

TIMBER SALE PROSPECTUS

Sale Name :	Middle Creek Fire Salvage Re-Offer	Type of Sale :	Scaled
National Forest :	Klamath	Ranger District :	Scott River
Bidding Method :	Sealed Bid	Bid Guarantee :	\$1,200.00

Location of Bid Opening : Yreka, California

Date : 04/12/2016

Time : 11:00 AM

1. INTRODUCTION. This prospectus furnishes prospective bidders with information not contained in the published advertisement and is designed to enable bidders to decide whether or not to further investigate the sale. The prospectus is not a legally binding document, but is offered to provide general information about a sale. The contract does not include descriptions, estimates, and other data in this prospectus, unless otherwise stated. In the event that the prospectus contains an error or contradicts the sample contract, the contract governs. Bidders are urged to examine the timber sale and make their own estimates. Timber sale Contract 2400-6 will be used. Inspect the sale area and the sample contract before submitting a bid. Obtain the appraisal, other information on the timber, and conditions of sale and bidding at Forest Service offices listed above and in the named attached advertisement.

2. BIDDING. This is a Sealed Bid sale. Bidders must submit sealed bids on prepared forms they can obtain from Forest Service offices listed above and in the attached advertisement. The forms include instructions for bidding and submission of the required certifications. A bid guarantee must be included with the bid in the form of cash, a bid bond on form FS-6500-13 (4/82) or later, certification of annual bid bond allocation on form FS-6500-13a (4/82) or later, an irrevocable letter of credit, a certified check, bank draft, cashiers check, official bank check, or bank or postal money order payable to the Forest Service, USDA in the amount specified above and in the bid form. The bid guarantee shall be returned to each bidder whose bid is not accepted.

Total Sale Value Bidding:

Prospective purchasers must submit bids in terms of the minimum acceptable total sale value. The bid form states minimum acceptable bid rates and estimated quantities of timber, together with the minimum acceptable total sale value. The advertised minimum acceptable total sale value is only for the biddable species, as listed on the bid form in the upper section of block 14. It does not include any non-biddable, fixed rate species listed in the lower section of block 14 titled "Required Removal at Fixed Rate. Only the Fixed Rate Applies." The bidder should enter the offer on the bid form only in terms of the total sale value. The Forest Service shall establish bid rates by species in the contract by multiplying each species' minimum acceptable bid rate by the bid increase percentage. Such rates will be rounded to the nearest cent. The bid increase percentage is the bidder's total sale value bid rate divided by the minimum acceptable total sale value. The total amount for stumpage is the volume of each biddable species multiplied by its bid rate, plus the volume of each fixed rate species multiplied by its fixed rate.

3. LOCATION AND DESCRIPTION OF TIMBER. Refer to the sample contract and sale area map attached to the sample contract for legal location of sale area, location of subdivisions, location of cutting units, the acreage of sale area, and the cutting unit acreage.

THE FOLLOWING GENERAL LOCATION, ROUTES OF ACCESS, ACREAGES, AND OTHER SPECIAL LOCATION DATA DO NOT SUPERSEDE THE SALE AREA MAP OR SAMPLE CONTRACT.

The Middle Creek Fire Salvage Re-Offer timber sale is located approximately 60 miles from Yreka, California in Siskiyou County. The sale can be accessed via State Highway 3 southeast to Scott River road, then north to Forest Service road 46N64 to the sale area. Refer to the sale area map for unit locations within the sale area. Currently this sale area falls under a Forest Closure Order (No. 15-05-771). Prospective bidders will need to contact the Forest Supervisors Office in Yreka or one of the westside District Offices to get a key and permit to access the area.

The Middle Creek Fire Salvage Re-Offer timber sale is designed for tractor logging. There are several units within the sale area that are "Timber Subject to Agreement (TSTA)" units. Refer to the sale area map for location of the TSTA units in the sale area. This is 100% scaled sale in a unit of measure of MBF. There is approximately 931 harvest acres within the sale area designated for the required removal of products consisting of 59.9 acres of tractor, 871.1 acres of roadside hazard designated as tractor logging (includes 16.8 acres for unit that requires endlining).

The cruised volumes were reduced to deduct 15.9" dbh and less trees from the cruised volume. The TC52 and TC54 cruise reports were used to calculate the reduced volume across three stratas by species. A weighted average percentage of this volume was then applied across all species within each unit to reduce the cruised volume. In addition to the deduction for volume less than 15.9" dbh, an additional percentage was applied to reduce the volume for deterioration. The deterioration percentage was based on the quadratic mean diameter for each species in the sale based on the FSH 2409.12, chapter 20, section 22.31e for fire killed and fire damaged timber. All included timber is fire damaged or killed. Refer to the BF-CF volume worksheet.

4. TIMBER QUANTITIES AND RATES. The quality, size, cut per acre, and product suitability of the timber are estimates based on detailed cruise information on file and available for inspection at the Forest Service offices listed above and in the advertisement. VOLUME QUANTITIES LISTED HEREIN ARE MADE AVAILABLE WITH THE UNDERSTANDING THAT VALUES SHOWN ARE FOREST SERVICE ESTIMATES AND ARE NOT GUARANTEED. For these reasons, bidders are urged to examine the timber sale area and make their own estimates.

THE MINIMUM ACCEPTABLE BID RATE IS STATED IN THE ATTACHED BID FORM. THESE RATES ARE EFFECTIVE AT THE TIME OF ADVERTISEMENT.

**Estimated Quantities and Minimum Acceptable Rates
per Unit of Measure**

Species	Product	Unit of Measure	Estimated Quantities	Average DBH	Minimum Acceptable Bid Rates	Base Rates	Required Deposits	
							Slash Disposal	Road Maintenance
Douglas Fir	Sawtimber	MBF	312.00	N/A	\$6.00	\$6.00	\$0.00	\$0.00
Incense Cedar	Sawtimber	MBF	132.00	N/A	\$10.00	\$10.00	\$0.00	\$0.00
Ponderosa Pine	Sawtimber	MBF	352.00	N/A	\$10.00	\$10.00	\$0.00	\$0.00
Sugar Pine	Sawtimber	MBF	108.00	N/A	\$10.00	\$10.00	\$0.00	\$0.00
White Fir	Sawtimber	MBF	388.00	N/A	\$6.00	\$6.00	\$0.00	\$0.00
TOTAL		MBF	1,292.00				\$0.00	\$0.00

The minimum acceptable total sale value bid for advertised timber is \$10,120.00. It does not include any non-biddable, fixed rate species listed on the bid form in the lower section of block 14 titled "Required Removal at Fixed Rate. Only the Fixed Rate Applies." The total amount for stumps is the volume of each biddable species multiplied by its bid rate, plus the volume of each fixed rate species multiplied by its fixed rate.

The bid rate for species and unit of measure are assigned under procedures for average bid premium bidding, as noted in this prospectus. This rate has been established by appraisal, with a cost allowance for the roads specified by the contract, if any. Required deposits for slash disposal and road maintenance are in addition to the advertised rates for timber.

Timber Subject to Agreement

Species	Product	Unit of Measure	Fixed Rates	Slash Disposal Deposits	Road Maintenance Deposits
Salvage Douglas Fir	Sawtimber	MBF	\$6.00	\$0.00	\$0.00
Salvage Incense Cedar	Sawtimber	MBF	\$10.00	\$0.00	\$0.00
Salvage Ponderosa Pine	Sawtimber	MBF	\$10.00	\$0.00	\$0.00
Salvage Sugar Pine	Sawtimber	MBF	\$10.00	\$0.00	\$0.00
Salvage White Fir	Sawtimber	MBF	\$6.00	\$0.00	\$0.00

This is a deficit sale. The appraised stumpage rates have been increased by \$1,714.16 to reach base rates.

5. PERIOD OF CONTRACT. The normal operating season covers the period between 05/01 and 10/31. Contract termination date is 12/31/2016. Extensions of this contract may be granted only when the purchaser has met specified conditions.

If an appeal or lawsuit is filed challenging the decision to award this contract or upon determination by the Regional Forester that conditions existing on this timber sale are the same as, or nearly the same as, conditions existing on other timber sale(s) in appeal or litigation, Contracting Officer may delay award or reject all bids. If delay in award is for 30 days or more during Normal Operating Season after bid opening, Contracting Officer shall, upon award, adjust the contract term to include additional calendar days in one or more Normal Operating Seasons equal to the time award is delayed during Normal Operating Season.

6. PAYMENT. Payment for timber and any required deposits for slash disposal or road maintenance are required in advance of cutting. The Purchaser may transfer purchaser credit into the contract, or provide an acceptable payment guarantee prior to cutting. Payment for required deposits must be a cash payment. The purchaser shall make advance deposits in accordance with provision B(T)4.212 - Advance Deposits.

The high bidder whose bid is accepted shall, at the time the contract is signed and returned by the bidder, make a downpayment pursuant to Title 36, Section 223.49, of the Code of Federal Regulations. The Contracting Officer will notify the high bidder of the amount necessary to make this payment. In no case shall the downpayment be less than 10 percent of the total advertised value plus 20 percent of the bid premium. After receipt of the downpayment and a satisfactory performance bond and upon execution of the timber sale contract, the Forest Service will return the bid guarantee. A cash bid guarantee may be applied to the downpayment at the request of the purchaser. The purchaser cannot apply the amount deposited as a downpayment to cover other obligations due on the sale until conditions stated in the contract for release of downpayment have been met. Refer to the sample contract for the specific conditions.

7. PERFORMANCE BOND. A performance bond is required. The penal sum of the bond will be 10 percent of the total bid value of the sale, rounded up to the nearest \$100 when the total bid value is \$10,000 or less; and rounded up to the nearest \$1,000 when the total bid value exceeds \$10,000 or \$2,000.00 whichever is greater. If an irrevocable letter of credit is used to secure the performance bond, the termination of the letter of credit must be at least 6 months past the contract termination date.

8. SPECIFIED ROADS. Not Applicable.

9. ROAD MAINTENANCE. Purchaser shall perform or pay for road maintenance work, commensurate with purchaser's use, on roads controlled by Forest Service, and used by purchaser in connection with this sale. Road maintenance requirements are based on the predicted haul route. Any change in the purchaser's actual haul route may necessitate a change in the roads to be maintained and/or in the amount of required deposit for road maintenance. Required deposits for road maintenance are listed in Section 4 and in the sample contract. Maintenance specifications are in the sample contract.

10. INAPPLICABLE STANDARD PROVISIONS. See sample contract.

11. SPECIAL PROVISIONS. See sample contract.

12. SET-ASIDE SALES. Not Applicable.

13. LOG EXPORT AND SUBSTITUTION RESTRICTIONS. The contract requires domestic processing of included timber except for species declared to be surplus, and prohibits the use of such included timber in substitution for unprocessed private timber exported. The bidder, by signing the bid for advertised timber, certifies compliance with the applicable prohibitions against export and substitution prescribed in the Forest Resources Conservation and Shortage Relief Act of 1990, as amended (16 U.S.C. 620, *et seq.*) with each bid.

14. EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE REVIEW. If the total bid value plus required deposits for this contract exceeds \$10 million, before award, the Forest Service shall request an equal employment opportunity compliance review of the high bidder to determine compliance with the provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967 and Executive Order No. 12086 of October 5, 1978.

15. AWARD. The Contracting Officer is required to make a determination of bidder responsibility as stated in Title 36, Section 223.101, of the Code of Federal Regulations.

To determine a purchaser to be responsible, a Contracting Officer must find that:

- a. The purchaser has adequate financial resources to perform the contract or the ability to obtain them;
- b. The purchaser is able to perform the contract within the contract term taking into consideration all existing contracts and Governmental business commitments;
- c. The purchaser has a satisfactory performance record on timber sale contracts. A prospective purchaser that is or recently has been seriously deficient in contract performance shall be presumed not to be responsible, unless the Contracting Officer determines that the circumstances were beyond the purchaser's control and were not created through improper actions by the purchaser or affiliate, or that the purchaser has taken appropriate corrective action. Past failure to apply sufficient tenacity and perseverance to perform acceptably under a contract is strong evidence that a purchaser is not a responsible contractor. The Contracting Officer shall consider the number of contracts involved and extent of deficiency of each in making this evaluation;
- d. The purchaser has a satisfactory record of integrity and business ethics;
- e. The purchaser has or is able to obtain equipment and supplies suitable for logging the timber and for meeting the resource protection provisions of the contract;
- f. The purchaser is otherwise qualified and eligible to receive an award under applicable laws and regulations.

Bidders, by signing the bid form, certify that, to the best of bidder's knowledge the bidder will meet the requirements in 36 CFR 223.101, determination of purchaser responsibility, and, if awarded this contract, that bidder will complete the timber sale contract and any modifications thereof in accordance with its terms including requirements to purchase, cut, and remove included timber.

16. FALSE STATEMENTS ACT. Bidders, by signing the bid form, certify that they are aware that bidder is subject to the penalties prescribed in 18 U.S.C. 1001, Chapter 47, Fraud and False Statements (P.L. 104-45). The Act states "whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years, or both."

17. DAMAGES. This contract shall be terminated for breach pursuant to paragraph 16, 19, and/or 21 of the bid form and the terms of the sample contract if: 1) bidder fails to execute a timber sale contract, furnish a downpayment, or furnish a satisfactory performance bond within 30 days of the award letter's date; or 2) bidder is found to have violated the False Statements Act in making

any statement or certification on the bid form including not meeting purchaser responsibility requirements, and bidder has made a false statement. The bid guarantee shall be retained, in whole or in part, by the Forest Service to satisfy any damages that may be assessed.

18. SUSPENSION AND DEBARMENT CERTIFICATION. Non-procurement debarments and suspensions are governed by the Government-wide common rules (7 CFR 3017).

These rules require each timber sale purchaser, to submit a certification for itself, its principals, and its affiliates when bidding on sales. The bidder must designate its status regarding debarment, suspension, and other matters as specified on the bid form. The bidder, by signing the bid form, certifies this status. An explanation for not submitting a certification may be submitted. The Contracting Officer will determine whether the explanation provides sufficient reason for permitting participation in the bidding. Also, as a timber sale purchaser enters into transactions with subcontractors, these subcontractors must certify their eligibility. The certification titled "Subcontractor Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion" must be provided to subcontractors, but completed certifications are not required to be submitted with bid forms. Purchaser must keep these subcontractor certification forms on file for review by the Forest Service, if requested.

The certification forms and instructions for subcontractor transactions are provided as an addendum to the bid form.

19. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) LOGGING REGULATIONS. Conduct of operations on this timber sale is subject to inspection for compliance with the logging operations regulations at 29 CFR 1910.266 by OSHA. This standard is applicable to the entire logging industry wherever logging operations occur. Information is available to assist purchasers to ensure compliance with the logging operations regulations during conduct of this timber sale from the U.S. Department of Labor, Occupational Safety and Health Administration, OSHA, California Department of Industrial Relations, 1515 Clay Street, Suite 1901, Oakland, California 94612.

20. GENERAL. Corporations submitting an offer under this solicitation must include form AD-3030, Representations Regarding Felony Conviction and Tax Delinquent Status For Corporate Applicants. Copies of this form may be obtained from the Forest Service office shown on page 1 of this prospectus or electronically at: <http://www.ocio.usda.gov/policy-directives-records-forms/forms-management/approved-computer-generated-forms>.

Bidders are hereby put on notice that the Westside Fire Recovery Project, NEPA document and associated decision, which provides the authority to conduct this project, has been litigated. This may result in contract suspension, modification, or termination. The contract provides for limited remedies in cases of suspension, modification, or termination due to litigation.

A Pre-Award Waiver Release and Limitation of Liability Agreement will be required in order to award the sale. Prospective bidders are encouraged to contact Tara Jones, at 530-226-2389, as to the changes this agreement has to the limited remedies in cases of suspension, modification, or termination due to litigation.

Due to the recent Forest Closure Order (No. 15-05-771) prospective bidders will need to contact the Forest Supervisors Office in Yreka or one of the westside District Offices for a key and permit to access the sale area.

The Middle Creek Fire Salvage Re-Offer timber sale has changed from the original offering by increasing the number of "Timber Subject to Agreement" (TSTA) units. The TSTA units are identified on the Sale Area Map. Additional product accountability measures will be implemented in addition to adding the skyline and helicopter logging provisions if applicable when an agreement is initiated.

There is an estimated 1292 MBF (1963 CCF) of sawtimber volume within the sale area consisting of 29.8% Ponderosa Pine (352 MBF/585 CCF), 8.1% Sugar Pine (108 MBF/160 CCF), 28.3% White Fir (388 MBF/555 CCF), 23.5% Douglas Fir (312 MBF/462 CCF) and 10.3% Incense Cedar (132 MBF/201 CCF). Included timber units are all tractor units (including roadside hazard). Hazard tree units are Individual Tree Mark (ITM) and Units 539E, 521T, and TSTA are Leave Tree Mark (LTM).

This sale is in urgent need of harvesting, an extension or contract term adjustment may be granted on other Forest Service sale(s) to the purchaser of this sale.

- a. The specific geographic tributary area that would apply for the granting of extensions or adjustments on existing sales is Shasta-Trinity, Six Rivers, and Lassen National Forests; other National Forests can be used upon written agreement by the Forest Supervisor(s).
- b. Purchaser must show how logging this sale will impact operations on existing sales.

- c. Specific classes of sales that would not receive consideration for extension or adjustment are salvage or insect damage sales.
- d. The calculation of the number of days of contract term adjustment or extension a purchaser would receive would depend upon a case-by-case review and reflect the time lost by logging the sale urgently requiring harvesting.

Due to the urgent need to harvest this salvage sale, the Market Related Contract Term Addition (MRCTA) is not being offered for this sale.

The Forest Service has not received the "Water Waiver" from the State Water Board. No operations will occur until the water waiver is received.

This sale is being re-offered under an 8 day advertisement period, prospective purchasers are encouraged to review all documentation and the sale area prior to submission of bid(s). This sale includes, but is not limited to, the following provisions.

Timber Subject To Agreement, C2.11# is included for units within the sale area that are not required removal under the contract.

Road Maintenance Requirements, C5.31# is included which requires Pre, During, and Post haul treatment of roads. Refer to the sample contract for specific requirements.

Road and Water Supply Deposits, C5.35# is included. This provision includes, but is not limited to, surface replacement deposits. Deposits for surface replacement will be collected at a rate of \$2.46 per MBF.

Site Specific Protection Measures, C6.24# to protect cultural, wildlife (sang retention areas), and botanical areas. Cultural areas are identified on a separate map that will be provided to the purchaser of this sale. All other site specific protection measure areas are identified on the sale area map. Refer to the sample contract and sale area map for specific requirements.

Sale Operations Schedule, C6.315# is included to limit disturbance to breeding and/or nesting wildlife. Refer to the sample contract for specific requirements.

Felling, Bucking, and Limbing, C6.41# and Ground Based Skidding C6.42# are included. Refer to the sample contract and sale area map. Due to the TSTA units Cable & Skyline (C6.425) and Helicopter Yarding (C6.429) provisions will be added as applicable if timber subject to agreement is initiated.

Protection of Streamcourses, C6.5 is included to protect streams within the sale area. There are two different buffer strips designated on the sale area map.

Special Erosion Protection Measures, C6.6# is included. Refer to the sample contract provision and sale area map for specific requirements.

Slash Requirement, C6.7# is included. Machine piling at landings and hand pile within the roadside hazard tree removal units. Handpiles will be covered with water proof covering. The maximum number of acres to be treated for hand piling is designated on the sale area map.

Third Party Scaling, C8.315 is included. This provision requires the purchaser to pay a third party scaling service that is approved and agreed to by the Forest Service. Refer to the sample contract for specific requirements.

The PAL Ev variance agreements will strongly be considered for the salvage.

The Project Activity Level (PAL), an industrial operation's fire precaution system, will be used in this sale. The Westside Average SIG will be used to calculate the Project Activity Level. The "normal operating period" is from May 1 through October 31. The Expected Days per Month at each PAL value for the "normal operating period" is shown in the following table. Due to limited operating period constraints C(T)6.315#, operations are limited in certain areas of the sale area.

PROJECT ACTIVITY LEVEL CLIMATOLOGY

Station/SIG/Unit:	Westside Average	Years Analyzed:	1972--2015
	A B C D	EV E	Days

Month	Expected Days per Month at each PAL Value						Analyzed
April	12.5	10.5	5.9	1.1	0.0	0.0	1107
May	7.9	9.4	10.2	3.1	0.4	0.0	1240
June	2.9	5.1	12.8	6.9	2.2	0.0	1282
July	0.4	1.4	9.6	10.5	9.1	0.0	1315
August	0.7	1.6	6.6	8.9	13.1	0.0	1313
September	1.9	3.3	7.5	7.6	9.7	0.0	1256
October	6.6	6.4	11.3	5.0	1.7	0.0	1267
November	21.0	6.6	2.2	0.2	0.1	0.0	1138