

Autumn 2015

The COMMUNIQUÉ

*A Publication of the
Oregon Fire District Directors Association*



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Autumn 2015

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Mission Statement

To serve and strengthen through the provision and coordination of timely information, education, and legislation.

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CONTENTS

- 3 President's Message
- 3 District of the Year Award
- 4 The Legal Beagle
- 5 Conference Registration Form
- 6 SDAO Creates Financial Advisory Services Program
- 7 Upcoming Oregon Fire Service Events
- 7 Silent Auction Items for Conference



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OFDDA President's Message

By Mark Kreutzer
OFDDA President



What a summer. Hot, dry and extreme fire danger throughout the state and west coast. I want to thank all of the fire departments that sent resources to help battle the catastrophic fires that have engulfed our drought stricken neighbors. The resources you send to help protect our fellow Oregonian's lives and properties are resources that are unavailable to protect your own Fire Districts.

Senator Wyden made a proposal that certain wildfires be classified as "natural disasters," as are hurricanes, tornadoes and earthquakes. This would allow the utilization of federal funds to pay for fire suppression activities. By utilizing federal funds for fire suppression, this would allow the U.S. Forest Service to use their budget, as planned, to prevent wildfires, through thinning of forests, and burnout operations of existing forest, instead of primarily funding fire suppression activities, as is the current model.

This would help to prevent the catastrophic fires we have seen this summer due to inadequate management of our forests due to budget shortfalls. We will keep our members informed on the status of this important issue affecting local fire districts.

I have been advocating that our Directors be involved with other local elected officials of Special Districts and cities that our Districts may serve or interact with on a daily basis. It is imperative that, as Fire Districts, we work together with our neighboring Special Districts and cities to provide the best service delivery system that maximizes the limited monetary resources that all local governments encounter.

I encourage you to attend Board meetings, City Council meetings and County Commissioner meetings to become better stewards of the Fire Service with our fellow elected officials. I would also encourage you to have your staff or yourselves to become active in local organizations such as Kiwanis, Rotary, and the local Chamber of Commerce, to name a few.

Encourage your employees and volunteers to be active members in their communities, through the various organizations and events that exist, not only to serve the community but also to show that the firefighters care about the citizens they serve outside the Fire District.

Finally, the Oregon Fire Service Conference, November 5-7 in Seaside, is fast approaching. You can register online at the OFDDA website www.ofdda.com. Be sure to book your lodging soon, as the rooms will go fast.

Enjoy the fall, pray for rain, and as always, keep your firefighters safe.

Nominate Your District or a Neighbor for an Award

OFDDA will be presenting the 2015 District of the Year Award at the Oregon Fire Service Conference. The purpose of the OFDDA District of the Year award is to provide a means of sharing information, innovative ideas and the variety of activities taking place throughout the state of Oregon; to give recognition to those in the fire service who have demonstrated progressive achievement; and to benefit all fire districts, regardless of size, location, budget, or number of personnel.

Districts can be nominated by anyone (even themselves) for this recognition. In order to be eligible to receive this award, the nominated district must be a member of OFDDA. Please contact the OFDDA office at 800-223-9708 if you are uncertain about the nominee's membership status or would like more information about the award. Nominations are due by October 22; nomination forms are available in the conference brochure posted on the [OFDDA website](http://www.ofdda.com).

The Legal Beagle: So You Wanna Piggyback?

By Carrie Connelly

[Local Government Law Group](#)

More and more Districts are asking about “piggybacking” onto a prior contract for the purchase of apparatus or equipment without going through a formal solicitation process. This authority was clearly granted by the legislature in 2005, with the adoption of joint, permissive and [interstate cooperative procurement statutes](#) (ORS 279A.210, 279A.215, and 279A.220, respectively).

While it is true that cooperative procurements can save your District time and money by avoiding a formal solicitation process, they are not as easy as some vendors might lead you to believe. Rather, each type of cooperative procurement has its own discrete set of requirements. If not met, a cooperative procurement is not legal. It is best to consult with your District’s attorney early on in the process to ensure the following requirements are met.



Joint Procurements are the least common, as they require coordination between interested purchasing entities at the outset. In addition to requirements similar to those listed, below, the original solicitation and contract must identify the procurement group and/or each participating purchasing contracting agency. Further, it must specify all estimated contract requirements.

In contrast, permissive and interstate cooperative procurements can be used after the original solicitation is issued and the original contract is executed. However, certain technical requirements still must be met under either approach.

Permissive Cooperative Procurements (PCPs) are allowed only if:

- 1) The original solicitation and award process was substantially equivalent to a formal procurement conducted under ORS 279B. (i.e. either a formal, published Invitation to Bid or an RFP).
- 2) Both the original solicitation and contract must allow other contracting agencies to establish contracts or price agreements under the terms, conditions and prices of the original contract.
- 3) The vendor must also agree to extend those terms, conditions and prices to the second purchaser.
- 4) “No material changes” are allowed between the terms, conditions and prices of the original contract and those in the tag-on contract. The fewer changes made from the original contract, the more likely your District will meet this undefined standard of “no material change.” As this standard has yet to be interpreted by any court, it is difficult to know how narrowly or broadly to apply this limitation.
- 5) If the tag-on purchase is over \$250,000, an advertisement of the intended contract must be published. (See, below).

Interstate Cooperative Procurements (ICPs) require the same elements as 1-3, above. Further, your District must either: a) be listed in the solicitation of the original agency as a party allowed to piggy back *and* the original solicitation must have been advertised in Oregon; or b) advertise notice of its intent to establish an ICP.

The notice for both PCPs and ICPs must describe the procurement, its estimated amount and the name of the original contracting agency. It must also provide a time, place and date by which comments may be submitted to your District regarding the intended contract. Publish notice at least once in at least one newspaper of general circulation in the area where the contract is to be performed, at least seven days prior to the deadline for submission of comments. Additional publication is allowed, but not required. Lastly, notice must also be provided to vendors who otherwise might be interested in responding to your District’s RFP or Invitation to Bid, if one were issued.

While these requirements are not terribly onerous, it is surprising how few original solicitations and contracts include the required “magic language.” A number of intergovernmental agencies and purchasing cooperatives aim to solve this

(Continued on page 6)

2015 Oregon Fire Service Conference Registration Form

Please return this registration form to OFDDA (fax 503-364-9919) or register **online** at www.ofdda.com

Name _____ Title _____

Agency _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

Registration Fees: on or before 10/19 after 10/19

Member * ___ \$249.00 ___ \$299.00

Non Member ___ \$299.00 ___ \$349.00

**Member price applies to any personnel who serve or are employed by an agency that is a current member of OFDDA.*

Please call the OFDDA Office at 800-223-9708 if you need to confirm membership.

Morning pastries, lunch, and Vendor Night refreshments are included in the cost of registration. Guest meals (morning pastries and lunch) may be purchased separately.

Guest Meals

I will need ___ guest pastries at \$8.00 each = _____ I will need ___ guest lunches at \$20.00 each = _____

Total Registration Fees & Guest Meals Due \$ _____

PAYMENT OPTIONS (select one):

___ Check enclosed ___ Bill agency listed above ___ Send me a credit card authorization

Breakout Session Selections *(Circle one in each row; sessions open to all attendees.)*

Full program descriptions are available at www.ofdda.com

Thursday, November 5—I will be attending:

1:00 PM LODD Benefits Explained (OR) 1:00 PM Preparing for the Worst Day
3:45 PM OFCA Business Meeting (OR) 3:45 PM OFDDA Business Meeting/Budget Workshop

Friday, November 6—I will be attending:

10:15 AM Background Investigations (OR) 10:15 AM OR Health Authority Inspection
1:30 PM SDAO Current Events (OR) 1:30 PM Planning & Decision Making
3:45 PM OFDDA Business Meeting (OR) 3:45 PM Planning & Decision Making *(cont'd)*

Saturday, November 7—I will be attending:

8:00 AM Oso Landslide (OR) 8:00 AM The Future of EMS in Oregon
10:15 AM Adaptive Leadership (OR) 10:15 AM Communicating to Win

ALL CANCELLATIONS AND REFUND REQUESTS MUST BE MADE IN WRITING VIA FAX, EMAIL, OR MAIL

Cancellations received by October 22, 2015, are fully refundable. Cancellations received after October 22, 2015, are subject to Board approval at its next regularly scheduled meeting and may be subject to a cancellation fee.

Substitutions are encouraged and incur no additional fees.

SDAO Board Creates Financial Advisory Services Program

For 19 years, SDAO endorsed or sponsored financing programs for members through the FlexLease and FlexTRAN programs. In 2014, we had to discontinue this endorsement due to new rules adopted by Congress, particularly the Dodd-Frank Act. We realized this left a void in the benefits that we offer to members and worked diligently to find a solution.

It was determined that to bring back quality managerial and financial advisory services, SDAO would need to manage the program in-house. At the June 18 SDAO Board of Directors meeting, the creation of SDAO Advisory Services, LLC was approved. This is a municipal advisory services corporation that is wholly-owned by SDAO and strictly operated to provide financial advisory services to SDAO members.

SDAO Advisory Services exclusively serves SDAO members. Whether it's for equipment, cash-flow, real property or facilities, SDAO members are able to access information about possible funding options, alternative financing vehicles, and structures in order to fulfill the essential service and use of their district. Advice regarding debt management, debt policy, and financial policy assistance is available; as well as assistance with general obligation bonds, revenue bonds, full faith and credit obligations, refinancing, tax anticipation notes, and any other type of debt financing allowed under Oregon law. SDAO members are also able to receive assistance with development of ballot titles, working with bond counsel, soliciting underwriters or other financial service providers, such as banks, preparation of legal documents, negotiating bond pricing and other financing terms, and monitoring compliance with the new rules and regulations surrounding municipal finance.



2015 Oregon
Fire Service
Conference
Title Sponsor

David Ulbricht, a leading expert in special district finance, serves as the municipal advisor and operations manager for SDAO Advisory Services. He has over 25 years' experience structuring and underwriting the full spectrum of bond issues for school districts, cities, counties, special districts, health care, affordable housing, nonprofits, and industrial development. For many years, he provided a full range of debt management and financial services to SDAO members through the FlexLease and FlexTRAN programs.

Historically, fire districts have utilized the financing program the most of any other special district type. David has assisted with the financing of over \$39,435,000 just in facility improvements and apparatus acquisition through the Flexlease Program. Additionally, he has assisted numerous fire districts on bond issues for fire stations and apparatus outside of FlexLease. To learn more about how SDAO Advisory Services can help your fire district, contact David Ulbricht at dulbricht@sdao.com or 800-285-5461.

The Legal Beagle (continued)

(Continued from page 4)

problem. Their members may piggyback upon various listed contracts which are "guaranteed" to meet all state cooperative procurement requirements. Always double check, however, that all of Oregon's statutory requirements have been met before entering into a contract with any particular vendor.

In conclusion, for those of you going out for formal solicitations, especially for large purchases, consider whether you want the resulting contract terms to be available to other entities. If so, be sure to specifically permit piggybacking within the terms of your solicitation and resulting contract. For those of you assured by a vendor that your District can simply buy its product by piggybacking onto a prior contract, be sure to check with legal counsel before plunging ahead. Lastly, even if all cooperative procurement requirements are met, be sure to carefully review the contract prior to signing on the dotted line. No interstate contract will include all ORS 279B required provisions. Further, the vendor's terms rarely provide sufficient or appropriate protections to the buyer. Make sure the "back" you're jumping on is solid enough to catch you!

Save The Dates—Upcoming Oregon Fire Service Events

Dates	Event	Location	Add'l Info
October 14-16	Oregon Fire Service Office Administrators Conference	Klamath Falls	ofsoa.com
October 20-21	Oregon Fire Marshals RoundTable	DPSST Campus, Salem	ofma.net
November 5-7	Oregon Fire Service Conference	Seaside	ofdda.com
February 4-7	SDAO Annual Conference	Sunriver	sdao.com
March 2-4	Northwest Leadership Seminar	Jantzen Beach, Portland	ofca.org
May 5-6	Northwest Fire Expo	Portland	northwestfirerescue.com
June 15-18	Oregon Volunteer Firefighters Association Conference	Lebanon	ovfa.org

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Columbus, OH 43223 secretary@redknightsmc.com | visit our web site at: WWW.REDKNIGHTSMC.com

“Loyal to Our Duty”

Silent Auction Items for Conference

Don't forget your silent auction items for the Oregon Fire Service Conference. Bring any items you or your district would like to donate to the registration desk—remember all contributions are tax deductible, so let the OFDDA staff know if you would like a receipt for tax purposes.

Proceeds from the silent auction help to fund scholarships for future conferences and OFDDA training events.

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Thank you, VALIC for being a **platinum sponsor** at the
2014 and 2015 Oregon Fire Service Conference!

VALIC is OFDDA's partner and financial advisor for the
Length of Service Award Program (LOSAP) for Volunteers.

Call the OFDDA office at 503-378-0896
for more information about the LOSAP program.