# TIMBER SALE PROSPECTUS

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|---|---|---|---|
| **Sale Name :** | Alma Deck 2H | **Type of Sale :** | Premeasured |
| **National Forest :** | Ashley | **Ranger District :** | Vernal |
| **Bidding Method :** | Sealed Bid | **Bid Guarantee :** | $100.00 |

**Location of Bid Opening :** Forest Supervisor's Office, Ashley National Forest, 355 North Vernal Avenue, Vernal, UT 84078

**Date :** 10/14/2020 **Time :** 10:00 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 2400-2 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 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.

**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 payment units, 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 Alma Decks are the result of a project in which the trees were fell, skid, limbed and then decked. Most of the trees were live when cut and are as small as 2.5 inches in diameter and larger. This project started in May 2020, therefore, some decks will contain more dry logs than others.

The decks are located approximately 30 road miles northwest of Vernal, Utah. The route of access to the decks is out of Vernal, UT on State Hwy 121, then turn north on 3500 west, which turns into the Dry Fork Canyon road, then becomes the Red Cloud Loop road (FS Rd #018), continue to drive up Brownie Canyon, then turn southeast on the Alma Taylor/Dry Fork Mountain road (FS Rd # 030). Drive down the Alma road approximately 3.4 miles turning northeast (left) on a side dirt road which is just across from the big camp spot. Drive this road approximately .7 miles to the first unit with decks (the 1st unit is unit 8), drive further down the road to access the remaining 7 units.

The decks are identified by the unit number and then an alphabetic letter painted on the end of the decks. (Example 1A, 1B, 1C, 2A, 8A, 8B etc).

**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 Rates per Unit of Measure

| | | | | | | | Required Deposits | |
|---|---|---|---|---|---|---|---|---|
| **Species** | **Product** | **Unit of Measure** | **Estimated Quantities** | **Average DBH** | **Advertised Rates** | **Base Rates** | **Slash Disposal** | **Road Maintenance** |
| DEAD & Others | Fuelwood | CCF | 30.00 | N/A | $5.00 | N/A | $0.00 | $2.07 |
| | **TOTAL** | CCF | 30.00 | | | | $0.00 | $62.10 |

**5. PERIOD OF CONTRACT**. Contract termination date is 10/10/2021. 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.

**7. PERFORMANCE BOND**. Not Applicable.

**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**. Not Applicable.

**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 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, Utah Labor Commission 160 East 300 South, 3rd Floor, PO Box 146650, Salt Lake City, Utah 84114-6650., (801) 530-6848.

**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.

There is a road maintenance and surface replacement deposit of $2.07 per CCF required on this sale.

The USDA is an equal opportunity provider and employer.

The Forest Service reserves the right to reject any and all bids. Full information concerning the timber, the conditions of sale, and submission of bids is available to the public from the Ashley National Forest, 355 North Vernal Avenue, Vernal, UT 84078 (435) 789-1181.

| U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE | National Forest | Sale Name |
|---|---|---|
| | Ashley | Alma Deck 2H |
| | Title and Address of Sale Officer Receiving Bid | |
| NATIONAL FOREST TIMBER FOR SALE (Advertisement and Short-Form Bid) (Ref. FSM 2430, FSH 2409.18, Ch 50) | Contracting Officer<br>Forest Supervisor's Office, Ashley National Forest<br>355 North Vernal Avenue<br>Vernal, UT 84078 | |

The quantities listed below in the "Bid for Advertised Timber and Forest Products" are being offered for sale. It includes all timber or forest product marked or otherwise designated for cutting or harvesting in the following location: T2S;R20E;Sec 21;SLM.

Full information on the timber or forest products, conditions of sale, and bidding may be obtained at the Forest Service office indicated above, or an indicated address before bids are submitted. Sealed bids will be received by the Sale Officer or authorized representative, up to and not later than 10:00 AM on 10/14/2020.

A certified check, official bank check, bank draft, cashier's check, bank money order, or cash in the sum of ninety dollars ($90.00), payable to the FOREST SERVICE, USDA, must accompany bid to be applied to the purchase price, refunded, or retained for application toward payment of damages.

No bid of less than that stated under "Minimum Acceptable Bid" will be accepted. Valid bids will be evaluated on the basis of total return to the United States. The right to reject any and all bids is reserved.

## BID FOR ADVERTISED TIMBER AND FOREST PRODUCTS

**In response to the above notice of sale (I)(we) bid for the timber as shown in the "Price Bid" column.**

| Species | Product | Estimated Quantity | Unit of Measure | Minimum Acceptable Bid Rate $ | **Price Bid Per Unit of Measure $** | Additional Deposits for Slash Disposal $ |
|---|---|---|---|---|---|---|
| DEAD & Others | Fuelwood | 30 | CCF | 5.00 | | 0.00 |

**Bidder acknowledges that Forest Service estimates of operating costs and sale quantities are not guaranteed and that the Forest Service grants no warranty, either expressed or implied, of their accuracy.**

The minimum down payment shall be equivalent to the 10 percent of the total advertised value of the sale, plus 20 percent of the bid premium.

If awarded the sale (I) (we) agree (a) to execute a contract within 30 days from date of notice of award and (b) that the deposit accompanying this bid may be applied to the purchase price or be retained for application toward payment of any damages due the United States for non-performance.

| Date | Signature of Bidder | Name and Address of Bidder |
|---|---|---|
| | | |
| Forest Officer shall redact TIN after entering in appropriate data base. | | Tax Identification No. (TIN) |
| | | |

Public reporting burden for this collection is estimated to be 5-15 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Under the Paperwork Reduction Act of 1995, an agency shall not conduct or sponsor, and no persons are required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is 0596-0066.

INSTRUCTIONS FOR:
Certification Regarding Debarment, Suspension,
and Other Responsibility Matters - Timber Sale Transactions

1. By signing and submitting this proposal, the prospective timber sale purchaser (primary participant) certifies to the best of its knowledge and belief, that it and its principals:

a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded under 48 CFR 9.4, from timber sales (covered transactions) by any Federal department or agency;

b) Have not within a 3-year period preceding this bid been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d) Have not within a 3-year period preceding this bid had one or more public transactions (Federal, State, or local) terminated for breach or default of a timber sale or forest product contract.

Where the prospective timber sale purchaser is unable to certify to any of the statements in this certification, such prospective timber sale purchaser shall attach an explanation to this bid.

The Bidder further agrees by submitting this bid that Form AD-1047 Certification Regarding Debarment, Suspension and Other Responsibility Matters Primary Covered Transactions shall be completed by the Purchaser and provided to the Contracting Officer upon request.

2. The inability of a person to provide the certification will not necessarily result in denial of participation in this timber sale (covered transaction). The prospective timber sale purchaser shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Forest Service's determination whether to enter into this timber sale. However, failure of the prospective timber sale purchaser to furnish a certification or an explanation shall disqualify such person from participation in this timber sale.

3. The certification is a material representation of fact upon which reliance was placed when the Forest Service determined to enter into this timber sale. If it is later determined that the prospective timber sale purchaser knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Forest Service may terminate this timber sale for cause or default.

4. The prospective timber sale purchaser shall provide immediate written notice to the Forest Service, to whom this proposal is submitted, if at any time the prospective timber sale purchaser learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms 'covered transaction,' 'debarred,' 'suspended,' 'ineligible,' 'lower tier covered transaction,' 'participant,' 'person,' 'primary covered transaction,' 'principal,' 'proposal,' and 'voluntarily excluded,' as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the Forest Service for assistance in obtaining a copy of those regulations.

6. The prospective timber sale purchaser agrees by submitting this proposal that, should the proposed timber sale transaction be entered into, it shall not knowingly enter into any subcontractor transaction (lower tier covered transaction) with a person who is proposed for debarment under 48 CFR 9.4, or who is debarred, suspended, declared ineligible, or voluntarily excluded under 48 CFR 9.4 from participation in this timber sale, unless authorized by the Forest Service's non-procurement Debarring and Suspending Official.

7. The prospective timber sale purchaser further agrees by submitting this bid that it will provide the Form AD-1048 Certification Regarding Debarment, Suspension, Ineligibility and voluntary Exclusion Lower Tier Covered Transactions shall be completed by the Purchaser and provided to the Contracting Officer upon request for each subcontractor.

8. A participant in a timber sale may rely upon a certification of a prospective subcontractor that it is not proposed for debarment under 48 CFR 9.4, or is not debarred, suspended, ineligible, or voluntarily excluded from the timber sale, unless it knows that the certification is erroneous. A timber sale purchaser may decide the method and frequency by which it determines the eligibility of its principals. Each timber sale purchaser may, but is not required to, check for those listed as Excluded in the System for Award Management.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this provision. The knowledge and information of a timber sale purchaser is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

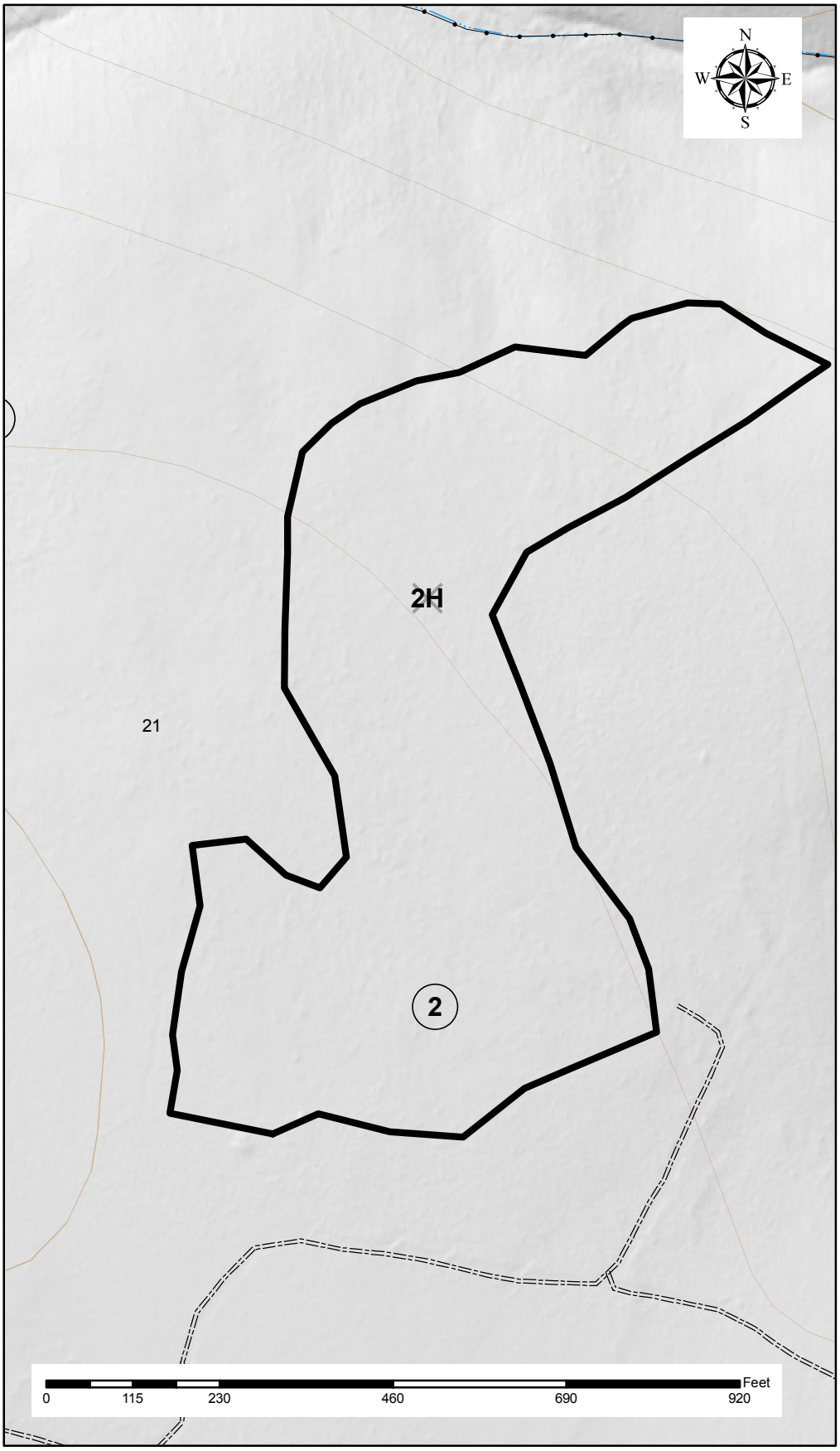
10. Except for transactions authorized under paragraph 6 of the instructions for certification, if a contractor knowingly enters into a subcontractor transaction with a person who is proposed for debarment under 48 CFR 9.4, or who is suspended, debarred, ineligible, or voluntarily excluded under 48 CFR 9.4, from participation in this contract, in addition to other remedies available to the Federal Government, the Forest Service may terminate this contract for cause or default and/or pursue suspension and/or debarment.

Sale Area Map

# Alma Deck 2H Sale

Ashley National Forest
Vernal Ranger District






## Legend

- Woods Road
- 1 Cutting Unit Number - BT1.1. BT5.2
- Decks
- AlmaBlackNorthSouth Units
- Existing Transportation, FRs - BT5.12
- FR555 Road Numbers - BT5.12
- Existing Temp Road
- Section
- almaeaststreams

**T 2 S, R 2 E Section: 21**

Land lines are approximate.

Salt Lake Meridian

Initials: JpH
Date: 8/28/20

Sale Area Map

# Alma Deck Sale

Ashley National Forest
Vernal Ranger District

SHEET 1 OF 1

## Legend

- AlmaBlackNorthSouth Units selection 2
- Woods Road
- 1 Cutting Unit Number - BT1.1. BT5.2
- Existing Transportation, FRs - BT5.12
- FR555 Road Numbers - BT5.12
- Existing Temp Road
- Section
- almaeaststreams

**T 2 S, R 2 E Section:20, 21**

Land lines are approximate.

Salt Lake Meridian

Initials: JpH
Date: 8/28/20