

Labor Intensive Service Contract Meeting Proposed Agenda May 13, 2011

Location:

Robert Duncan Plaza
333 SW First Avenue
Portland, OR 97204

Rooms 3E and 3G, 3rd Floor Large Conference Rooms

Objective: To continue the dialog, recognize successes, and continue moving forward to address Labor Intensive Service Contract issues.

Time: 1-3PM

Proposed Agenda:

Introductions and "Check-in"

All (1-3 minutes each)
Why are you here
Latest feedback from groups

Recapping why we're here and progress made:

Charles Hill, USFS
Carl Wilmsen, Alliance of Forest Workers
Jeff Genkos, Dept. of Labor
Al Matecko, USFS
Others??

Agreements made at 12/15/11 meeting:

Charles Hill
Jeff Genkos

Where do we go from here?

All

Facilitator: Glen Sachet, Forest Service Region 6 Public Affairs

Meeting Invitees:

Cece Headley	lcffm@efn.org	541-688-2175
Carl Wilmsen	alliancefwh@sbcglobal.net	510-525-4053
Cassandra Moseley	cmoseley@uoregon.edu	541-346-4545
Tracy Beck	tbeck@fs.fed.us	503-808-2990
Ria Russell	russell.zaferia@dol.gov	503-326-7222

Richard Terrill	terrill.richard@dol.gov	206-553-5930
Nargess Shadbeh	nshadbeh@oregonlawcenter.org	503-473-8328
Charles Hill	chill@fs.fed.us	503-808-2263
Al Matecko	amatecko@fs.fed.us	503-808-2240
Jeffery Genkos	genkos.jeffrey@dol.gov	503-326-3331
Maia Enzer	menzer@sustainablenorthwest.org	503-221-6911 X 111
Randy White	white.randy@dol.gov	503-231-2017
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Gary Beck	gary.l.beck@state.or.us	
Stephanie Coleman	scoleman@blm.gov	

DRAFT Notes for your review

Prepared by Margaret Petersen 12.15.2010

Next meeting date – to be scheduled in late April 2011

1. What will be on the agenda:
 - a. Best value in solicitations – Who should have the lead to organize this discussion?
 - b. Section M - Evaluation Criteria - that places emphasis on the contractor plan/operational protocol for safety, wages, transportation and housing for all workers).
 - c. Red Flag checklist update
 - d. Vehicle transportation safety issue

Agreements we made:

1. Develop “coalition messages” for public distribution, including radio. Leads: Al Matecko and Jeff Genkos. Team includes Nargess Shadbeh and Tom Knappenberger.
2. Continue to collect and share information about Forest Service contracts involving intensive labor (activity highlights to date at end of document). Modify the Section M - Evaluation for Award to place emphasis on the planned operation protocol (specifically safety (PPE), wages, transportation and housing for all workers). Note: Asking specifically, whether contractors will use H2B at pre-award (during evaluation phase) may open up the agency to a questionable practice and some litigation. Lead: Charles Hill
3. Deploy COR training (schedule handed out at the meeting) and incorporate partners that want to participate. Any partners planning to participate need to coordinate well in advance with the training coordinator. Participation will be arranged to ensure the training benefit is maximized for the paying students and the outside contributors. Questions about how to get involved should be directed to Charles Hill.
4. Program managers may evaluate options for third party monitoring but no decisions made at this meeting. Program managers (much like DOL, OSHA, BOLI) need to determine whether this is sufficient or does the region need an outside partner to delve/explore some other areas of monitoring/assessment. Program would need to finance this. Lead? Doug Daoust ?

In attendance

- Randy White, Area Director, OSHA, Oregon

- Nargess Shadbeh, Oregon Law Center
- Jeffrey Genkos, District Director, Department of Labor, Wage and Hour
- Carl Wilmsen, Executive Director of the Alliance of Forest Workers and Harvesters
- Mary Wagner, Regional Forester, Pacific Northwest Region, Forest Service
- Charles Hill, Director of Acquisition Management, Forest Service
- Fred Zensen, Regional Reforestation Program Manager
- Gerhard Taubel, Compliance Manager, Wage and Hour Division, Bureau of Labor and Industries
- Laurie Abernathy, Supervisory Contract Specialist, Western Oregon Acquisition Team
- CeCe Headley, Alliance of Forest Workers and Harvesters
- Janice Morgan, Farmworker Program Director, Legal Aid Services of Oregon
- Mary Wagner, Regional Forester, Forest Service
- Cal Joyner, Deputy Regional Forester, Forest Service
- Craig Blackwood, DOSH Compliance Manager, Region 4, Vancouver, Washington
- Charles Byrd, Regional Safety Manager, Forest Service
- Barry Sandgren, OR-OSHA Safety Manager
- Stephanie Coleman, Chief of Procurement, Bureau of Land Management
- Tom Knappenberger, Media Specialist, Public Affairs, Forest Service
- Al Matecko, Director, Public Affairs, Forest Service

Information highlights presented by Charles Hill

- Created an internet website regarding Labor Intensive Service Contracts that is intended as a resource for Forest Service, agency partners and contractors to understand LISC and coordinate activities relating to worker protections and contract administration and oversight.
 - <http://www.fs.fed.us/r6/ppm/lisc/>
 - Website documents self defines other activities of Region 6 including –
 - Region 6 LISC Action Plan (see link on website)
 - Reformat Advance Acquisition Plan (AAP) so that LISC contracts are specifically identified in AAP
 - Establishment of active monitoring protocol and real time web portal LISC contract activity (see memo dated July 16, 2010 on website)
 - Provides facts to LISC contractors to assist in their compliance with worker protection matters (see “Facts Contractors Need to Know....” on website)
 - Protocols applied equally to Region 6 and EROC-NW LISC activities
- Created, in conjunction with website, a 1-800 telephone contact for reporting worker protection issues. Accessible in both English and Spanish the telephone contact along

with associated email contact provides avenue for workers and others to report worker protection issues. (see memo dated July 16, 2010 on website for further details).

- Created and conducted LISC Contract Training Module for contracting officers (CO). Training was conducted in one Region 6 Acquisition Area (Western and Southwestern Oregon) that has the highest workload of LISC contracts. Training program is being used as template to fashion further trainings for CO's and COTRS to be conducted by internal and external providers in 2011. Training occurred in June, 2010.
- Conducted continuous sensing activities to evaluate effort on LISC contract administration. Most recent sensing was data call on site visit activities by CO/COTRS. Data call complete December 2010 and handed out at meeting.
- Prepared and distribute a multi-agency memorandum to approximately 700 reforestation contractors advising of the heightened emphasis on worker protections issues related to LISC's noting the combined efforts of the coalition created through the Worker Protection Partners Committee. Essentially this memorandum functions as a "we are watching" advisory to the LISC contractors. Memorandum is in the final draft stages and expected to be sent by not later than early January 2011.

CY 2011 Training for COTR/COR Levels II & III

Course Name	Course Number	Location	Training Dates	Hours	Contact
LISC (Labor Intensive Service Contracts) and more	Pending...	Olympia N.F. Supervisor's Office 1835Black Lake Blvd Olympia, WA 98512	To Be Determined	40	Miley Sutherland Email: msutherland@fs.fed.us Voice: 360.956.2471
LISC (Labor Intensive Service Contracts) and more	<u>1033-11</u>	Okanogan-Wenatchee N.F. 215 Melody Lane Wenatchee, WA 98801	February 7 - February 11, 2011	40	Linda Du Lac Email: ldulac@fs.fed.us Voice: 509.997.0198 ext 271
LISC (Labor Intensive Service Contracts) and more	<u>1055-11</u>	Bend National Guard Armory 875 SW Simpson AVE Room 140A Bend, Oregon 97702	February 28 - March 4, 2011	40	Maria Gonzalez Email:mgonzalez@fs.fed.us Voice: 541.383.5547
LISC (Labor Intensive Service Contracts) and more	<u>1096-11</u>	Willamette N.F. 3106 Pierce Parkway Room 215 Springfield, OR 97477	February 28 - March 4, 2011	40	Lorenzo Montoya Email: lrmontoya@fs.fed.us Voice: 541.225.6334
LISC (Labor Intensive Service Contracts) and more	<u>1098-11</u>	Grants Pass Interagency Office conference room, 2164 NE Spaulding, Grants Pass, OR 97526	March 21 - March 25, 2011	40	Claudia Halkyard Email: chalkyard@fs.fed.us Voice: 541.957.3222
LISC (Labor Intensive Service Contracts) and more	<u>1090-11</u>	Colville N.F. Supervisor's Office 765 South Main Colville,WA 99114	March 21 - March 25, 2011	40	Aaron Kretzer Email: akretzer@fs.fed.us Voice: 509.684.7134
LISC (Labor Intensive Service Contracts) and more	<u>1101-11</u>	Umpqua N.F. 2900 NW Stewart Parkway Roseburg, Oregon 97470	March 28 - April 1, 2011	40	Claudia Halkyard Email: chalkyard@fs.fed.us Voice: 541.957.3222
LISC (Labor Intensive Service Contracts) and more	<u>1072-11</u>	Umatilla N.F. 2517 SW Hailey AVE Pendleton, OR 97801	March 28 - April 1, 2011	40	Judy Hatch Email: jhatch@fs.fed.us Voice: 541.575.3131
LISC (Labor Intensive Service Contracts) and more	<u>1036-11</u>	Mt. Hood N.F. 16400 Champion Way Sandy, OR. 97055	April 11 - April 15, 2011	40	Roxanne Anderson Email: randerson@fs.fed.us Voice: 503.668.1700

LIST OF QUESTIONS

FOR LISC SITE VISITS

1. Confirm whether site visits have been conducted on all LISC contracts identified for the Area by providing -

A. Current number of contracts listed for Area on your 2010 and 2011 AAP that have been awarded on or before Nov 15.

B. Number of Contracts where no site visit conducted to date (Nov 15)

(1). If a site visit has not been conducted, identify the contract by number, and the reason a site visit has not or was not conducted.

2. Provide information regarding results of site visits by providing (Note - information as provided is assumed to be confirmed in Daily Dairy or other appropriate contract documentation) -

A. Number of contracts where no issues relating to work safety and protection were identified.

B. Number of contracts where an issue relating to worker safety and protection was discovered (ref: FSH 6309.11.3).

(1) Number of contracts where issue corrected

(2) Number of contracts where issue required referral to responsible agency for further action/investigation.

ECONOMIC RECOVERY PROJECTS -- SAFETY INSPECTIONS

1. Confirm whether site visits have been conducted on all LISC contracts identified for the Area by providing -

A. Current number of contracts listed for Area on your 2010 and 2011 AAP that have been awarded on or before Nov 15. 121 Contracts

B. Number of Contracts where no site visit conducted to date (Nov 15). 16 Contracts

(1). If a site visit has not been conducted, identify the contract by #, and the reason a site visit has not or was not conducted.

Project Description	Award Number	Vendor	COR Name	Date Inspected	Not Inspected	Comments
North Umpqua RD Blaze Prescribed Fire: Underburning approx 461 ac.	AG-0489-D-10-0032	GRAYBACK FORESTRY, INC	Bacigalupo, Steve		x	Work delayed until 2011.
Trout/Vulcan Fuels Reduction	AG-0489-C-10-0229	ALVAREZ ENVIRONMENTAL LLC	DAVIS, KELVIN		x	Did not operate in 2010.
Upper Rogue Pile/Burn	AG-0489-C-10-0088	GRAYBACK FORESTRY, INC.	Leonardo, Harold		x	Contract not started yet.
Big Butte Springs Pile Burn 2000 ac	AG-0489-C-10-0099	GRAYBACK FORESTRY, INC.	LEONARDO HAROLD		x	Contract not started yet.
Baptist Camp Pile Burn 200 ac	AG-0489-C-10-0389	Eagle Pass Reforestation, Inc.	Leonardo, Harold		x	Contract not started yet.
Flame pile Burning	AG-0489-C-10-0389	EAGLE PASS REFORESTATION, INC	Leonardo, Harold		x	Contract not started yet.
Upper Rogue Pile Burning, 263 acres	AG-0489-C-10-0389	EAGLE PASS REFORESTATION, INC.	Leonardo, Harold		x	Contract not started yet.
Idaho Cr. Plantation Thinning	AG-0489-C-10-0312	ATHERLY CONTRACTING LLC	LINDSAY, AMANDA		x	Contract not started yet.
TSI - Fuels Reduction #2; Thin/Prune/Handpile; 375 ac	AG-0489-C-10-0071	3 B'S FORESTRY INC	PATTON, DAVE		x	Contract terminated for convenience 05/13/2010.
Canyon 2, 3, 4, 5 and 6 Thin/HP/Burn	AG-0489-C-10-0236	CUTTING EDGE FORESTRY, INC.	PUGH, ROBIN		x	Work not started.
18 Road Hand Pile	AG-0489-D-10-0166	BACKLUND LOGGING	PUGH, ROBIN		x	Work not started.
Baker's Cypress cutting piling and burning	AG-0489-D-10-0071	GRAYBACK FORESTRY	Rolle, Wayne		x	Work was completed in one to two days and COR was unable to be in the field with the contractor when it was completed. CTR does many contracts with the CORs district fire personnel and always have PPE on site. CTRs work was very well done and COR is sure it was done in a safe, professional manner.

[Type text]

PT 13	AG-0489-P-10-0067	ATHERLY CONTRACTING, LLC	MILES, BOB		x	Work on contract has not begun.
PT 17	AG-0489-P-10-0068	AAA THUNDERBOLT FIRE SERVICES	MILES, BOB		x	Work on contract has not begun.
PT 16	AG-0489-P-10-0070	AAA THUNDERBOLT FIRE SERVICES	MILES, BOB		x	Work on contract has not begun.
Opine Beetle Risk #4 (OtisOP-PCT)	AG-0489-C-10-0392	Quicksilver Contracting Co.	Matt Patterson		x	Contract has not yet started.

2. Provide information regarding results of site visits by providing (Note - information as provided is assumed to be confirmed in Daily Diary or other appropriate contract documentation) -

A. Number of contracts where no issues relating to work safety and protection were identified. 99 Contracts

B. Number of contracts where an issue relating to worker safety and protection was discovered (ref: FSH 6309.11.3). 6 Contracts

South Deep TSI and Fuelbreak	AG-0489-C-10-0127	JOI Forest, Inc.	Davis, Kelvin	continuous		Minor PPE problems that were corrected immediately by the Contractor.
Smack TSI	AG-0489-D-10-0121	EVS FORESTRY, INC.	DAVIS, KELVIN	continuous		Minor PPE problems that were corrected immediately by the Contractor.
TSI Verification Exam 2	AG-0489-C-10-0252	WILLIAMSON CONSULTING	GIANNASI, OLIVIA	Jul-Oct 2010		Claim sent to CO NW Contracting. Quality improved, reworks accepted.
Wallowa TSI-Handpile	AG-0489-D-10-0003	MT ST HELENS REFORESTATION	GREETHURST, TOM	continuous		Checked saws at start of contract and watched workers as work progressed. Some workers were observed not wearing eye protection on one occasion; foreman informed of issue and issue was corrected. All saws were good. On one occasion a worker was observed not wearing goggles. Foreman was informed and corrected the issue.
Wallowa TSI-Handpile II - Wallowa Whitman	AG-0489-D-10-0144	Ramos Reforestation	GREETHURST, TOM	continuous		Identified issue regarding sanitation, road warning signs; resolved & no further issues.
Diamond Lake RD Hazardous Fuels Reduction: Thin, prune, pile, chip, and endhaul slash at Diamond Lake & Toketee. Approx 418 acres	AG-0489-C-10-0066	3 B'S FORESTRY, INC	Maier, Brian	continuous		Claim sent to CO NW Contracting. Quality improved, reworks accepted.

(1) Number of contracts where issue corrected. 6 Contracts

(2) Number of contracts where issue required referral to responsible agency for further action/investigation. 1 Contract

TSI Verification Exam 2	AG-0489-C-10-0252	WILLIAMSON CONSULTING	GIANNASI, OLIVIA	Jul-Oct 2010		Claim sent to CO NW Contracting. Quality improved, reworks accepted.
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Interagency Firefighting Crew Agreement, administered by Oregon Department of Forestry

The Interagency Firefighting Crew Agreement, administered by Oregon Department of Forestry (ODF) and utilized by the Federal Agencies, ensures worker protections by enforcing the following policies and clauses:

1. **Work/Rest:** All crewmembers shall be provided a minimum of 1 hour rest for every 2 hours worked (i.e. 2:1 work/rest ratio).

2. **PPE:** All crewmembers are required to have adequate Personal Protective Equipment, for example: boots, hard hats, gloves, fire shelter, and flame resistant clothing.

3. **MSPA:** The Agreement includes the requirements of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), which specifies vehicle safety, housing, and field sanitation requirements.

4. **Service Contract Act:** The Agreement includes the applicable labor classifications, wage determinations, and fringe benefits required under the Service Contract Act.