

**MEMORANDUM OF UNDERSTANDING
BETWEEN**

Chubb & Son, a division of Federal Insurance Company

As Manager and/or Agent for the
Member Companies of the
Chubb Group of Insurance Companies,
Including

Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company
Great Northern Insurance Company
Chubb Indemnity Insurance Company
Chubb National Insurance Company
Chubb Custom Insurance Company
Northwestern Pacific Indemnity Company
Executive Risk Indemnity, Inc.
Executive Risk Specialty Insurance Company

(Hereinafter referred to as “**CHUBB**”)

AND THE

Boulder County Sheriff's Office

(Hereinafter referred to as “**BCSO**”)

1. PURPOSE OF THE AGREEMENT

Private insurance companies have established wildfire mitigation services that deploy resources (contractors) to incident scenes to perform pre-suppression activities, such as removal of fuel and creation of a defensible perimeter, setting up roof or perimeter sprinklers, and/or the coating of homes and combustibles with fire-blocking gels. With an ever-increasing number of structures in the urban interface, insurance resources providing pre-suppression activities within restricted areas can have a beneficial impact on structural protection, if the operations are performed professionally and do not interfere with public fire agency resources. Such pre-suppression activities also would have the desired effect of encouraging civilian evacuation; homeowners who feel their property has an additional layer of protection would be more likely to evacuate.

CHUBB has established such a wildfire mitigation service and markets the service as *Chubb Wildfire Defense Services*.

Public fire agencies have legitimate safety concerns regarding the activity of private fire resources in restricted areas. To address these concerns, insurance program resources must be held to the same operational and training standards as public fire agency resources.

This Memorandum of Understanding ("MOU") formalizes the relationship between **CHUBB** and the **BCSO** so that *Chubb Wildfire Defense Services* resources can assist in disaster preparedness by becoming fully integrated into **BCSO's** wildfire response.

2. AUTHORITY

Pursuant to § 30-10-512, C.R.S., the Boulder County Sheriff acts the fire warden and is responsible for the coordination of fire suppression efforts in case of prairie, forest or wildland fires or wildfires occurring in the unincorporated area of the county outside the boundaries of a fire protection district or which exceed the capabilities of a fire protection district to control or extinguish.

Fire protection districts have the authority to control fire incident scenes within the boundaries of their respective districts, and, together with other public agencies, control access to restricted or evacuated areas.

3. ROLES AND RESPONSIBILITIES

CHUBB is a group of affiliated insurance companies lawfully providing homeowners insurance coverage and other forms of property insurance to residents of Boulder County and other property owners throughout the State of Colorado. **CHUBB** retains resources (contractors) to provide wildfire mitigation operations as part of a service **CHUBB** markets to its policyholders as *Chubb Wildfire Defense Services*.

Chubb Wildfire Defense Services resources do not perform structure firefighting and are not wildfire first responders. The operations of these insurance program resources include wildfire pre-suppression activities and limited structural protection, such as fuel mitigation, zone sprinkler systems & the spraying of fire-blocking gels on homes. *Chubb Wildfire Defense Services* resources shall be considered a Cooperating Agency as defined in the NWCG Guidelines.

BCSO is the Agency Having Jurisdiction over fire incidents occurring in the unincorporated areas of Boulder County outside the boundaries of a fire protection district or which exceed the capabilities of a fire protection district to control or extinguish.

4. PREPAREDNESS

As part of *Chubb Wildfire Defense Services*, **CHUBB** will contract with and deploy to fire incidents only resources that are trained, equipped and operate consistent with the NWCG Guidelines and the National Incident Management System. The Chubb Wildfire Defense Service shall deploy either; 1) non-publicly owned Wildland Resources (engines), or 2) if publicly owned, these Resources shall originate from outside Boulder County.

5. COORDINATION DURING EMERGENCIES

Chubb Wildfire Defense Service resources shall place an initial phone call to BCSO Central Dispatch Office and, once an Incident Command Post is established, physically Check In with BCSO at the ICP to provide Submittal Documents (template attached for reference), including qualifications description and mission details (property addresses and supporting mapping). Upon completion of mission, the Chubb Wildfire Defense Service resources shall report to ICP (Liaison Officer or other designated ICP contact) and inform the ICP of the time of de-mobilization from the Incident and confirm to the ICP that Chubb Wildfire Defense Service contractors have accounted for all of their resources.

Chubb Wildfire Defense Services resources will adhere to the protocols outlined in Appendix A, attached hereto and made a part of this MOU. Provided these resources adhere to the protocols, and as fire safety conditions allow, **BCSO** shall permit *Chubb Wildfire Defense Services* resources to operate within restricted or evacuated areas.

Chubb Wildfire Defense Service resources shall utilize programmable radios to meet Federal AG-0343-S-07-9002 Wildfire radio standards/operating frequencies (see below for reference). When arriving on site, Chubb Wildfire Defense Service will physically locate IC for direct communication/coordination and radio check. If ICP is not developed, radio communications will be established using published frequencies from BCSO and radio contact will be established to receive BCSO instructions.

Federal AG-0343-S-07-9002 Radio Standard

The radio must be capable of programming incident frequencies and of operating in the frequency range of 148MHz to 174MHz in the analog wide band (25KHz) and narrow band (12.5KHz) modes or P25 (digital) compliant radios in the frequency range of 138MHz to 174MHz.

6. POST EMERGENCY ACTIVITIES

Chubb Wildfire Defense Services resources will work with **BCSO** and other responding Jurisdictional Agencies to evaluate lessons learned after each incident or proclaimed disaster.

7. PROTECTION OF INFORMATION

Information essential to effective emergency response, such as names and addresses of **CHUBB** policyholders with homes located in restricted or evacuated areas, will be shared by *Chubb Wildfire Defense Services* resources with **BCSO**. **BCSO** recognizes the sensitive and proprietary nature of such information and agrees to protect it to the extent permitted by law.

8. NO CREATION OF RIGHTS OR LIABILITIES

No legal rights, obligations, employment relationship or contract for services are created between the **BCSO** or Boulder County and **CHUBB** as a result of entering into this MOU. Nothing in this MOU shall be deemed to be a waiver of any rights or defenses available to BCSO under the Colorado Governmental Immunity Act, § 24-10-101, *et seq.*, C.R.S.

9. TERM

This MOU shall remain in effect until such time as either party to the agreement terminates their participation by providing written notice to the other party.

10. SIGNATURES

Boulder County Sheriff's Office

By: _____

Printed Name: Joseph K. Pelle

Title: SHERIFF

Date: 04/28/10

**Chubb & Son, a division of
Federal Insurance Company**

By: _____

Printed Name: Scott R. Spencer

Title: Sr. Vice President

Date: 5/19/10

Appendix A

Insurance Resource Protocols

1. All insurance resources must respect the decision of the AHJ/IC as they are the final decision makers in the command, control, liability and safety of the incident.
2. The AHJ/IC and law enforcement have complete authority and legal right to control an emergency incident. Private resources are not first responders and are completely subject to the directions and limits set forth by public safety agency personnel. The insurance resources have no claim or stake in unified command and do not have any role in incident command.
3. Insurance program resources shall provide a representative that reports to the Incident Commander or the Liaison Officer (or AHJ designated representative) and can communicate with their insurance program resources.
 - a. This representative shall attend all planning and operational briefings and shall be available to represent said the insurance program resources in regards to qualifications and specific interests to be involved, etc.
 - b. Insurance resources are responsible to communicate their location and movements through the resource representative to the Incident Commander/Liaison Officer/AHJ.
 - c. Failure to notify the Incident Commander/Liaison Officer/AHJ of the location or movement of insurance resources could subject them to removal from the incident.
4. Insurance resources shall check-in with the Incident Commander/Liaison Officer (or AHJ designated representative) immediately upon arrival at a fire scene.
 - a. Insurance resource representatives shall provide the Incident Commander/Liaison Officer with evidence of qualifications and certification of personnel to NWCG 310-1 standard and of engines and equipment approved and equipped to NWCG and Region 1 Best Value Contracting standards or equivalent.
 - b. Insurance resource representatives shall provide the Incident Commander/Liaison Officer with a list or map of known insured properties within the restricted areas.
 - c. Upon request, the insurance resource representative shall provide the Incident Commander/Liaison Officer with proof of insurance for workers' compensation, general liability and motor vehicle coverage for each vehicle.
5. The Incident Commander/Liaison Officer (or AHJ) must authorize access to any community under evacuation/restriction prior to deployment of an insurance resource within a restricted emergency area. Access should be granted only to qualified insurance resources meeting standardized training qualifications, such as NWCG 310-1.
6. Insurance resources shall be permitted within evacuation zone or emergency area to respond only to their insured properties and will follow all Incident Command orders in regard to safety, tactics and coordination with adjacent resources.

Vendors trying to sell or freelance their services to homeowners during an incident should be excluded from, or removed from, the incident.

7. Insurance resources must be able to monitor incident radio traffic so they maintain situational awareness and know when an area is being evacuated/restricted.
8. Insurance resources should focus their activities on pre-fire activities and pre-treatment of values-at-risk in those areas where they have received Incident Commander/Liaison Officer authorization to enter and/or those areas not under evacuation orders.
9. Insurance resources operating in evacuated areas assume full responsibility for the safety of their resources, personnel and equipment.
10. All engines and equipment owned and operated by insurance resources shall not be marked on the outside of the vehicle so as to appear to be a public fire resource.

Example Template for Incident Specific ICP Submittal



Wildfire Defense Systems



**Chubb Wildfire
Defense Service
Incident Submittal Package**

Submitted To:

Boulder County Sheriff Office.

Submitted By:

Wildfire Defense Systems Inc.
P.O. Box 2269
Red Lodge MT 59068

Operations Center Phone: 406 282-7104 ext. 2

Date:

Response Component

WDS and Operation Center locations include Montana and California. These Operations Centers utilize Internet based fire intelligence sources, local news, policyholder reporting and other available sources to monitor current fire activity. The client location in relationship to the fire activity is evaluated. A determination is then made to assess if a response is warranted. Resources may be dispatched to the homeowner's property when a wildfire threatens an enrolled Chubb Wildfire Defense Service_policyholder property or a civil authority initiates an evacuation order as a result of an approaching wildfire.

If access to the incident is granted, once on scene the enrolled property is assessed and prepared for possible fire encroachment. Policyholders are encouraged to obey all evacuation requests/orders. If time allows, debris is clean and cleared from the home or structure. The Chubb Wildfire Defense Service utilizes all available Wild land Engine based technologies and apparatus including application of Thermo-Gel fire blocking gel. Clean up is handled as necessary.

- Services: Pre-suppression and structure protection activities performed in accordance with the training, safety and operational requirements defined in the USFS Fire line Handbook (NWCG Handbook #3, PMS410-1) and the USFS Incident Response Pocket Guide (PMS#461), as well as other state and local requirements. This is not a first responder service; rather, work will be performed in support of local, state and federal responders. Pre-Suppression defensive measures may include emergency fuel mitigation, zone sprinkler system setup, fuel break preparation and fire blocking gel application.
- Coordination with Incident Command: Operate under site Incident Command established by Municipal Fire Departments, State or Federal Wildfire Agencies.
- Radio communication capabilities include radio cloning to meet IC communications needs.

Chubb Wildfire Defense Service Resource Standards and Qualifications

This policy will provide the frame work for cooperation that will enhance the mission of both parties, providing for firefighter and public safety first.

Standards

Minimum Personnel Qualifications:

- NWCG 310-1 National Standard
- Personnel carded at appropriate ICS position
- Contractor to provide access to online database or Federal Contracting Personnel Training verification so Agency Personnel can verify training and certifications. Verification shall consist of Federally Approved online Databases sources or approved regional authorized MOU Training and Certification Provider.
- All personnel to wear required Personal Protective Equipment
- Crews will be logistically self-sufficient

Equipment Standards

- All Engines and Equipment to hold current Annual Federal Inspection and/or under current Federal Best Value, EERA Contract or equivalent.
- Engines NWCG approved and equipped to meet Region 1 Best Value Contracting standards.
- All OES items required for local agency type 3's
- Mobile and Portable radios that are compatible with Federal, State and Local agencies These radios shall have the ability to be field programmable

Communications:

- Advise agency when en route and/or in the area of the incident
- Insurance resources will monitor agency frequencies
- Responsible jurisdiction & incident command teams provide communication plan during incidents
- Will provide liaison between Incident Command team & Liberty Mutual resources. This contact will include a list of all resources working in the area, properties affected and what level of pre-suppression activities has been initiated. A determination will be made by the IC on who theses resources will contact during the incident.
- Insurance: The contractor must have insurance certificates for liability, auto and work comp in a folder in each Engine and available for Inspection.

Protocol

- Upon arrival to an incident base the Company Representative will check in with Agency Liaison.
- Provide Agency Liaison with check in form, if needed.
- Photo Identification, Fire Qualification card for all personnel (to be retained by Personnel) Vehicles identification, Mechanical inspection, weight slips and certification of insurance. This information will be available in a small binder or folder on each Engine.
- The Company Representative will provide Agency Rep, Operations or Incident commander with response property address.
- Representative will attend briefings and receive incident action plan.
- Resource will make communication with Division /Group supervisor as situation requires.
- Any actions taken and all intelligence gathered will be recorded.
- If Gel is applied a placard will be placed at the address with all info detailed.
- In the event that clients are not within defined division boundary Intelligence info will be reported to Agency Liaison.
- In the event of imminent threat action will be taken following all established safety standards.

Threatened Insurer Policyholder Address List *(Inserted for specific incident)*

Mapping of Locations *(Inserted for specific incident and attached hereafter)*

Wildfire Defense Systems Resources On Site

Incident:

Resource Order:

Descriptive Location	Project	Preseason Agreement #	On Site Manager and Phone # 530 927-7959	Subcontractors Name and Phone # 530 898-8153	Ordering Office or Field Rep
					WDS 406 282-7104

<i>Resource Requested</i>	<i>Order Date</i>	<i>From</i>	<i>To</i>	<i>Needed Date/Time</i>	<i>Deliver To</i>	<i>Assigned Date/Time</i>	<i>Estimated Time of Departure</i>	<i>Estimated Time of Arrival</i>	<i>Release Date</i>
		WDS-OPS							

<u>LAT</u>	<u>LONG</u>
TWN	RNG SEC

Documentation: