

SB854 AND PORTABLE FIRE EXTINGUISHER SERVICE

Senate Bill 854 passed in 2014 and requires that contractors who bid and perform public works projects over \$ 1,000 must register with the California Department of Industrial Relations (DIR). There are other requirements associated with the new law, including the submittal of certified payroll by the awarded contractor.

It is our understanding that maintenance and repair, as well as new construction and installation bids, are subject to these new requirements. What was not clear was whether portable fire extinguisher service would require registration and payroll reporting.

To get clarity, CALSAFE sent a request to DIR on the specific issue of servicing portable fire extinguishers. The email exchange is shown on the next page. CALSAFE is happy to report that DIR has determined that the servicing of portable fire extinguishers **would not** trigger either the registration process or the submission of certified payroll.

If you receive a bid to quote on portable fire extinguisher service and the public entity is not clear if the bid triggers the SB854 requirements, you may provide a copy of this letter that clarifies the DIR's position. If you have a bid that mixes both portable fire extinguishers, which *is not* a part of the SB854 registration requirements, and fixed fire extinguishing systems, such as a commercial kitchen system, *which is* subject to the requirements, you should recommend that the bid request be separated so the portable fire extinguisher service may be bid without the SB854 requirements.

From: Julianne Broyles
Sent: Wednesday, February 18, 2015 11:27 AM
To: Darrell Hefley; Randy Dysart
Subject: FW: Question regarding Portable Fire Extinguishers -best answer possible

Hi Darrell and Randy - Excellent news: The answer is no, the servicing, inspection and maintenance of portable fire extinguishers is not covered by SB 854 registration. See below. Best, Juli

-----Original Message-----

From: Rood, Eric@DIR
Sent: Wednesday, February 18, 2015 9:14 AM
To: Julianne Broyles
Subject: FW: Question regarding Portable Fire Extinguishers

Julianne,

If the company is only servicing the portable fire extinguishers, this does not trigger public works and would not trigger the registration process. Have a great day.

Eric

-----Original Message-----

From: O'Mara, Gary@DIR
Sent: Wednesday, February 18, 2015 8:48 AM To: Rood, Eric@DIR
Subject: RE: Question regarding Portable Fire Extinguishers

no

From: Rood,
Eric@DIR
Sent: Tuesday, February 17, 2015 4:53 PM
To: O'Mara, Gary@DIR
Subject: Fwd: Question regarding Portable Fire Extinguishers

From a coverage perspective, would the servicing of the fire extinguishers themselves be considered public works?

Sent from my iPhone
Begin forwarded message:

From: Julianne Broyles
Date: February 17, 2015 at 4:40:01 PM PST
To: Eric@DIR
Subject: Question regarding Portable Fire Extinguishers

Hi Eric - I had called you a week or so back regarding the issue of portable fire extinguishers from one of my clients, CALSAFE, the California Association of Life Safety Equipment has about them in relation to SB 854. Their question centers on the issue of service contracts for inspecting, testing and maintaining these portable fire extinguishers (which is regulated by the Office of the State Fire Marshall). A Portable Fire Extinguisher is not permanently attached to the building and is frequently placed in a cabinet or on a wall hook (bracket). Also, many times the Portable Fire Extinguishers are gathered by a building manager and placed in one location to be serviced.

The question is whether a service contract for the inspection, testing and maintenance of portable fire extinguishers for a public entity is covered by the requirements of SB 854?

I believe the answer is "no, not covered" because I thought this type of contract is similar to a service contract for a copier or a water cooler, but I wanted to check with you on this one.

My thanks for looking at this - best, Juli

Julianne Broyles
California Advocates, Inc