



Minnesota Counties Sustainable Forest Cooperative Procedures

LD-CM1		Contractor Management	
Owner: Richard A. Moore	Approver: MCSFC	Version 3	Revision Date: September 9, 2010

Procedure Contents

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Purpose

To establish a framework to manage Land Department relations with contractors to:

Ensure that contractors have the training and resources to comply with sustainable forest management performance and contract requirements;

Communicate requirements to contractors;

Evaluate contractor performance on an ongoing basis to identify opportunities for improving the professionalism and capacity of forestry contractors.

Scope

All operations under a contract and all Field Operators who perform work on lands managed by the Land Department.

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Definitions

Contractor	<p>Any person(s) or company who, in pursuit of independent business enters into a written agreement with the Land Department to:</p> <ul style="list-style-type: none"> • Perform work on Land Department Managed Lands under Contract Of Service with the Land Department; or • Purchases the right to extract a resource from Land Department Managed Lands (for example timber or gravel) under a Resource Sales Contract • Retains the control of the means, method and manner of accomplishing the desired result. <p>But does not include - Engineering consultants, information systems consultants, financial consultants and other consultants who provide mainly advisory services.</p>
Contract Administrator	The Land Department representative responsible for administering timber sale contracts and/or service contracts for other management activities carried out on Land Department Managed lands.
Contract For Service	Agreement entered into with the Land Department to conduct work or provide services on behalf of the Land Department to support forest management activities. Some examples of activities for which might be contracted include road construction, site preparation and chemical application.
Contract Pre-Work Meeting	Meeting between the Contract Administrator and the Field Operator and/or the person who will supervise the Field Operator's work activity on the site to review the Site Plan, the operational and contractual requirements for the work and any special concerns or operational constraints related to the site.
Field Operators	<p>Any person or company conducting actual field activities on Land Department Managed Lands either as the Contractor or Sub-contractor:</p> <ul style="list-style-type: none"> • under a Resource Sales Contract; or • under a Contract For Services.
Land Department Managed Lands	Tax Forfeited and fee lands under the direct management responsibility and control of the Land Department.

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Responsible Operator List List of Field Operators that meet the Land Department requirements and are qualified to bid on County contracts.

Resource Sales Contract Agreement entered into with the Land Department to purchase and extract natural resources from Land Department Managed Lands. Some examples include Timber Sale Contracts and Gravel Sales Contracts.

Significant Non-Conformance Failure(s) to follow Land Department contract requirements that has or could result in any of the following:

- Damage to the environment;
- Endangering the safety of the public, the contractor's employees and/or Land Department personnel; or
- Serious financial or public affairs consequences to the County.

Examples of significant non-conformances include: significant departures from the site prescriptions, trespass, and significant disturbance to a riparian management zone, or excessive site damage.

1. Qualification of Field Operators

1.1 Responsible Operator Requirement

- 1.1.1 A Field Operator may not bid on a contract unless they are on the Responsible Operator List.
- 1.1.2 The Land Commissioner will not approve a contract unless the Field Operator is on the Responsible Operator List.

1.2 Responsible Operator List

- 1.2.1 The Land Department will establish and maintain a Responsible Operator List.
- 1.2.2 A copy of the Responsible Operator List will be located on the SFMS internal web site.

1.3 Field Operator Review Team

- 1.3.1 The Land Commissioner will establish an internal Field Operator Review Team to:
- a) Review and approve Field Operators for addition to the Responsible Operator List; and
 - b) Evaluate performance of Field Operators to assess their continuing suitability to remain on the Responsible Operator List.
- 1.3.2 The Land Commissioner will head the Field Operator Review Team and ensure that the Land Department personnel with the most relevant

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knowledge of field operator performance and field operational requirements participate in evaluation of field operators.

1.4 Qualifying to be on the Responsible Operator List

- 1.4.1 Any person or company may apply to be on the Responsible Operator List.
- 1.4.2 Qualification requirements for the Responsible Operator List are identified in the Responsible Operator Application Form.
- 1.4.3 The applicant will fill out a Responsible Operator Application Form and submit the form to the Land Department
- 1.4.4 Upon receipt of an Application Form the Land Commissioner will bring together a Field Operator Review Team to evaluate the application.
- 1.4.5 The Team may approve an application, reject an application, request additional information or request the applicant to comply with specific conditions as a condition of approval.
- 1.4.6 Where the applicant is approved with conditions, the Land Department may:
 - a) Require the operator to demonstrate that the conditions are met before being added to the Responsible Operator List; and/or;
 - b) Incorporate the conditions into the contract with the Field Operator.

Sub-Contractors

- 1.4.7 A Field Operator may not use a sub-contractor to carry out field operations on County Lands unless the sub-contractor is on the Responsible Operator List and is approved by the Land Department.

1.5 Update of Field Operator Applications

- 1.5.1 To remain on the Responsible Operator List Field Operators must provide up-to-date information to the Land Department.
- 1.5.2 Field Operators will update the information in their Responsible Operator Application as needed.

2. Field Operator Minimum Requirements – Training, Experience and Licenses

2.1 Qualifications

- 2.1.1 All Field Operators must have the appropriate training, experience, licenses and/or certification to conduct the work activities that are the subject of a contract with the Land Department.
- 2.1.2 Qualifications of Field Operators will be documented on the Responsible Operator Application Form.

2.2 Qualification of Field Operators for Timber Sales

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- 2.2.1 Field Operators who purchase a Timber Sale or conduct work for another party on a Timber Sale must have the following minimum training:
- a) Logger education training from a recognized logger education training program or certified logger education training program for at least the owner of the firm and the person who will supervise the logging on Land Department Managed Lands;
 - b)

2.3 Qualification of Field Operators for Chemical Application

- 2.3.1 Field operators who apply chemicals on Land Department Managed Lands must have a valid Pesticide Applicators License.

3. Field Operator Minimum Requirements – Insurance

- 3.1.1 Field Operators must carry the following insurance. Specific information on minimum dollar limits required will be defined in the text of the Contract:
- a) **Workers Compensation** insurance covering all employees meeting statutory limits in compliance with the applicable state and federal laws. The coverage must include Employers' Liability with limits defined in the Contract.
 - b) **Comprehensive General Liability:** insurance with a defined minimum limit per occurrence, Combined Single Limit for Bodily Injury Liability and Property Damage Liability. This shall include Premises and Operations; independent contractors; Products and Completed Operations (if applicable); Contractual Liability; "XC" Hazard Liability (if applicable); Personal Injury Liability; Aircraft and Watercraft Liability (if applicable);
 - c) **Professional Liability:** with defined minimum limits per occurrence and aggregate.
- 3.1.2 No field operator may commence work on Land Department Managed Lands until they show satisfactory proof of insurance.
- 3.1.3 Field Operators must file Certificates of Insurance meeting the required insurance provisions with the Land Department before commencing any field work. Renewal certificates shall be sent to the County 30 days prior to any expiration date.
- 3.1.4 It shall be the responsibility of the Contractor to insure that all subcontracts comply with the same insurance requirements that he/she is required to meet.

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4. Evaluating Field Operator Performance

4.1 Field Operator Performance

- 4.1.1 All field work activities will be inspected by the Land Department in accordance with the procedure LD-MS2 Inspections.
- 4.1.2 Where a non-conformance with Land Department requirements is identified Field Operators will be given a written notice of unsatisfactory performance.
- 4.1.3 The Land Department is committed to working with Field Operators to improve their performance and maintain good working relations with the Land Department.
- 4.1.4 However, where there is a persistent trend of poor performance or where there is a significant non-conformance, the Land Department may take whatever corrective action is deemed appropriate.

4.2 Significant Non-Conformances

- 4.2.1 If as a result of an inspection or other means the Contract Administrator is made aware of a Significant Non-Conformance by a Field Operator, they will file a Corrective Action Request.
- 4.2.2 All Corrective Action Requests related to a Significant Non-Conformance by a Field Operator will be investigated by the Field Operator Review Team.
- 4.2.3 Based on the investigation results the appropriate Review Team may do one or more of the following:
 - a) Require the Field Operator and/or the Land Department to implement appropriate corrective action;
 - b) Invoke any remedy or penalty outlined in the Contract;
 - c) Terminate the Contract;
 - d) Remove the Field Operator from the Responsible Operator List; and
 - e) Take any legal action necessary, up to and including civil and criminal charges.

4.3 Annual Review of Performance

- 4.3.1 Annually, the Review Team will review Field Operator performance.
- 4.3.2 The Review Team will review the results of inspections and any non-conformances in performance.
- 4.3.3 Unacceptable performance may result in the removal of a Field Operator from the Responsible Operator List.
- 4.3.4 Evaluations will be documented in the Review Team Meeting Minutes.

4.4 Disqualification from the Responsible Operator List

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- 4.4.1 Where as a result of the annual evaluation or as a result of a significant non-conformance, the Review Team determines that a Field Operator should be removed from the Responsible Operator List, it will provide written notice to the Field Operator.
- 4.4.2 A Field Operator that is removed from the Responsible Operator List as a result of poor performance may be reinstated to the Responsible Operator List upon demonstrating to the satisfaction of the Land Commissioner that they are willing and able to comply with Land Department requirements.

5. Communication with Field Operators

5.1 Field Operator Forum

- 5.1.1 Annually, the Land Department will hold a meeting(s) with Field Operators to discuss:
- a) Changes in Land Department requirements;
 - b) Areas of performance requiring improvement;
 - c) Emerging issues related to sustainable forest management; and
 - d) Issues of concern to Field Operators.

5.2 Training of Field Operator Employees

- 5.2.1 Field Operators will ensure that any employees and/or the employees of any sub-contractors that work on Land Department Managed lands are trained on Land Department requirements and procedures.

6. Pre-Work

6.1 Requirement

- 6.1.1 The Land Department will conduct a pre-work meeting with all Field Operators who conduct work on Land Department Managed lands or on behalf of the Land Department prior to the commencement of the work.

6.2 Prepare for the Pre-Work

- 6.2.1 To prepare for the pre-work meeting, the Contract Administrator will:
- a) Review the contract, applicable regulations, site prescription, site maps, and any other documents pertaining to the site where the proposed activity will occur;
 - b) Review Work Instructions applicable to the contract;
 - c) Check for any special concerns (such as: special plant communities, wetland areas, dangerous conditions);
 - d) Ensure site is properly delineated in the field prior to the commencement of work activities (see Boundary Marking SOP); and

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- e) Ensure that all information necessary to carry out the contract is available to the Field Operator including site map, site prescription and contract documents.

6.3 Pre-Work Meeting

- 6.3.1 The Contract Administrator will conduct a pre-work meeting with the Field Operator and/or the person who will supervise the activity on County Lands.
- 6.3.2 During the pre-work meeting, the Contract Administrator will review the following:
 - a) Pre-work Checklist;
 - b) Requirements set out in the Project Plan;
 - c) Land Department contract requirements including performance measures;
 - d) Any special issues or conditions (e.g., resource features, sensitive sites, work windows, etc);
 - e) All project documents to ensure permits and approvals are in place;
 - f) Operational logistics (e.g., crew composition, scheduling, transportation, communication, specific machinery, etc.);
 - g) All Work Instructions that pertain to the project;
 - h) All Resource Activity Boundary Marking in the work area; and
 - i) Site map and ensure that boundaries and reserves are clearly noted on the map and understood.
- 6.3.3 The Contract Administrator will walk the site with the Field Operator and/or the foreman and:
 - a) Point out areas of special concern; and
 - b) Agree on the location of landings and skid trails and mark them on the site map.
- 6.3.4 The Contract Administrator will provide copies of all pertinent information to the Field Operator and advise the Field Operator that all field employees must be informed of this information.
- 6.3.5 The Contract Administrator will have the Field Operator or their designee, sign-off on the Pre-Work Checklist that the pre-work meeting was held and all pertinent issues were covered and understood.
- 6.3.6 Contract Administrators will record the Pre-Work Meeting in the Project Planning database.
- 6.3.7 Project plans that affect non-frozen wetlands through draining, filling, or excavation must have a "Contractor Responsibility and Landowner Statement Form" CM1-04 completed by the field operator and filed with the project information.

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