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Report to Congressional Requesters

October 2002

DEFENSE INFRASTRUCTURE

Fire Protection at Philadelphia Naval Business Center Meets Response Standards

GAO-03-20

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G A O
Accountability * Integrity * Reliability

United States General Accounting Office
Washington, DC 20548

October 29, 2002

The Honorable Solomon P. Ortiz
Ranking Minority Member
Subcommittee on Military Readiness
Committee on Armed Services
House of Representatives

The Honorable Robert A. Brady
House of Representatives

When the Department of Defense closed military installations as part of the base realignment and closure process and transferred properties to public and private ownership, it in some cases retained a portion of an installation as a military enclave. During this process, legal jurisdiction over an enclave may be transferred from the federal government to the local government. Such a transfer may incorporate provisions for fire protection and other services by local and state governments. Because of your concerns about the adequacy of fire protection at the federal enclave located on the former Naval Shipyard and Naval Station in Philadelphia, Pennsylvania, now called the Philadelphia Naval Business Center, we conducted this review. Our overall objectives were to determine (1) who provides fire protection services for the Navy-retained property in Philadelphia and how this fire protection compares with that at other closed military bases where some property was retained by the Department of Defense; (2) how the level of fire protection services at the business center measures up to that provided elsewhere in the City of Philadelphia; and (3) what the future prospects are for changing the way fire protection is provided at the Navy's enclave.

Results in Brief

A federal fire-fighting service provides fire protection services at the Navy's enclave located at the Philadelphia Naval Business Center. This is one of three military enclaves, formed during the base closure and realignment process, which is still protected by federal firefighters. Twenty-four other military enclaves were converted from federal to local fire protection during the base closure process. The Navy retained a federal fire-fighting force at its enclave at the Philadelphia Naval Business Center because the Commonwealth of Pennsylvania did not respond to the Navy's request to change the jurisdiction of the Navy-retained land. The Navy sought to change the jurisdiction from exclusive federal to proprietary to provide uniform fire and police protection over the business center and the Navy's enclave there.

The level of fire protection at the Philadelphia Naval Business Center is similar to that available elsewhere in the City of Philadelphia, but the arrangements for providing that protection differ. If a fire occurs on non-Navy property within the business center, both the Navy and the Philadelphia fire departments will automatically respond to the call, with the Navy as the first responder. However, if the fire is located on Navy-owned property at the business center, only Navy firefighters will automatically respond to the alarm. If they need additional fire-fighting assistance, they must first call the city fire department, which will then send assistance. These arrangements are the result of a mutual aid agreement the Navy and the City of Philadelphia signed in March 2000 that is up for renewal in March 2003. According to Navy officials, the agreement enables the Navy to meet the Department of Defense's and the Navy's fire response standards. In the 29 months since the agreement was signed, the Navy's fire department has requested assistance from the Philadelphia Fire Department for one fire, but the Navy has responded to 25 fire requests at non-Navy property within the business center. Both city and Navy fire department officials told us they have found the agreement beneficial and they expect to renew it.

As private development at the Philadelphia Naval Business Center continues, the fire protection arrangements are expected to be reassessed. The Commissioner of the Philadelphia Fire Department told us that, as development at the business center continues to increase, his office will need to reevaluate the location of city-owned fire stations in the area around the business center. This reevaluation could provide an opportunity for the Commonwealth of Pennsylvania, the City of Philadelphia, and the Navy to reassess jurisdictional issues and the need for a separate fire department to service the Navy's enclave.

In commenting on a draft of this report, the department concurred with the results.

Background

To enable the Department of Defense (DOD) to close unneeded bases and realign others, Congress enacted base realignment and closure legislation that instituted base closure rounds in 1988, 1991, 1993, and 1995.[1] In some

[1] The 1988 round was completed under the Defense Authorization Amendments and Base Closure and Realignment Act (P.L. 100-526). The last three rounds were completed under the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510).

cases, DOD retained some of the property and created military enclaves on closed installations.

Generally, as part of the base closure process, DOD prefers to change the jurisdiction of the property that it has retained from exclusive federal to proprietary jurisdiction.[2] Under exclusive federal jurisdiction, the federal government is responsible for providing all municipal services and enforcing federal laws. The state and local governments do not have any authority or obligation to provide municipal services under this type of jurisdiction, except under mutual support agreements. Under proprietary jurisdiction,[3] the federal government has rights—similar to a private landowner—but also maintains its authorities and responsibilities as the federal government. Under this type of jurisdiction, the local government is the principal municipal police and fire authority.

Following the decision to close the installations in 1991, the Naval Shipyard and the Naval Station in Philadelphia were officially closed in September 1995 and January 1996, respectively. In March 2000, the Navy transferred 1,180 acres of the property to the Philadelphia Authority for Industrial Development, the local redevelopment authority. The Navy retained exclusive federal jurisdiction over about 270[4] acres as a military enclave. As a result, the Navy is responsible for providing all municipal services, including fire protection, in this enclave. Similarly, the City of Philadelphia and the Commonwealth of Pennsylvania maintain jurisdiction over the 1,180 acres that were transferred. The federal government has no jurisdiction over this land. Together, the Navy-retained and Navy-transferred property is called the Philadelphia Naval Business Center.

The Navy's 270-acre enclave in Philadelphia is made up of several distinct noncontiguous areas separated by the transferred acreage. (See app. I for a map and an aerial photograph of the enclave.) The Navy retained 67 buildings that house more than 2,300 civilian, contractor, and military

[2] Two other types of jurisdiction exist. Under concurrent jurisdiction, federal and local agencies provide services and enforce both federal and local laws, respectively. Under partial jurisdiction, the local government retains all legislative and judicial authority not ceded to the federal government.

[3] Proprietary jurisdiction over property is also sometimes described as having a proprietary interest in the property. We use the two interchangeably.

[4] About 162 acres are on land and 108 acres are submerged at the enclave's reserve basin.

employees. The majority of the Navy's employees—about 1,800—work in about 47 office buildings. The remaining 500 Navy employees work at industrial or maintenance activities, including the Naval Foundry and Propeller Shop; a hull, mechanical, and electrical systems test facility; and a public works center. The enclave also includes a reserve basin that is used as a docking area for about 38 Navy inactive ships.

In contrast, the non-Navy part of the business center includes about 45 private firms with approximately 2,500 employees. This part is being developed by the Philadelphia Industrial Development Corporation, the City of Philadelphia's private economic development corporation. The corporation is authorized by the local redevelopment authority to attract private business to the Philadelphia Naval Business Center, a business and industrial park that is undergoing redevelopment utilizing the 1,180 transferred acres.

The Navy facilities are protected by a federal fire service consisting of 26 personnel[5] and 2 fire engines[6] located on the enclave. The Navy estimated that the cost was $2.5 million to operate the federal fire department at the enclave during fiscal year 2001.

The City of Philadelphia is responsible for providing fire protection services to private development on non-Navy property at the business center. It is also responsible for providing additional fire protection to the Navy facilities according to a March 2000 Mutual Aid Assistance Agreement. The agreement was signed by both Navy and City of Philadelphia officials, and it is intended to provide additional fire equipment and firefighters to respond to fires and other emergencies on each other's property at the business center. (See app. II for a copy of the agreement.) Although not specified in the agreement, enclave command officials and Navy and city fire department officials told us that in practice, the Navy firefighters are first responders to all fire alarms at the business center—on both Navy and non-Navy property. The city fire department automatically responds to fire calls on non-Navy property at the business center; it responds to a fire on Navy property if it is called by the Navy fire department.

[5] The Navy fire service is authorized 29 staff, but 3 positions are currently vacant. The Navy's intent is to fully staff the fire service.

[6] The Navy fire service also has a reserve engine that is not staffed.

The DOD Fire and Emergency Services Program[7] provides policy that governs fire protection at military installations. The policy states that the first arriving fire apparatus shall meet a travel time[8] of 5 minutes for 90 percent of all alarms and that the remaining apparatus shall meet a travel time of 10 minutes for all alarms. The policy also states that the initial response to a fire will be two engine companies and one ladder company but that another engine company may replace the ladder company. The number of full-time fire and emergency service personnel and equipment needed to meet these standards at any installation may depend on the extent to which equivalent forces are available from outside sources. The DOD policy encourages installations to enter into reciprocal agreements with local fire departments for mutual fire and emergency services to meet these standards. Navy policy[9] mirrors that of DOD.

The Navy considers a number of factors, including the strategic importance, the criticality to the overall Navy mission, the degree of fire and life safety hazards, the value of facilities and equipment, and the availability of outside support, in determining fire protection requirements at each installation. Using these criteria, the federal enclave at the business center is required to have a fully staffed on-site federal fire-fighting force; however, some of the fire-fighting force may be satisfied by city assets based on a mutual aid agreement.

Most Enclaves Rely on Local Rather Than Federal Fire Protection

Today, according to military service base realignment and closure officials, federal firefighters operate at only 3 of the 27 federal enclaves that were created at closed Navy, Army, and Air Force installations (see table 1).

[7] DOD Instruction 6055.6.

[8] Travel time is defined as the amount of time it takes a fire apparatus to travel from the fire station to an emergency incident.

[9] Operations Navy Instruction 11320.23F, April 25, 2001.

Table 1: Fire Protection Services at Federal Enclaves Created at Closed Installations

Service	Closed installations with federal enclaves	Number with fire protection provided by Federal firefighters	Local firefighters
Navy	3	1	2
Army	14	1	13
Air Force	10	1	9
Total	**27**[a]	**3**	**24**

[a]Other military enclaves receive fire protection from local firefighters, but they had local fire protection services before the installation closed.

Source: DOD data.

The enclave at the former Philadelphia Naval Shipyard and Naval Station is the only Navy enclave where a federal fire protection presence remains. According to Navy officials, federal fire protection was retained because the Commonwealth of Pennsylvania did not respond to the Navy's request in 1999 to change the jurisdictional status of the property from exclusive federal to proprietary jurisdiction in anticipation of the Navy transferring the ownership of excess land. In its April 1999 letter to the governor of Pennsylvania requesting the change, the Navy stated that such a change would provide uniform jurisdiction over the business center and the Navy's enclave there. In addition, Navy officials told us that the change would mean that the City of Philadelphia would have been responsible for providing all municipal services such as fire and police protection.

The Navy's two other enclaves—the former Charleston, South Carolina, and Long Beach, California, shipyards—receive fire protection services from the local communities.[10] A Navy official told us that the land at the former Charleston and Long Beach shipyards had already been designated as concurrent jurisdiction before they were closed, so the Navy did not have to request a change in designation. In addition, local governments agreed to provide fire protection to the federal enclaves at both former shipyards.

Like the Navy, the Army retained federal firefighters at only one of its federal enclaves. The remaining 13 Army enclaves are protected by local community firefighters. According to an official in the Army's Base

[10] The enclave at Charleston consists of 26 acres and 15 buildings and the enclave at Long Beach consists of 15 acres and 4 buildings.

Realignment and Closure Office, a federal fire-fighting force was retained at the enclave created when Fort Ord, California, was closed in order to provide fire protection for a 1,600-unit housing complex and other community support facilities, such as a military exchange and commissary. Before Fort Ord closed, the installation was under exclusive federal jurisdiction, but now the enclave is under concurrent jurisdiction. According to an Army base realignment and closure official, most of the other 13 Army installations changed from exclusive federal to proprietary jurisdiction.

The Air Force also retained federal firefighters at only one of its enclaves while local firefighters provide fire protection at nine other Air Force enclaves. According to the Air Force's Fire Protection Program Manager, a federal firefighter force was maintained at the enclave created when Grissom Air Force Base, Indiana, was closed to support the substantial flying mission that remained. Before the installation was closed, most of the land at Grissom, which is now an Air Reserve Base, was under exclusive federal jurisdiction, while a smaller portion was under proprietary jurisdiction; currently, all of the property at Grissom is under proprietary jurisdiction. The other nine Air Force enclaves are also under proprietary jurisdiction, although five had exclusive federal jurisdiction and two had a mix of exclusive and proprietary jurisdiction before the installations were closed.

Fire Protection at the Business Center Is Similar to That Provided Elsewhere in Philadelphia

The level of fire protection at the business center is similar to that available elsewhere in the City of Philadelphia, but the arrangements for providing that protection are different. When a fire occurs on non-Navy property within the business center, both the City of Philadelphia Fire Department and the firefighters from the Navy's enclave automatically respond to the call. When a fire occurs at the Navy's enclave at the business center, only the Navy firefighters automatically respond to the alarm. If they need additional fire-fighting help, they must first call the city fire department, which will then send assistance. This mutual assistance is part of the agreement between the Navy and the City of Philadelphia, which Navy officials state enables them to meet DOD's and Navy's fire response requirements.

Senior Philadelphia city fire department officials told us that they respond to alarms in the city or within the city-owned parts of the business center with a minimum of 2 engines, 2 ladders, and 19 firefighters. They noted that none of their 61 fire stations have the full complement of equipment and firefighters needed for the minimum response but that they rely on

support from other fire stations throughout the city. Similarly, the Navy's fire department at the federal enclave in the business center does not have—on its own—the full complement of equipment and firefighters needed for a minimum response as specified in DOD and Navy policy. However, the Navy's fire department is able to meet DOD's and Navy's standards through its agreement with the City of Philadelphia. According to the Philadelphia Fire Commissioner, when the city responds to a request for assistance from the Navy, the city fire department would not necessarily respond with a ladder truck but with enough equipment and firefighters to bring the responding assets up to the city's minimum standards. This is especially true when the call involves an emergency other than a fire.

A Philadelphia Deputy Fire Commissioner estimated that the response time for an engine company from the nearest Philadelphia city fire station to the main gate of the business center would be just under 7 minutes and that the response time from the nearest ladder company would be less than 11 minutes. He also said that it would take additional time to get from the main gate to various parts of the Navy's enclave. According to a study performed by the International Association of Firefighters,[11] the first Philadelphia Fire Department ladder truck would arrive at the main gate of the business center in about 5 minutes and 55 seconds. Navy officials said that the Philadelphia Fire Department's response times meet the current DOD and Navy response criteria—10 minutes for subsequent arriving vehicles—assuming the city fire department is arriving after Navy firefighters have already responded to the alarm.

The Navy's fire department has responded to more than 300 calls each year during the last 2 full years, and it is on track for responding to more than 300 calls in 2002. These calls included fire emergencies, emergency medical service (EMS) requests, rescues, natural gas leaks, hazardous materials incidents, standby fueling operations, and alarms with no fire. During this same period, Navy data indicate the enclave's firefighters have responded to a total of 41 fires, 16 of which were on the enclave.

From the time that the agreement was signed in March 2000 to September 2002, 29 months later, City of Philadelphia firefighters responded to one

[11] International Association of Firefighters, *Philadelphia Naval Shipyard Federal Fire Department (NAVSSES): Feasibility Study on the Use of Philadelphia City Fire Apparatus to Comply with Department of Defense Instruction 6055.6 Fire Apparatus Deployment Requirements* (Philadelphia, Pa.: June 21, 2002).

fire call on the Navy's enclave as part of the agreement. They also responded to 39 EMS calls and 4 other calls at the enclave during the same period. Table 2 shows the number of fire, EMS, and other responses that the Navy and the City of Philadelphia conducted under their mutual aid agreement.

Table 2: Navy Fire, EMS, and Other Calls and Mutual Aid Responses by the Navy and the City of Philadelphia, 2000 to 2002 (as of September 4, 2002)

		City aid to the Navy			Navy aid to the city		
Calendar year	Total number of Navy fire and emergency calls	Fire	EMS	Other	Fire	EMS	Other
2000	320	1	16	1	7	39	23
2001	363	0	10	3	10	55	17
2002	219	0	13	0	8	56	14
Total		**1**	**39**	**4**	**25**	**150**	**54**

Source: Navy fire department on the business center.

On the other hand, during the same period, the Navy fire department responded to 25 mutual aid fire calls on non-Navy property at the business center. It also responded to 150 EMS and 54 other calls on non-Navy property. Both Navy and Philadelphia city fire department officials told us that they have found the agreement mutually beneficial and that they expect to renew the agreement in March 2003.

Future Development Could Affect Existing Arrangement for Fire Protection

According to city fire department officials, future economic development at the business center is expected to require a reassessment of fire protection services provided by the City of Philadelphia. Currently, about 45 private tenants with about 2,500 employees are housed in 47 buildings located on non-Navy property. However, the development corporation plans to add additional office space at the business center over the next several years. For example, a 43,000-square foot building directly across from the Navy command building is under renovation; when it is completed in early 2003, it will provide office space for about 150 people. In addition, the development corporation plans to provide an additional 800,000 square feet of office space over the next 8 years. According to the Philadelphia Fire Department Commissioner, as development in the business center continues to expand, his office is expected to reevaluate the location of fire stations located near the business center. This reevaluation could provide an opportunity for the Commonwealth of Pennsylvania, the City of Philadelphia, and the Navy to reassess

jurisdictional issues and the need for a separate fire department to service the Navy's enclave.

A recent development underscored the possibility of change in fire protection at the business center. In August 2002, the development corporation announced that a developer plans to build 230 private homes on land outside the main gate of the business center. A Philadelphia Deputy Fire Commissioner stated that the city would need to reconsider fire protection for this area once the planned development was completed.

Conclusions

At the time of the transfer of excess land at the former Philadelphia Naval Shipyard and Naval Station to the redevelopment authority, the Navy tried unsuccessfully to change the jurisdiction of the 270-acre enclave it retained from exclusive federal to proprietary. This jurisdictional change would have been similar to what occurred at most other military enclaves created during the base closure and realignment process. According to Navy officials, such a change would have provided uniform jurisdiction over both the non-Navy property and the Navy-owned enclave at the business center. This change would have given the City of Philadelphia responsibility for providing all municipal services, including fire protection, at the business center. Instead, the jurisdiction at the Navy-owned enclave remains exclusively federal, and the Navy spends about $2.5 million annually to retain its fire department there. As private development at the business center and in its immediate vicinity continues to grow over the next few years, the business center's fire protection arrangements may have to be reevaluated. Philadelphia Fire Department officials told us they recognize they will need to reevaluate the way fire protection is provided at the business center. This reevaluation could provide the Commonwealth of Pennsylvania, the City of Philadelphia, and the Navy with an opportunity to reconsider the jurisdictional issues and reassess the need for a separate Navy fire department to service the Navy's enclave at the business center.

Agency Comments

In commenting on a draft of this report, the Deputy Under Secretary of Defense (Installations and Environment) concurred with the report. DOD's comments are included in this report as appendix III.

Scope and Methodology

We conducted our work at the Office of the Director Navy Fire and Emergency Services and Base Closure Office, the Naval Facilities Engineering Command in Washington, D.C., the Ship Systems Engineering Station and the Fire Department, the Philadelphia Naval Business Center, the Philadelphia Fire Department, and Philadelphia Industrial Development Corporation. We also did work at the Army's Base Realignment and Closure office, the office of the Assistant Chief of Staff for Installation Management, and the Air Force Base Conversion Agency.

To determine how fire protection services at the business center compared with those at other federal enclaves created under base closure, we reviewed the 1988, 1991, 1993, and 1995 base realignment and closure reports and identified where DOD retained property on closed installations. We analyzed information from the Army and Navy base closure offices and the Air Force Base Conversion Agency on how fire protection was provided at the retained federal property on closed installations and on the jurisdiction at the installations prior to and after closure. We reviewed DOD and Navy guidance regarding the staffing and equipping of fire departments.

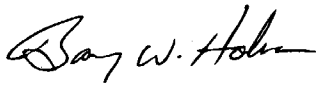
To determine how fire responses at the business center compared with those elsewhere in the City of Philadelphia, we interviewed the Commissioner and two Deputy Commissioners in the Philadelphia Fire Department to obtain information on how city firefighters respond to fire alarms in the City of Philadelphia and on the business center. In addition, we interviewed the Chief and the Assistant Chiefs of the Navy fire department to determine how Navy firefighters respond to fire alarms on Navy and non-Navy properties within the business center and we analyzed Navy fire department workload data. We also analyzed response time information provided by the Navy and the Philadelphia fire departments. Finally, we reviewed the agreement between the Navy and the City of Philadelphia regarding fire protection at the business center.

To determine how future development of the business center would affect how fire protection is provided, we interviewed the Commissioner and two Deputy Commissioners in the Philadelphia Fire Department. To obtain information on future development at the business center, we interviewed officials from the Philadelphia Industrial Development Corporation.

We conducted our review from July through September 2002 in accordance with generally accepted government auditing standards.

We are sending copies of this report to interested congressional committees; the Secretaries of Defense, the Army, the Navy, and the Air Force; and the Director, Office of Management and Budget. We will also provide copies to others upon request. In addition, the report will be available at no charge on GAO's Web site at http://www.gao.gov.

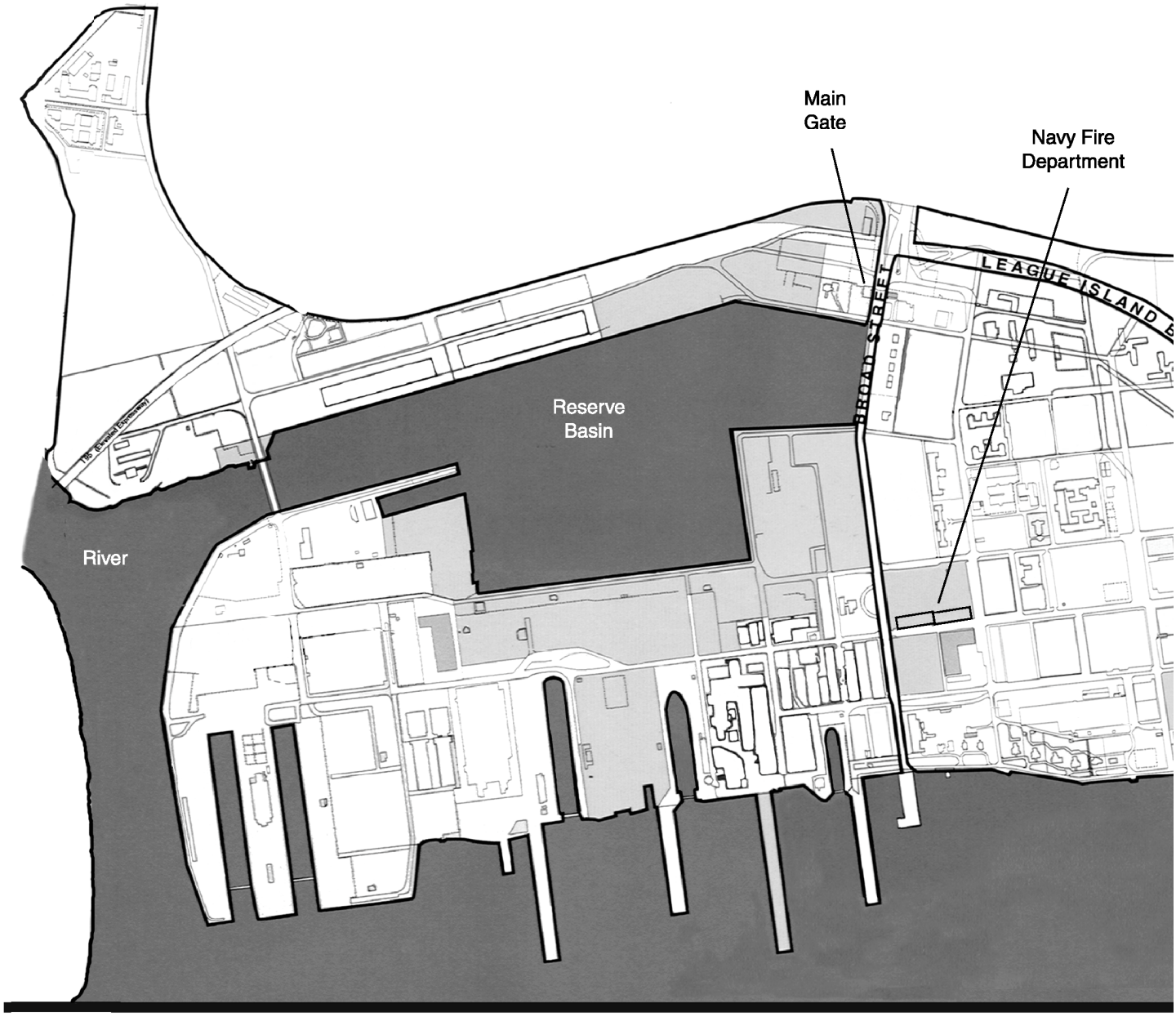
Please contact me on (202) 512-8412 if you or your staff have any questions regarding this report. Key contributors to this report were Michael Kennedy, Richard Meeks, Aaron Loudon, Ken Patton, and Nancy Benco.

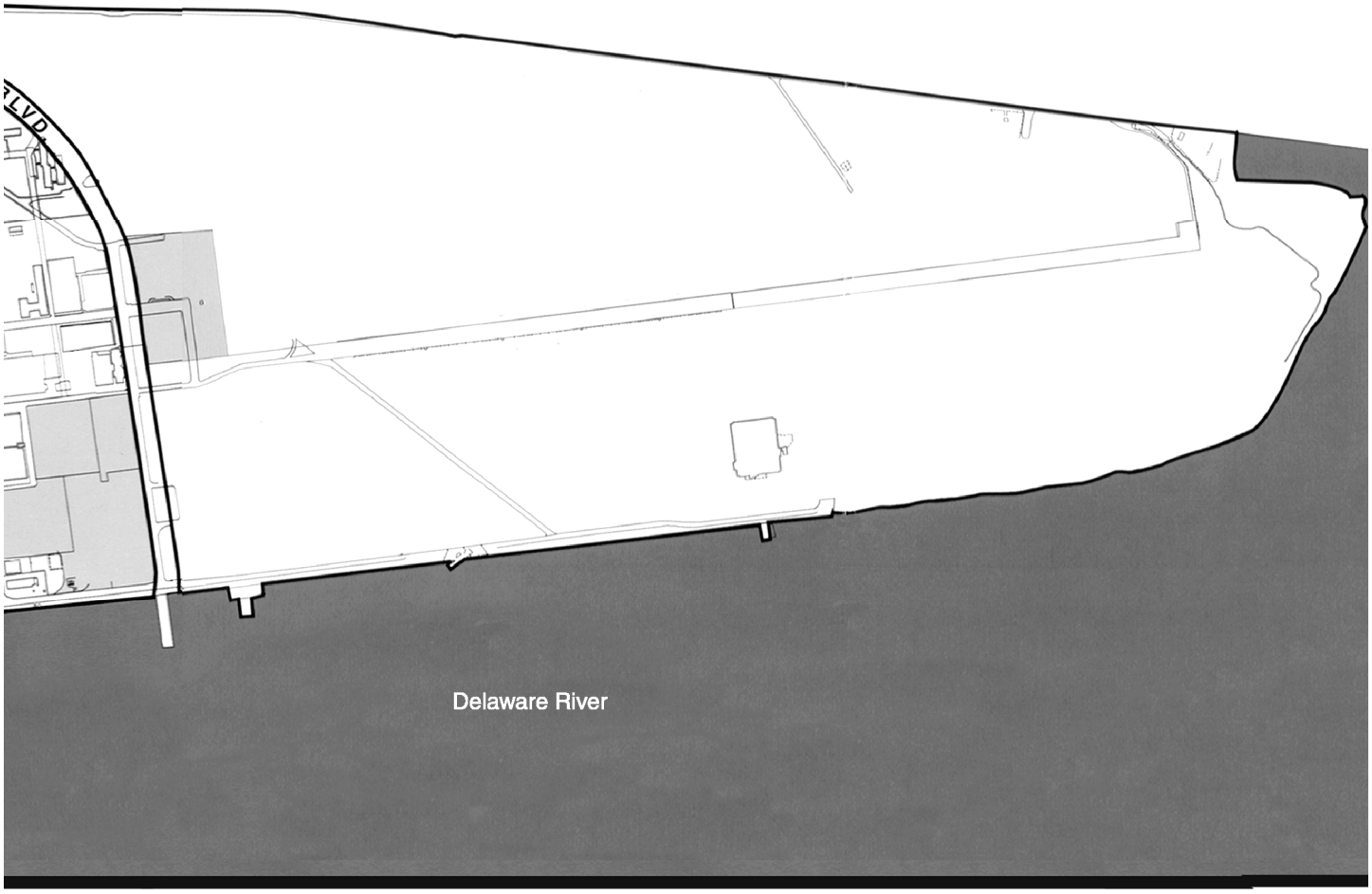


Barry Holman, Director
Defense Capabilities and Management

Appendix I: Federal Enclave at the Philadelphia Naval Business Center

Figure 1: Map of the Enclave at the Philadelphia Naval Business Center



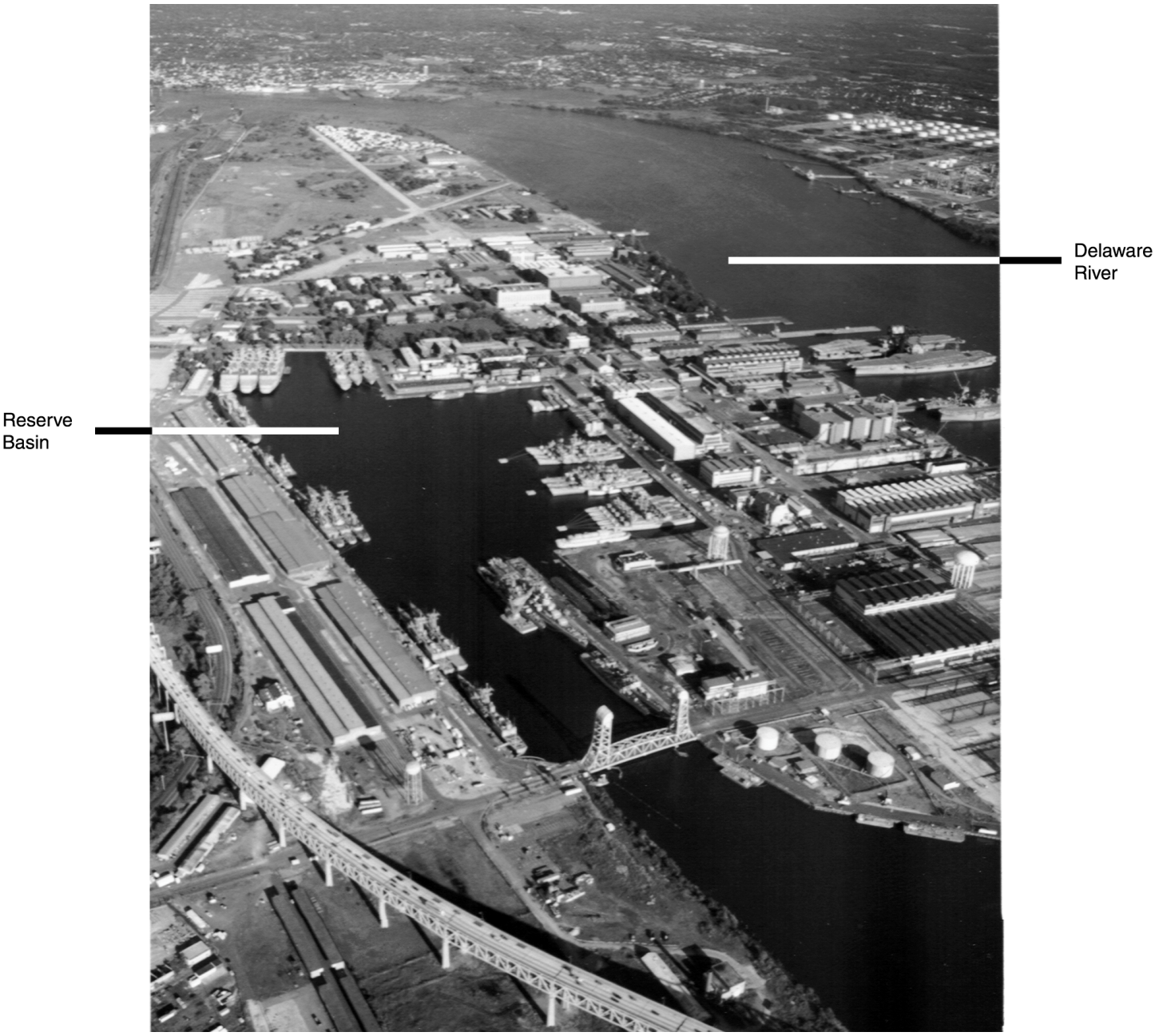


Naval Property

Water

Source: Philadelphia Industrial Development Corporation and Navy data.

Figure 2: Aerial Photograph of the Philadelphia Naval Business Center



Source: Navy photograph.

Appendix II: Mutual Aid Agreement between the Navy and the City of Philadelphia

MUTUAL AID ASSISTANCE AGREEMENT

This Mutual Aid and Assistance Agreement (**"Agreement"**), is made and entered into this 22nd day of March, 2000 by and between the **City of Philadelphia**, through its Managing Director's Office and Fire Commissioner (the **"City"**) and the **Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station ("NSWCCD-SSES").**

BACKGROUND

WHEREAS, the Philadelphia Naval Yard (the **"Navy Yard"**), consisting of approximately 1,450 acres, is located in the City of Philadelphia, Pennsylvania; and

WHEREAS, pursuant to an anticipated transfer of title from the Navy to the Philadelphia Authority for Industrial Development (**"PAID"**), as the local reuse authority designated by the City, each party will retain ownership over certain areas of the Navy Yard (**"Owned Areas"**), as are set forth in **Exhibit "A"** which is attached hereto and made a part hereof; and

WHEREAS, the Owned Areas of the parties hereto are adjacent or contiguous so that mutual assistance in an emergency situation is deemed feasible; and

WHEREAS, both parties currently maintain equipment and personnel for the suppression of fires, rescue, and response to hazardous materials incidents within their respective jurisdictions; and

WHEREAS, the parties desire to reach an Agreement herein with respect to augmenting each other's fire protection and associated services available in their respective Owned Areas; and

WHEREAS, NSWCCD-SSES is permitted to enter into this agreement pursuant to 42 U.S.C. 1856a.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained and, intending to be legally bound hereby, City and NSWCCD-SSES hereby agree as follows.

A. BACKGROUND

The above background is hereby incorporated.

B. PROVISIONS OF RESPONSE

1. The Naval Surface Warfare Center, Carderock Division, Ship Systems Engineering Station, Philadelphia, Pennsylvania, agrees herein to the following:

Mutual Aid Agreement
Philadelphia Naval Yard
March 10, 2000

a. NSWCCD-SSES shall provide fire equipment response to alarms of fire or other emergencies to the City of Philadelphia at the Navy Yard, at no cost, where the City of Philadelphia Fire Department requests such assistance. This response will be commensurate with the scope of the emergency involved and to the extent that limitations of forces available at the time of the occurrence will permit.

b. In the event NSWCCD-SSES Emergency Communications Center receives an alarm of fire or other emergency call involving non-Navy Owned Areas, the alarm will be immediately relayed to the City of Philadelphia Fire Communications Center.

2. City of Philadelphia agrees herein to the following:

a. The City of Philadelphia agrees to provide fire equipment response to alarms of fire or other emergencies at the Navy Yard, at no cost, except as otherwise provided for herein, where such assistance is requested by the NSWCCD-SSES Fire Department. This response will be commensurate with the scope of the emergency involved and to the extent that limitations of forces available at the time of the occurrence will permit.

b. In the event the City of Philadelphia Fire Communications Center receives an alarm of fire or other emergency call involving an emergency located within the Navy Owned Areas, the alarm will be immediately relayed to the NSWCCD-SSES Communications Center.

3. Whenever the senior officer of the City or NSWCCD-SSES fire departments determines it would be advisable to request emergency assistance, the senior officer on duty at the fire department receiving the request shall take the following actions:

a. Immediately determine if the requested apparatus and personnel are available to respond to the request, and

b. In accordance with the terms of this Agreement, forthwith dispatch such apparatus and personnel with instructions as to their mission.

4. The Fire Chiefs of the respective fire departments will formulate response plans as necessary to include automatic aid on first alarms where appropriate. Such plan, as may be amended from time to time in writing, is attached hereto and incorporated herein as **Exhibit "B"**.

5. The rendering of assistance under the terms of this Agreement shall not be mandatory; however, the party receiving the request for assistance shall immediately inform the requesting service if assistance cannot be rendered.

6. The parties hereto waive all claims against the other party to this Agreement for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of this Agreement.

7. The City of Philadelphia may file a claim with the Administrator of the United States Fire Administration pursuant to 15 U.S.C. 2210 for firefighting services provided at the

Navy Yard, except that the City agrees not to file such a claim for fighting fires: a) in Navy-Owned Areas which are leased to PAID; or b) when such services are provided because the NSWCCD-SSES Fire Department is unavailable because it is fighting a fire in the City Owned Area.

8. The senior officer of the fire department requesting service shall assume full command of the operations. However, under procedures agreed to by the technical heads of the fire departments involved,a copy of which is attached hereto and incorporated herein as **Exhibit "C"**, a senior officer of the department furnishing the assistance may assume responsibility for the coordination of the overall operation.

9. The various officers and personnel of the fire departments of the parties to this Agreement are invited and encouraged, on a reciprocal basis, to frequently visit each other's activities for guided familiarization tours consistent with local security requirements and, as feasible, to jointly conduct pre-incident planning inspections, drills and training.

10. This Agreement shall become effective as of the date first written above of and will remain in effect for three years from that date (the "**Term**"). Either party may unilaterally terminate this Agreement during the Term by sending notification of its intent to terminate to the other party on or before October 1st of the then current calendar year. Such notification shall be in the form of a written submission to the other party and shall provide that termination is effective on July 1st of the following calendar year. This Agreement is renewable without change, except for dates, on a year to year basis, by the mutual written agreement of the parties. Such renewal must be completed on or before October 1st of the then current calendar year.

C. NOTICES

All notices from either party to the other shall be in writing and sent by United States registered or certified mail, return receipt requested, postage prepaid, or by hand delivery with receipt obtained, to the following addresses:

If intended for the City:

Managing Director's Office
Municipal Services Building, 14th Floor
1401 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19102-1683
Attn: James L. Coleman, Jr., Deputy Managing Director

and:

Philadelphia Fire Department
240 Spring Garden Street
Philadelphia, PA 19123
Attn: Harold B. Hairston, Fire Commissioner

and:

Philadelphia Authority for Industrial Development
2600 Centre Square West
1500 Market Street
Philadelphia, PA 19102
Attn: Ellen S. Brown, Esq.

With a copy to:

City of Philadelphia Law Department
One Parkway
1515 Arch Street, 17th Floor
Philadelphia, Pennsylvania 19102-1595
Attn: Henry Schwartz, Divisional Deputy City Solicitor

If intended for Navy:

Commanding Officer
Naval Ship Systems Engineering Station
Carderock Division, Naval Surface Warfare Center
Philadelphia Naval Business Center, Building #4
Philadelphia, PA 19112-5083

and:

Mr. Kenneth Barber, Fire Chief
Naval Ship Systems Engineering Station, Code 022
Carderock Division, Naval Surface Warfare Center
Philadelphia Naval Business Center, Building #56
Philadelphia, PA 19112-5083

D. ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties hereto and there are no collateral or oral agreements or understandings. This Agreement shall not be modified in any manner except by an instrument in writing executed by the parties to this Agreement. No oral representations, whenever made, by any City official or employee, shall be effective to modify the provisions of this Agreement. All prior agreements between the parties hereto are hereby superceded and canceled.

Signatures on Next Page.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement at Philadelphia, Pennsylvania on the day and year first above written.

Approved as to Form:
Kenneth I. Trujillo,
Acting City Solicitor

By: _____
Assistant City Solicitor

City of Philadelphia:

By: _____
Joseph S. Martz
Managing Director

By: _____
Harold B. Hairston
Fire Commissioner

NAVAL SURFACE WARFARE CENTER CARDEROCK DIVISION SHIP SYSTEMS ENGINEERING STATION

By: _____
Philip N. Johnson, Captain, USN
Commanding Officer
Naval Surface Warfare Center
Carderock Division
Ship Systems Engineering Station,
Philadelphia, Pennsylvania

By: _____
Kenneth Barber
Fire Chief
Naval Surface Warfare Center
Carderock Division
Ship Systems Engineering Station,
Philadelphia, Pennsylvania

Mutual Aid Agreement
Philadelphia Naval Yard
March 10, 2000

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Appendix III: Comments from the Department of Defense

ACQUISITION, TECHNOLOGY AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

OCT. 22 2002

Mr. Barry W. Holman
Director, Defense Capabilities and Management
U. S. General Accounting Office
441 G Street, N.W.
Washington, DC 20548

Dear Mr. Holman:

This is the Department of Defense's response to the GAO Draft Report, GAO-03-20, "DEFENSE INFRASTRUCTURE: Fire Protection at Philadelphia Naval Business Center Meets Response Standards," dated September 27, 2002 (GAO Code 350237/GAO-03-20). We concur with the results and have no additional comments.

Sincerely,

Raymond F. DuBois
Deputy Under Secretary of Defense
(Installations and Environment)

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