasing can be found on the AQM Incident website. Anyone involved in



purchasing for suppression or all-hazard Incidents is encouraged to use these tools. This direction has been coordinated with Incident Business Management. If you have any questions, please contact Jan McCluskey at (208) 387-5612.

/s/ Ronald E. Hooper
RONALD E. HOOPER
Director, Acquisition Management

cc: Mary A Szymoniak
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