



MARIPOSA COUNTY

Fire • (209) 966-4330



RESOLUTION - ACTION REQUESTED 2013-331

MEETING: August 6, 2013

TO: The Board of Supervisors

MINUTE ORDER ATTACHED

FROM: Jim Wilson, County Fire Chief

RE: Approve Contract for Services for Repair and Service of SCBAs

RECOMMENDATION AND JUSTIFICATION:

Review and Approve from Two Options an Agreement for Services with Dan Michael to Repair and Service the Fire Department's Self Contained Breathing Apparatus (SCBA); and Authorize the Board of Supervisors Chair to Sign the Agreement for Services. Included in this request are two options: Option #1 emulates past agreements and charges only for the work completed and invoiced not to exceed \$15,000. Option #2 includes both work completed and invoiced and the cost of liability insurance in the amount required by the County as outlined in the attachment. The contract amount will not exceed \$22,563.

For over thirty years Mr. Michael has been servicing and repairing the Fire Department's SCBAs. Mr. Michael is factory trained and certified to complete all non-warranty service and repair work on Sperian/Honeywell breathing equipment. Annual service and air flow tests are OSHA-mandated. Having a locally trained and certified repair technician saves the Fire Department substantial time and money over contracting with a factory technician from Los Angeles. Option #1 contract amount is included in the 2013/14 requested Fire Department Budget. If the Board selects option #2, \$7,653 will need to be added to the 2013/14 Fire Department budget.

Mr. Michael's service includes traveling to each fire station to pick up SCBA units, completing the test and returning the units to their respective apparatus. Doing so keeps all apparatus in their stations and in service without inconveniencing volunteer members. If the Department had to use a factory service representative each volunteer company would have to arrange for a volunteer member to gather the station's SCBAs, bottles and masks into one vehicle, take that apparatus out of service in the community and bring them to the central repair location. During this time period the entire company would not be able to respond to an emergency that would require use of a breathing device. Mr. Michael's level of service is superior to using a factory technician. The Fire Department owns 145 SCBAs, approximately 250 masks and approximately 340 air bottles spread over 15 locations, including MPUD Rescue 22 and El Portal. The servicing/repair process requires the technician to initially flow test each unit and document the test data. Based on the test results the technician makes appropriate adjustments and/or repairs and retests the unit until it meets factory

specifications. Once the SCBA unit passes testing then each mask must be flow tested, adjusted and/or repaired and retested.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

In the past the mandated work has cost less than \$10,000 per year and the County Administrative Officer has been authorized to sign the agreement. Due to the complexity of the new generation SCBA equipment, the 2012 contract amount totaled nearly \$13,000 and a contract amendment to cover the overage was approved by the Board.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the agreement and contract with a factory representative to complete the annual service and repair.

FINANCIAL IMPACT:

Option #1 does not exceed \$15,000. Option #2 does not exceed \$22,563 and includes liability insurance in the amount of one million dollars.

ATTACHMENTS:

- D. Micheal FY13-14 (DOC)
- SCBA Liability Insurance (PDF)
- Dan Michael FY13-14-2 (DOC)

CAO RECOMMENDATION

Requested Action Recommended

COMMENTS

It is Recommended that Your Board Approve the Agreement Without the Additional Insurance. the Insurance Increases the Cost by Approximately 50%. the Equipment is Relatively New and Properly Maintained. Mr. Michael is Fully Trained and Certified. Since the Equipment is Rarely Used, Insurance Costs Amount to Approximately \$600-\$750 Per Use. in Addition, the Volunteer Checks the Equipment Before Any Use. the County is Already Insured If There is an Equipment Failure Leading to a Catastrophic Loss.


Rick Benson, County Administrative Officer

RESULT: ADOPTED [UNANIMOUS]
MOVER: Merlin Jones, District II Supervisor
SECONDER: John Carrier, District V Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier



COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LEE STETSON, CHAIR
KEVIN CANN, VICE-CHAIR
JANET BIBBY
MERLIN JONES
JOHN CARRIER

DISTRICT I
DISTRICT IV
DISTRICT III
DISTRICT II
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: JIM WILSON, County Fire Chief

FROM: RENE' LaROCHE, Clerk of the Board *RL*

SUBJECT: Review and Approve from Two Options an Agreement for Services with Dan Michael to Repair and Service the Fire Department's Self Contained Breathing Apparatus (SCBA); and Authorize the Board of Supervisors Chair to Sign the Agreement for Services

RES. 13-331

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 6, 2013

ACTION AND VOTE:

2. Fire RES-2013-331

Review and Approve from Two Options an Agreement for Services with Dan Michael to Repair and Service the Fire Department's Self Contained Breathing Apparatus (SCBA); and Authorize the Board of Supervisors Chair to Sign the Agreement for Services

James Wilson/Fire Chief and Emergency Planning Coordinator made the staff presentation.

Rick Benson/County Administrative Officer noted that the formatting of his comments on the agenda packet is a software issue; is recommending the Board approve the agreement without the additional insurance; noted that we use this equipment, at most, 10 to 15 times per year; that this is just for maintenance; that the County is already insured against catastrophic loss; that insurance will increase the cost of the contract by 50%; and that Mr. Michael is well-trained and factory-certified.

Supervisor Jones commended Mr. Michael on the work he has done; inquired if there have been any issues over the last 30 years; required clarification of the annual use as discussed by the CAO; and whether that use is documented. Chief Wilson responded to all inquiries, and informed the Board about Mr. Michael's recent design input into a Honeywell prototype. Discussion ensued between Supervisor Jones and Chief Wilson regarding the battery function in the units. Supervisor

Jones inquired about potential liability issues, with responses provided by County Counsel, CAO, and Tessa Pritchard/Human Resources - Risk Management Director. Supervisor Jones noted that liability insurance is required of other contractors; and that insurance would protect Mr. Michael.

Supervisor Bibby inquired as to where the maintenance is performed. Jim Middleton/Deputy Fire Chief responded. Supervisor Bibby required clarification of the insurance cost quotes; noted that Paragraph 2.01 of the agreement would define Mr. Michael as an independent contractor and not an employee or agent; and remarked on language in Paragraph 5.05 of the agreement and inquired of County Counsel if the Contractor would be covered in an auto accident on his way to a fire house to conduct SCBA inspections. County Counsel responded that Mr. Michael would be an independent contractor; would not be an employee of the County; would not be covered by the County's workers' comp insurance; would need workers' comp insurance if he had employees; doesn't need insurance for himself; and that automobile insurance is required by Paragraph 5.03. Supervisor Bibby also inquired if the volunteer SCBA training is enforced; and if the deficiencies with SCBAs are industry-standard. Chief Wilson responded, elaborating on the training program and the SCBA certifications.

County Counsel clarified that general liability insurance, automobile insurance and indemnity provisions are in the proposed contract that requires insurance (option #2); however, none of those are required in the proposed contract that does not require insurance (option #1.)

No public input.

Discussion ensued between Supervisor Jones and Chief Wilson regarding the safety of these units. Supervisor Jones also noted that he feels very strongly that the risk is not worth the savings.

Discussion ensued between Supervisor Cann and Chief Wilson regarding practice and use of this unit by other fire departments.

Supervisor Bibby required clarification as to whether this would be for the 2013-2014 budget; whether users can have facial hair; and whether fit checks were performed routinely. Chief Wilson responded. Supervisor Bibby noted that she is a little concerned, and feels that we should invest the additional money for insurance.

Supervisor Carrier inquired if we should send out a safety alert to notify our volunteers that there are issues with these, and have them sign something showing receipt. Chief Wilson responded that this is an issue they have been dealing with for the last three years; he believes that everyone is aware of it; but, that there is no paper trail to document that. Supervisor Carrier recommended implementation of such a notification and documentation process; and noted that we require all other contracts to require liability and doesn't know why this one should be different.

Supervisor Jones inquired if there was a danger of Mr. Michael being considered an employee in light of the fact that he performs the service onsite with County paid training. County Counsel responded.

Supervisor Bibby noted her agreement with procuring written acknowledgements; and requested input from Risk Management. Tessa

Pritchard noted that she feels that the insurance is appropriate. Supervisor Bibby required clarification as to the difference in the amount of the two quotes. Chief Wilson and CAO responded.

Chair Stetson opened the issue for public comment again. There was no public input.

Supervisor Jones moved to approve contract option #2, which would require insurance; second by Supervisor Carrier; and passed unanimously.

Chair Stetson noted that direction was also given to staff to implement the notification/documentation process as discussed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: John Carrier, District V Supervisor

AYES: Stetson, Jones, Bibby, Cann, Carrier

Cc: File