

**EMERGENCY BOARD-UP SERVICES
POLICY AND PROCEDURES
2010**

I PURPOSE

The purpose of this policy is to provide a prompt and efficient means of emergency board up services after hours and other times when there is no responsible party, the responsible party is otherwise unable to respond, or at the request of the responsible party. This policy is also designed to assist in the establishment of a list of approved contractors who may be used by the city on a rotational basis for the purpose of emergency board-up services.

II SCOPE OF POLICY

This policy is enacted for the benefit and convenience of the public and the city. It is designed for equitability among licensed contractors of participating board-up services and to minimize complaints made to the Department of Public Safety by business and property owners.

The emergency board-up and/or otherwise securing of properties shall be provided pursuant to the terms and conditions of an agreement to be entered into by the city and any licensed contractors subject to this policy. The city may enter into multiple such agreements. The purpose of this policy, with respect to such services, is to incorporate licensed contractors into the rotational duty list to establish an equitable means of distributing such calls for service. Such calls shall be assigned under this policy only to State of California licensed contractors who are insured and bonded within the state and have a City of Sunnyvale business license currently on file with the city. Contractors shall be required to provide such services in order to participate in the rotational duty assignments.

Except where inconsistent with the terms of any agreement between the city and a licensed contractor, all terms and conditions of this policy shall apply to such services.

The rotational list and request of licensed contractors is governed by the provisions of the policy. In the event of conflict, this policy shall be subordinate to any contradictory federal, state or local legislation. This policy shall be amended in the event of applicable changes in federal, state or local legislation.

All licensed contractors desiring to participate in this rotational duty assignment list must agree to comply with the conditions in this policy.

III. AUTHORITY

The Director of the Department of Public Safety, and/or his or her designated representative shall be responsible for the implementation and enforcement of the provisions of this policy. His or her decision on any matter shall be final.

IV. GENERAL REQUIREMENTS

- A. The Fire Marshal, or his/her designee, shall create and/or revise a list of qualified contractors as set forth in section VII of this policy.
- B. The Fire Marshal, or a panel of his/her designees, shall review the qualifications and select all contractors who qualify under the terms of this policy.
- C. Approved contractors shall be placed on a rotating callback list maintained by the Department of Public Safety Communications Unit.
- D. Eligible Contractors are required to respond to the scene of an event within 90 minutes of notification. Inability to respond within the required time limit will result in the contractor being placed at the bottom of the rotational list.
- E. Contractors wishing to be placed on the eligibility list shall;
 - 1. Be a currently licensed General Contractor holding a valid “B” license.
 - 2. Obtain, and maintain current City of Sunnyvale business license.

IV. GENERAL REQUIREMENTS (cont.)

E. (cont.)

3. Maintain in force at all times, and on file with the Fire Marshal, during their participation in the program, a certificate of insurance covering its operation(s) and naming the city, its members, employees, agents as additionally named insured.
 4. Maintain in force at all times, comprehensive auto and general liability insurance, and workers compensation insurance; as required by the State of California to maintain a valid "B" contractors license.
- F. Possess and maintain a vehicle containing an inventory of equipment and supplies sufficient to perform services under the program as prescribed by the city.
- G. Shall agree to neither bill, charge or affix fees to the city, its officers, agents, employees or representatives for services rendered under this program. Any remuneration shall come solely from the property owner or companies insuring the affected property, even when performed at the direction of Public Safety.

V. GENERAL CONDITIONS

- A. All participating contractors and its officers, employees, agents, representatives or subcontractors shall indemnify and hold harmless the City of Sunnyvale, its agents, officers and employees from and against all claims, damages, losses, judgments, liabilities, expenses and other costs including litigation costs and attorney fees arising out of, resulting from, or in connection with all program activities.
- B. The participating contractor shall be an independent contractor, and is not an employee of the City of Sunnyvale or any of the member agencies and not authorized to and shall not represent itself as an agent of the City of Sunnyvale or any of its member agencies.

V. GENERAL CONDITIONS (cont.)

- C. Any contractor found to have “jumped a call” or otherwise arrive on the scene of an emergency for Emergency Board Up work without prior request from the City of Sunnyvale Communications Unit will be ordered to leave by the incident commander or his/her designee, and may, be subject to removal from the list.
- D. Placement on the Emergency Board-Up referral list is not a guarantee of being called for service.

VI. SERVICE REQUIREMENTS

- A. Contractors, their agents, representatives and employees entering any emergency scene for repairs at the request of the City of Sunnyvale shall wear proper protective equipment, in accordance with Cal-OSHA safety and health regulations for construction workers (Cal-OSHA, 29CFR1926.28).
- B. Responding contractors shall have, and respond with, an inventory of tools and materials adequate to perform the basic required work.
- C. Contractor services shall include:
 - 1. Board-Up: plywood cover-up of all openings such as doors, windows, vent holes and fire openings to protect and secure the property.
 - 2. Roof Coverings: plastic and tarp cover-up of roof and ceiling openings to prevent in climate weather damage.
 - 3. Debris Removal: the cleanup of debris as required, and the removal of debris from adjacent properties, streets and sidewalks.
 - 4. Fencing: the erection of cyclone or other approved type of fencing as required. (may be sub-contracted)

VII. APPLICATION PROCESS

- A. All licensed contractors who desire to participate in the Emergency Board-Up eligibility list shall prepare and file an application with the Fire Marshal at any time during the month of May to be reviewed for inclusion in the following fiscal year (July through June). The application shall include, but may not be limited to the following:
1. The name of the business, its business address, and telephone Number;
 2. The business owner's name, residence address, and telephone Number;
 3. Evidence of current liability insurance, comprehensive and general liability auto insurance, and workers compensation insurance;
 4. Evidence of a valid "B" contractors license;
 5. Evidence of a current City of Sunnyvale business license.
 6. Such other information as the Fire Marshal may deem relevant and necessary to evaluate the qualification of the applicant.
- B. Applications must be signed and dated by the owner of said business acknowledging agreement to comply with all provisions of the Emergency Board-Up policy. Any contractor who has appropriately applied for inclusion on the Board-Up referral list, but who has not met all requirements by June 30th of the same year, may, at the discretion of the Fire Marshal or his/her designee, have the application cancelled and must then wait for the next application period.
- C. The Fire Marshal will notify the interested contractor, in writing, of his acceptance for placement on the Emergency Board-Up referral list. Any applicant meeting stated requirements shall be approved for inclusion in the Emergency Board-Up rotation; however, the city reserves the right to refuse new applications if, in the opinion of the Fire Marshal, it is in the city's best interest to limit the number of contractors on the Emergency Board-Up rotation list. Approved contractors will be added to the rotation list based on the date the application was received by the Fire Marshal.

VII. APPLICATION PROCESS (cont.)

- D. All accepted applications shall be valid for the following fiscal year (July through June). Emergency Board-Up contractors shall, thereafter, be responsible for annually renewing their placement on the Emergency Board-Up referral list. All renewals and new applications shall be submitted during the month of May, and will be subject to review of the minimum requirements of this policy.

VIII. CAUSE FOR REMOVAL FROM THE LIST

- A. The Fire Marshal may remove a contractor from the Emergency Board-Up referral list if, upon investigation, it is determined that:
1. The applicant failed to respond within the maximum allotted ninety (90) minutes; or
 2. The applicant fails to maintain the requisite California State Contractor license and tools/equipment to operate a Board-Up business; or
 3. The applicant fails to maintain or cannot obtain the minimum required insurance; or
 4. The applicant engages in practices detrimental to the efficient operation of this policy, the operations of Sunnyvale Public Safety department, or its relationship with the public; or
 5. Such other causes exist which, in the discretion of the Fire Marshal, would not be in the interest of the public, the City of Sunnyvale, or the Department of Public Safety.

VIII. CAUSE FOR REMOVAL FROM THE LIST(cont.)

- B. The Fire Marshal shall notify the applicant, in writing, as to removal from the list and shall set forth the cause(s) upon which such removal has been made. The written notification shall be sent, certified mail/return receipt, to the business address listed on said application.

Within ten (10) business days after receiving the written notice of removal, the contractor may submit a request, in writing, to the Fire Marshal for an opportunity to respond to the removal. If such a request is submitted, the Fire Marshal shall notify the contractor of the time and place where such responses may be made. The contractor may then present his/her position and such evidence deemed relevant to the Fire Marshal. Such opportunity shall not be a formal evidentiary hearing. The decision of the Fire Marshal in the case will be final.

- C. The Appellant shall post five hundred dollars (\$500.00) either in cash or cashier's check with the City of Sunnyvale to cover all, or a portion of, the appeal costs. Any and all costs of such appeal will be recovered by the City of Sunnyvale from the appellant when the review finds in favor of the City of Sunnyvale. A full and complete accounting shall be supplied to the unsuccessful appellant with the findings.