

TIMBER SALE ADVERTISEMENT

TIMBER FOR SALE, UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT. SEALED BIDS as hereinafter designated will be received by the District Manager, or designated representative of the Bureau of Land Management, 777 NW Garden Valley Blvd., Roseburg, Oregon 97471, by **10:00 a.m., PST on or before Tuesday, March 1, 2022**, for all timber marked or designated for cutting. Before bids are submitted, full information concerning the timber, the conditions of sale and submission of bids, including appraised prices per species, should be obtained from the above District Manager, or designated representative. The right is hereby reserved to waive technical defects in this advertisement and to reject any or all bids. The United States reserves the right to waive any informality in bids received whenever such waiver is in the interest of the United States.

The decision was posted to the BLM's ePlanning website on **February 2, 2022**, for the East Fork and Sweetwater Salvage Harvest and Stoney Creek Hazard Tree Removal Sale Decision Record, which is a component of the Archie Creek Fire Salvage and Hazard Tree Removal Environmental Assessment and FONSI, DOI-BLM-ORWA-R040-2021-0001-EA.

IN DOUGLAS COUNTY: OREGON: O&C: SEALED BID: SCALE SALE: EAST FORK FIRE SALVAGE:

All timber designated for cutting on certain Federal lands in Section 19, T. 25 S., R. 1 W., Willamette Meridian, estimated for the purpose of this sale to be **2,008 M bd. ft.** No written bid for less than **\$128,344.50** will be considered. The minimum deposit with written bid is **\$12,900.00**.

For the purposes of 43 CFR 5401.0-6 and 5430.0-6, this advertisement is being published on **02/15/2022** and **02/22/2022**.

This advertisement includes:

(1) 2022.0013, East Fork Fire Salvage Scale Sale 2,008 MBF

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
777 NW Garden Valley Blvd.
Roseburg, Oregon 97471

Date: February 15, 2022

TIMBER SALE NOTICE

NOTICE IS HEREBY GIVEN that the Bureau of Land Management will offer for sale timber as described herein for sealed bid, pursuant to Instructions to Bidders, as stated on Form No. 5440-9, attached. **SEALED BIDS** must be received by the District Manager, or designated representative, at 777 NW Garden Valley Boulevard, Roseburg, Oregon 97471, by **10:00 a.m., PST on or before Tuesday, March 1, 2022**. Bids will be opened and high bidder will be notified by email by 4:30 p.m., PST.

Sealed bids should be clearly marked, "**ATTN: SEALED BID: EAST FORK FIRE SALVAGE TIMBER SALE**".

THIS TIMBER SALE NOTICE does not constitute the decision document for purposes of appeal of a forest management decision. Consistent with 43 CFR Subpart 5003.2(b), the date the BLM posts the forest management decision on the BLM's ePlanning website establishes the effective date of the decision for purposes of an administrative appeal.

NOTICE OF LITIGATION: The Archie Creek Fire Salvage Harvest and Hazard Tree Removal Environmental Assessment (EA), which underlies the East Fork Fire Salvage Harvest, Contract # ORR04-TS-2022.0013, has been challenged in the United States District Court for the District of Oregon, Eugene Division. The plaintiffs have requested that the Court vacate and set aside the Decision Record(s), FONSI, and EA . The Authorized Officer may exercise his/her discretion to award the contract for this sale without waiting for a judgement from the Court. The Bureau of Land Management (BLM) will proceed with normal bidding on this tract.

Although the BLM does not know at this time how the Court will rule, the BLM is providing this notice to advise all bidders that significant delays may occur before award of the contract or before any operations may be undertaken. Additionally, an adverse ruling may require the BLM to suspend, cancel, or modify the contract. The Authorized Officer retains the right to reject all bids associated with this tract.

The high bidder must submit the signed Notice of Litigation Acknowledgement form along with their written bid.

The purchase of this salvage timber entitles the purchaser to volume-for-volume and contract term-for-contract term extensions without reappraisal of qualifying BLM contracts for green timber held by the Purchaser

A SEALED BID on Form No. 5440-9 at no less than the appraised price on a unit basis per species and the required minimum bid deposit shall be required for submission of a sealed bid for each tract. Sealed bidding will be restricted to Douglas-fir.

THE SUCCESSFUL BIDDER, as a condition of award, will be required to complete and/or sign the following forms:

1. Form No. 5450-017, Export Determination.

PRE-AWARD QUALIFICATIONS. The high bidder may be required to furnish information to determine the ability to perform the obligations of the contract. If the high bidder is determined not qualified, responsible or refuses to respond within fifteen (15) days of a request for information pertaining to qualifications, the contract may be offered and awarded for the amount of the high bid to the highest of the bidders who is qualified, responsible, and willing to accept the contract.

A PERFORMANCE BOND in an amount not less than twenty (20) percent of the total purchase price will be required for all contracts of \$10,000 or more, but the amount of the bond shall not be in excess of \$500,000, except when the Purchaser opts to increase the minimum bond as provided in 43 CFR 5451.2. A minimum performance bond of not less than \$500 will be required for all installment contracts less than 10,000.

INSTALLMENT PAYMENTS may be authorized for sales of \$500 or more. Required installments will be determined by BLM. For sales under \$500,000, installments will not be less than ten (10) percent of the total purchase price. For sales of \$500,000 or more, installment payments shall be \$50,000.

“LOG EXPORT AND SUBSTITUTION: All timber sales, including timber from Federal rights-of-ways, shall be subject to the restrictions relating to the export and substitution of unprocessed timber from the United States in accordance with P.L. 94-165 and 43 CFR 5400 and 5424 as amended.”

“LOG EXPORT AND SUBSTITUTION RESTRICTIONS: Excepting Port-Orford-cedar, all timber offered for sale hereunder is restricted from export from the United States in the form of unprocessed timber and is prohibited from being used as a substitute for exported private timber.”

ADDITIONAL INFORMATION concerning this timber sale tract described herein is available at the above District Office. Copies of this timber sale contract is also available for inspection at the District Office.

For questions or concerns, please contact the Roseburg District Office at 541-440-4930.

Attachments:

Form No. 5440-9 Deposit and Bid for Timber/Vegetative Resource
Notice of Litigation Acknowledgement form

SCALE SALE
Sale Date: March 1, 2022

(1) Roseburg Sale No.: 2022.0013
Douglas County, Oregon: O&C: Sealed Bid

Sale Name: East Fork Fire Salvage
Bid Deposit Required: \$12,900.00

All timber designated for cutting on:

Lots 11, 12, 13, 14, N½SE¼, and SE¼SE¼ Sec. 19, T. 25 S., R. 1 W., Willamette Meridian

Approx. Number	Est. Vol. MBF	Species	Est. Vol. MBF	Appraised Price Per MBF	Est. Volume Times Appraised Price
Merch. Trees	32' Log		16' Log		
5,095	1,547	Douglas-fir	1,899	\$63.40 *	\$120,396.60
674	62	Western Hemlock	77	\$35.00 *	\$2,695.00
383	26	Western Redcedar	31	\$167.90 *	\$5,204.90
6	1	Incense-cedar	1	\$48.00 *	\$48.00
6,158	1,636		2,008		\$128,344.50

**Surplus species stumpage has been reduced to compensate for species stumpage below minimum price policy (10% of pond value).*

SEALED BIDS WILL BE RECEIVED BY THE DISTRICT MANAGER, OR DESIGNATED REPRESENTATIVE BY MAIL OR APPOINTMENT. MAIL SEALED BIDS TO THE BUREAU OF LAND MANAGEMENT ROSEBURG DISTRICT OFFICE, 777 NW GARDEN VALLY BLVD., ROSEBURG, OREGON 97471. CALL 541-440-4930, TO MAKE AN APPOINTMENT TO DROP OFF SEALED BIDS.

SEALED BIDS MUST BE RECEIVED BY 10:00 A.M., PST ON OR BEFORE TUESDAY, MARCH 1, 2022. BIDS WILL BE OPENED AND HIGH BIDDER WILL BE NOTIFIED BY EMAIL BY 4:30 P.M., PST.

SEALED BIDS SHOULD BE CLEARLY MARKED, **“ATTN: SEALED BID: EAST FORK FIRE SALVAGE TIMBER SALE”**.

BIDDERS MUST SUBMIT A WRITTEN BID ON FORM 5440-9 ON A PRICE PER MBF AT A MINIMUM BID INCREMENT OF \$0.01 ON THE DOUGLAS-FIR SPECIES ONLY. THE BID MUST NOT BE LESS THAN THE APPRAISED PRICE OF \$63.40/MBF. ALL OTHER SPECIES WILL BE SOLD AT THE APPRAISED PRICE PER UNIT (MBF).

THE VOLUMES LISTED herein are estimates only, based on 16-foot taper breaks, which must be taken into consideration if comparisons are made with volume predictions based on other standards. The volumes based on 32-foot taper breaks are shown for comparison purposes. No sale shall be made for less than the total actual purchase price.

APPRAISED PRICES are determined by analytical appraisal methods unless otherwise noted on individual timber sale notices.

LOG EXPORT AND SUBSTITUTION RESTRICTIONS: All timber sales, including timber from Federal rights-of-ways, shall be subject to the restrictions relating to the export and substitution of unprocessed timber from the United States in accordance with P.L. 94-165 and 43 CFR 5400 and 5424 as amended.

Excepting Port-Orford-cedar, all timber offered for sale hereunder is restricted from export from the United States in the form of unprocessed timber and is prohibited from being used as a substitute for exported private timber.

CRUISE INFORMATION: For all Harvest Areas: the timber volumes for all tree species are based on a variable plot cruise, containing a total of 34 plots and 165 randomly selected sample trees. Plots were measured using a 20 basal area factor (BAF). The volume of the randomly selected sample trees has been expanded to a total sale volume. A map showing the location of the plots and sample trees is available at the Roseburg District Office.

With respect to merchantable trees of all species: the average tree is 14.8 inches D.B.H.O.B., the average log contains 53 bd. ft., the total gross volume is approximately 2,756 MBF and 73% recovery is expected.

CUTTING AREA: An area of approximately 27 acres distributed throughout 2 units will be salvaged.

TIMBER ACREAGE:

Area 1: 6 acres
Area 2: 21 acres

ACCESS: Access to the sale area is provided by Government and privately controlled roads.

DIRECTIONS TO SALE AREA: From Roseburg, proceed east on State Highway 138 (North Umpqua Highway) through the towns of Glide and Idleyld Park, approximately 22 miles, and turn left at the junction of County Road 78 (Rock Creek Access Road); proceed northeast on Rock Creek Access Road approximately 7.5 miles to the junction with Road 25-2-11.0 and follow the Exhibit D map to the sale area.

ROAD MAINTENANCE: Rockwear and maintenance fees required to be paid to the BLM are ***estimated*** at ***\$24,512.90***; the final amount due will be adjusted based on the final scaled timber volume. Rockwear fees required to be paid to Seneca Jones Timber Company, LLC are ***estimated*** at ***\$82.73***; the final amount due will be adjusted based on the final scaled timber volume.

ROAD CONSTRUCTION: Estimates include the following: renovate 118+40 stations of road. Additional information is available in Exhibit C and Exhibit D of the Timber Sale Contract.

DANGER TREE CLEARING: Approximately 1,295 MBF is to be cut and removed in association with danger tree clearing along existing roads within the Contract Area; this timber volume will be included on Exhibit B, but no acres have been attributed to danger tree clearing on Exhibit A.

DURATION OF CONTRACT will be **12 months** for cutting and removal of timber. The contract will contain SPECIAL PROVISIONS regarding: logging; road construction, renovation, maintenance, and use; environmental protection; fire prevention; slash disposal; log exports; and safety.

ADDITIONAL INFORMATION: This prospectus includes maps and tables that cannot be made Section 508 compliant. For help with its data or information, please contact the Roseburg District Office at 541-440-4930.

NOTES:

1. A revised Special Provision has been added to the contract which enables the Contracting Officer to suspend the contract to facilitate protection of certain plant or animal species, and/or to modify or terminate the contract when necessary to: (1) Comply with the Endangered Species Act or to prevent incidental take of northern spotted owls in accordance with management direction in the Record of Decision (ROD) and Resource Management Plan (RMP), or; (2) Comply with a stay or remedy issued by the Interior Board of Land Appeals or a court order, or; (3) Protect species which were identified for protection in accordance with management direction established in the ROD and RMP.
2. Seasonal restrictions apply to this sale regarding logging operations and road work. Refer to Sections 42(A)(6)(b) and 42(B)(2) for details. A “seasonal restriction matrix” is included with this prospectus to serve as a guide in planning and scheduling operations.
3. A license agreement with Seneca Jones Timber Company, LLC is required. The terms and conditions of the license agreement are available for inspection at the Roseburg District Office.
4. Danger tree clearing will be required along existing roads within the Contract Area. Refer to Section 42(A)(5) and Exhibit E for details.
5. Slash disposal requirements consist of the following: machine piling, covering, and burning slash and debris within a fifty (50) foot radius of landings. Refer to Section 42(E) for details.

Seasonal Restriction Matrix

Note: This matrix is provided to serve prospective purchasers as a guide only; refer to the timber sale contract Special Provisions for a complete statement of the seasonal operating restrictions.

Seasonal Restriction 

Harvest Area	Activity	Jan		Feb		Mar		Apr		May		Jun		Jul			Aug			Sep		Oct		Nov		Dec	
		1	15	1	15	1	15	1	15	1	16	1	15	1	16	1	5	31	1	16	1	15	1	15	1	15	
Unit 1 (salvage)	Road renovation ¹																										
	Falling and bucking																										
	Cable yarding on rocked roads																										
	Loading or hauling on rocked roads																										
Unit 2 (salvage)	Road renovation ¹																										
	Falling and bucking																										
	Cable yarding on rocked roads																										
	Loading or hauling on rocked roads																										

¹Wet season restriction applying to use of unsurfaced (or limited strength) roads and all road construction/renovation from October 15 – May 15 may be shortened or extended depending on weather conditions.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Name of Bidder
Tract Number
Sale Name
Sale Notice <i>(dated)</i>
BLM District Roseburg District 777 NW Garden Valley Blvd., Roseburg, OR 97471

DEPOSIT AND BID FOR: (Check One):

- Timber and/or Other Wood Products or**
(Examples of Other Wood Products: biomass, firewood, posts, poles, etc...)
- Vegetative Resources**
(Examples of Vegetative Resources: boughs, pinyon nuts, cones, plants, etc...)

<input type="checkbox"/> Sealed Bid for Sealed Bid Sale	<input type="checkbox"/> Written Bid for Oral Auction Sale
Time for opening sealed bids <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Sale commences <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
On <i>(date)</i> Place	On <i>(date)</i> Place

In response to the above dated Sale Notice, the required deposit and bid are hereby submitted for the purchase of designated Timber and/or Other Wood Products or Vegetative Resources on the tract specified above.

Required bid deposit is \$ _____ and is enclosed in the form of:

- cash money order cashier's check certified check bank draft
- bid bond of corporate surety on approved list of the United States Treasury guaranteed remittance approved by the authorized officer.

IT IS AGREED That the bid deposit shall be retained by the United States as liquidated damages if the bid is accepted and the undersigned fails to execute and return the contract, together with any required performance bond and any required payment within 30 days after the contract is received by the successful bidder. It is understood that no bid for less than the appraised price on a unit basis per product and species will be considered. If the bid is rejected the deposit will be returned.

BID SCHEDULE – TIMBER AND/OR OTHER WOOD PRODUCTS OR VEGETATIVE RESOURCES

NOTE: Bidders should carefully check computations in completing the Bid Schedule

BID SUBMITTED					ORAL BID MADE	
PRODUCT & SPECIES	UNIT	ESTIMATED VOLUME OR QUANTITY	UNIT PRICE	TOTAL VALUE	UNIT PRICE	TOTAL VALUE
			X	=	X	=
			X \$35.00	= \$2,695.00	X	=
			X \$167.90	= \$5,204.90	X	=
			X \$48.00	= \$48.00	X	=
			X	=	X	=
			X	=	X	=
			X	=	X	=
			X	=	X	=
			X	=	X	=
			X	=	X	=
TOTAL PURCHASE PRICE						

If sale contract is executed, undersigned is liable for total purchase price including all modifications executed under the terms of the contract. Timber and/or Other Wood Products or Vegetative Resources designated for taking may be less or more than total estimated volume or quantity shown above. Undersigned certifies bid was arrived at by bidder or offeror independently, and was tendered without collusion with any other bidder or offeror. In submitting or confirming this bid, undersigned agrees to the foregoing provisions, applicable regulations, and certifies that he is authorized to act as, or on behalf of, the bidder.

Bid submitted on *(date)*

(Check appropriate box, sign in ink, and complete the following)

<input type="checkbox"/> Signature, if firm is individually owned	Name of firm <i>(type or print)</i>
<input type="checkbox"/> Signatures, if firm is a partnership or L.L.C.	Business address, include zip code <i>(type or print)</i>
<input type="checkbox"/> Corporation <u>organized</u> under the state laws of	<i>(To be completed following oral bidding)</i>
Signature of Authorized Corporate Signing Officer	I HEREBY confirm the above oral bid By <i>(signature)</i>
Title	Date
Submit bid, in <i>duplicate</i> , to qualify for either an oral auction or sealed bid sale together with the required bid deposit made payable to the Department of the Interior – BLM. Oral Auction – Submit to Sales Supervisor prior to closing of qualifying period for tract.	Sealed Bid – Send to District Manager, who issued the sale notice, in a sealed envelope marked on the outside: (1) “Bid for Timber and/or Other Wood Products or (1a) “Vegetative Resources ” (2) Time bids are to be opened (3) Legal description

NOTICES

The Privacy Act and the regulations in 43 CFR 2.223(d) require that you be furnished with the following information:

AUTHORITY: 38 FR 6280 and 43 CFR 5442.1

PRINCIPAL PURPOSE: To qualify an oral auction bidder, and then if successful, to bind bidder to certain contract conditions.

ROUTINE USES: To determine that an individual is qualified to participate in oral auction bidding, and, as surety that bidder will fulfill contract requirements.

EFFECT OF NOT PROVIDING INFORMATION: Filing this deposit and bid information is necessary only when an individual wishes to participate in a sealed or auction bid sale for Timber and/or Other Wood Products or Vegetative Resources.

INSTRUCTIONS TO BIDDERS

1. **AUTHORITY** – Timber and/or Other Wood Products or Vegetative Resources, located on the revested Oregon and California Railroad Grant Lands and on the reconveyed Coos Bay Wagon Road Grant Lands is administered and sold pursuant to authority of the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a); Timber and/or Other Wood Products or Vegetative Resources located on other public lands of the United States under jurisdiction of the Bureau of Land Management are administered and sold pursuant to authority of the Act of July 31, 1947 (61 Stat. 681), as amended, by the Act of July 23, 1955 (69 Stat. 367; 30 U.S.C. 601 et. seq.). Regulations of the Secretary of the Interior governing sale of Timber and/or Other Wood Products or Vegetative Resources, are codified in 43 CFR Group 5400.

2. **QUALIFICATIONS OF BIDDERS** – A bidder for sale of Timber and/or Other Wood Products or Vegetative Resources must be either (a) a citizen of the United States, (b) a partnership composed wholly of such citizens, (c) an unincorporated association composed wholly of such citizens, or (d) a corporation authorized to transact business in the State in which the Timber and/or Other Wood Products or Vegetative Resources are located.

3. **INSPECTION OF TIMBER AND/OR OTHER WOOD PRODUCTS OR VEGETATIVE RESOURCES** – Bidder is invited, urged, and cautioned to inspect the Timber and/or Other Wood Products or Vegetative Resources prior to submitting a bid. By executing the Timber and/or Other Wood Products or Vegetative Resources sale contract, bidder warrants that the contract is accepted on the basis of his examination and inspection of the Timber and/or Other Wood Products or Vegetative Resources and his opinion of its value.

4. **DISCLAIMER OF WARRANTY** – Government expressly disclaims any warranty of the fitness of the designated Timber and/or Other Wood Products or Vegetative Resources for any purpose of the bidder; all Timber and/or Other Wood Products or Vegetative Resources are to be sold “As Is” without any warranty of merchantability by Government. Any warranty as to the quantity or quality of Timber and/or Other Wood Products or Vegetative Resources to be sold is expressly disclaimed by Government.

5. **BIDS** – Sealed or written bids for not less than the advertised appraised price, per Timber and/or Other Wood Products or Vegetative Resources must be submitted in duplicate to the District Manager who issued *Timber and/or Other Wood Products or Vegetative Resources Sale Notice*.

(a) **Sealed Bid Sales** – Bids will be received until time for opening which is set out in the Notice. Enclose both copies of bid with required bid deposit in a sealed envelope marked on the outside *Bid for Timber and/or Other Wood Products or Vegetative Resources*, time bid is to be opened, tract number, and legal description of land on which Timber and/or Other Wood Products or Vegetative Resources are located. In event of a tie, the high bidder shall be determined by lot from among those who submitted the tie bids.

(b) **Auction Sales** – Submission of the required bid deposit and a written bid is required to qualify for oral bidding. Oral bidding shall begin from the highest written bid. No oral bid will be considered which is not higher than the preceding bid. In the event there is a tie in high written bids, and no oral bidding occurs, the bidder who was the first to submit his bid deposit and written bid shall be declared the high bidder. If the officer conducting the sale cannot determine who made the first submission of high tie written bids, the high bidder shall be determined by lot. High bidder must confirm his bid, in writing, immediately upon being declared high bidder.

(c) Except as otherwise provided in 43 CFR 5442.2, bids will not be considered in resale of Timber and/or Other Wood Products or Vegetative Resources remaining from an uncompleted contract from any person or affiliate of such person who failed to complete the original contract because of (1) cancellation for the purchaser’s breach or (2) through failure to complete payment by expiration date.

(d) When it is in the interest of the Government to do so, it may reject any and all bids and may waive minor deficiencies in bids or in sale advertisement.

6. **BID FORMS** – All sealed, written bids, and confirmation of oral bids shall be submitted on forms provided by Government.

(a) **Timber and/or Other Wood Products or Vegetative Resources Sales** – For each product and species, bids shall specify (1) Bureau of Land Management estimated unit volume or quantity, (2) bidder’s price per unit and total value, and (3) bidder’s total purchase price. Estimated volume and price per unit are to be used for administrative and appraisal purposes only. Upon award of contract, the high bidder agrees to pay the Government for the Timber and/or Other Wood Products or Vegetative Resources designated for removal in accordance with the terms of the contract. Timber and/or Other Wood Products or Vegetative Resources designated for taking may be less or more than total estimated volume or quantity shown above.

7. **BID DEPOSIT** – All bidders must make a deposit of not less than the amount specified in the *Timber and/or Other Wood Products or Vegetative Resources*

Notice. Deposit may be in the form of cash, money orders, bank drafts, cashiers or certified checks made payable to the Department of the Interior – BLM, bid bonds of a corporate surety shown on the approved list of the United States Treasury Department (*Applies To Timber Only*), or any approved guaranteed remittance approved by the Contracting Officer. Upon conclusion of bidding, the bid deposit of all bidders, except high bidder, will be returned. The cash deposit of the successful bidder may be applied toward the required sale deposit and/or the purchase price. Cash not applied to the sale deposit or the purchase price, or a corporate surety bid bond, will be returned at the time the contract is signed by the Government.

8. **AWARD OF CONTRACT** – Government may require high bidder to furnish such information as is necessary to determine the ability of bidder to perform the obligation of contract. Contract will be awarded to high bidder, unless he is not qualified or responsible or unless all bids are rejected. If high bidder is not qualified or responsible or fails to sign and return the contract together with required performance bond and any required payment, contract may be offered and awarded to the highest bidders qualified, responsible, and willing to accept the contract.

9. **TIMBER AND/OR OTHER WOOD PRODUCTS OR VEGETATIVE RESOURCES SALE CONTRACTS** – To be executed by purchaser, has been prepared by Government, and may be examined in the District or Field Manager’s office.

10. **PERFORMANCE BOND** – (*Primarily Used For Timber Sales*)

(a) A performance bond in an amount of not less than 20 percent of total purchase price is required, but the amount of the bond shall not be in excess of \$500,000, except when the purchaser opts to increase the minimum bond to permit cutting prior to payment as provided in 43 CFR 5451.2, or in the event the purchaser is a holder of an unresolved default the bond may be increased as provided in 43 CFR 5450.1(b). Performance bond may be (1) bond of a corporate surety shown on approval list issued by the United States Treasury Department and executed on an approved standard form, (2) personal surety bond executed on an approved standard form if Government determines principals and bondsman are capable of carrying out the terms of the contract, (3) cash bonds, (4) negotiable securities of the United States, or (5) any guaranteed remittance approved by the Contracting Officer.

(b) If purchaser elects to cut Timber and/or Other Wood Products or Vegetative Resources without skidding or yarding it to a loading point or removing it prior to the payment of the second or subsequent installments, Government shall require an increase in amount of performance bond initially required by an amount equal to the value of Timber and/or Other Wood Products or Vegetative Resources to be cut. Such increase must be on a bond rider form supplied by Government and be approved, in writing, by Government prior to cutting Timber and/or Other Wood Products or Vegetative Resources covered by the bond increase. This increased amount of bond shall be used to assure payment for Timber and/or Other Wood Products or Vegetative Resources cut in advance of payment.

11. **PAYMENT BOND** – (*Primarily Used For Timber Sales*)

If purchaser elects to (a) cut and remove Timber and/or Other Wood Products or Vegetative Resources, or (b) remove Timber and/or Other Wood Products or Vegetative Resources already cut which has been secured by an increased performance bond as provided in paragraph 10(b) above, before payment of the second or subsequent installments, Government shall require a payment bond on a form supplied by Government. Purchaser shall obtain written approval from Government of payment bond prior to cutting and/or removal of Timber and/or Other Wood Products or Vegetative Resources covered by the bond. Payment bond shall be used to assure payment for Timber and/or Other Wood Products or Vegetative Resources cut and/or removed in advance of payment.

12. **PAYMENT OF PURCHASE PRICE** – For sales of \$500 or more, Government may allow payment by installments. Except as discussed in paragraphs 10 and 11 above, no part of any Timber and/or Other Wood Products or Vegetative Resources sold may be severed, cut, or removed unless advance payment has been made as provided in contract.

13. **LIQUIDATED DAMAGES** – Within thirty (30) days from receipt of *Timber and/or Other Wood Products or Vegetative Resources Sale Contract*, the successful bidder shall sign contract and return it to Government, together with required bond and any required payment. If successful bidder fails to comply within the stipulated time, his bid deposit shall be retained by Government as liquidated damages.

14. **NINETY-DAY SALES** – If no bid is received within time specified in the advertisement of sale and if Government determines that there has been no significant rise in the market value of Timber and/or Other Wood Products or Vegetative Resources, it may, in its discretion, keep the sale open, not to exceed ninety (90) days.

15. *UNAUTHORIZED USE OF GOVERNMENT PROPERTY* – A sale may be refused to high bidder who has been notified that he has failed to make satisfactory arrangements for payment of damages resulting from unauthorized use of, or injury to, property of the United States.

16. *EQUAL OPPORTUNITY CLAUSE* – This contract is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the nondiscrimination clauses. Copies of this order may be obtained from the District Manager. 43 CFR 60-1.7(b) requires that the Equal Opportunity *Compliance Report Certification* will be completed by prospective contractors. Certification may be obtained from District Manager.

17. *LOG EXPORT* – All timber offered for sale except as noted in the *Timber Sale Notice* is restricted from export from the United States in the form of unprocessed timber and cannot be used as a substitute for exported private timber. For the purpose of this contract, unprocessed timber is defined as: (1) any logs except those of utility grade or below, such as saw logs, peeler logs, and pulp logs; (2) cants or squares to be subsequently remanufactured exceeding eight and three quarters (8-3/4) inches in thickness; (3) split or round bolts or other roundwood not processed to standards and specifications suitable for end product use; or (4)

western red cedar lumber which does not meet lumber of American Lumber Standards Grades of Number 3 dimensions or better, or Pacific Lumber Inspection Bureau R-List Grades of Number 3 common or better. Timber manufactured into the following will be considered processed: (1) lumber and construction timbers, regardless of size, manufactured to standards and specifications suitable for end product uses; (2) chips, pulp and pulp products; (3) green or dry veneer and plywood; (4) poles and piling cut or treated for use as such; (5) cants, squares, and lumber cut for remanufacture of eight and three quarters (8-3/4) inches in thickness or less; or (6) shakes and shingles. In event purchaser wishes to sell any or all of timber restricted from export in the form of unprocessed timber, the buyer, exchanges, or recipient shall be required to comply with contractual provisions relating to “*unprocessed timber*”. Special reporting, branding and painting of logs may be included in contract provisions.*

18. *DETAILED INFORMATION* – Detailed information concerning contract provisions, bid, performance bond forms, tract location maps, and access conditions may be obtained from the District Manager. All persons interested in bidding on the products listed are encouraged to familiarize themselves with all such detailed information.

Notice of Litigation Acknowledgment Form

To ensure that this notice is understood, the bidders for this contract must sign the acknowledgement below and submit this document to the BLM to confirm your bid.

I acknowledge receipt of a copy of this notice and understand that because of litigation lodged with United States District Court for the District of Oregon, Eugene Division, any decision to award the East Fork Fire Salvage, Contract # ORR04-TS-2022.0013 timber sales may be significantly delayed, or operations suspended, and that the BLM has authority under 43 CFR 5442.3 to reject all bids if the Government determines it is in the Government's interest to do so.

Company
Name _____

By _____

Title _____

Date _____