

**TIMBER SALE PROSPECTUS**

<b>Sale Name :</b>	Swamp Creek DXP	<b>Type of Sale :</b>	Scaled
<b>National Forest :</b>	Colville	<b>Ranger District :</b>	Newport
<b>Bidding Method :</b>	Sealed Bid	<b>Bid Guarantee :</b>	\$545,500.00

**Location of Bid Opening :** Colville National Forest Supervisor's Office

**Date :** 01/13/2021

**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.

**Weighted Average Stumpage Rate Bidding:**

Prospective purchasers must submit bids in terms of the weighted average stumpage rate. The bid form states minimum acceptable rates and estimated quantities of timber together with the minimum acceptable weighted average rate. The advertised minimum acceptable weighted average rate 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 weighted average stumpage. 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 weighted average bid rate divided by the minimum acceptable weighted average rate. 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.

Contract area is accessed by County Road C-2389 (Tacoma Creek Road) off of WA State Hwy 20.

**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.

**Road Construction Costs.** The advertised rate does not include the estimated cost of specified road construction. The estimated road construction cost has been included in the appraisal as a cost that the purchaser will incur. The purchaser will be responsible for the road construction cost and WILL NOT receive credit towards stumpage costs for this expense, i.e., THIS SALE DOES NOT INCLUDE PURCHASER CREDIT and bidders should consider the cost of road construction when developing their bids.

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 and Other Coniferous Species	Sawtimber	Ton	214,677.00	10.4	\$25.31	\$.92	\$4.44	\$0.00
	<b>TOTAL</b>	Ton	214,677.00				\$953,165.88	\$0.00

The minimum acceptable weighted average bid rate is \$25.31 per Ton for the biddable species. 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 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.

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. Purchasers are responsible for the cost of specified road construction. Specified road construction costs ARE NOT available to use as credit for the payment of stumpage, i.e., THIS SALE DOES NOT INCLUDE PURCHASER CREDIT.

### Timber Subject to Agreement

Species	Product	Unit of Measure	Fixed Rates	Slash Disposal Deposits	Road Maintenance Deposits
All Species	Grn Bio Cv	Ton	\$0.08	\$0.00	\$0.00

**5. PERIOD OF CONTRACT.** The normal operating season covers the period between 06/01 and 10/31 and between 12/01 and 03/01. Contract termination date is 12/31/2027. 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.

The purchaser must submit a Plan of Operations to the Contracting Officer for approval before operations begin or within 60 days of sale award, whichever is earlier. The plan must show how the purchaser plans to complete the contract by the termination date. In addition to

the Plan of Operations, the purchaser must submit an annual Operating Schedule before commencing operations. This schedule will include the anticipated major activities and needs for harvest. This annual Operating Schedule does not require concurrence of the Forest Service.

**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.

By 06/01/2025 , the purchaser shall have paid for, or in lieu thereof, deposited cash in the amount of: (1) 50 percent of the total estimated bid premium, or (2) 35 percent of the total estimated sale value at bid date, exclusive of required deposits, rounded up to the next \$100.

By 06/01/2026 , the purchaser shall have paid for, or in lieu thereof, deposited cash in the amount of 75 percent of the total estimated sale value at bid date, exclusive of required deposits, rounded up to the next \$100.

If a qualified bidder elects to have the Forest Service construct specified roads, the contract shall provide for collection of not less than the full estimated cost of the roads stated in this prospectus, in addition to the current contract rate value and required deposits. Contract FS-2400-6 provides for collecting the estimated public works road construction cost as timber is scaled, at a rate accelerated on 80 percent of the estimated volume.

If bidder elects the road option, payment for right-of-way timber will be made in advance of cutting. The timber will be decked by the road contractor and will be made available to the purchaser when notified by Forest Service of location and availability. If purchaser and road contractor agree, purchaser may cut and remove right-of-way timber as part of the specified road construction.

**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 \$546,000.00 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.** The Forest Service has determined that the following National Forest System roads shall be constructed or paid for, in whole or in part, by the timber sale purchaser. Sufficient information to permit a prospective bidder to calculate the likely cost to be incurred for road construction is available at the Forest Supervisor's Office. See the sample contract for verification of specific details and information concerning construction specifications. CONSTRUCTION ESTIMATES AND INFORMATION CONTAINED HEREIN, TOGETHER WITH RELATED SPECIFICATIONS, ARE NOT GUARANTEED. The following roads are those that Forest Service considers necessary to remove the timber from this sale.

Road Number	Road Name	Traffic Service	Approximate Miles/Kilometers	Estimated Road Construction Cost	Type of Work *
2600365	2600365	D	1.45 / 2.33	\$33,290.28	C
2600367	2600367	D	0.72 / 1.16	\$16,885.63	C
2600628C	2600628C	D	0.65 / 1.05	\$13,660.47	C
2600650C	2600650C	D	1.04 / 1.67	\$26,984.08	C
9521005	9521005	D	0.98 / 1.58	\$27,600.87	C
9521025	9521025	D	0.38 / 0.61	\$11,598.76	C
9521025	9521025	D	0.6 / 0.97	\$18,400.58	C
2600324	2600324	D	1.57 / 2.53	\$23,184.66	R
2600350	2600350	D	0.55 / 0.89	\$16,082.04	R
2600360	2600360	D	1 / 1.61	\$25,212.40	R
2600363	2600363	D	1.06 / 1.71	\$18,854.31	R
2600627	2600627	D	0.19 / 0.31	\$11,228.94	R
2600628	2600628	D	0.24 / 0.39	\$8,210.23	R
2600629	2600629	D	4.54 / 7.31	\$85,250.53	R
2600638	2600638	D	0.35 / 0.56	\$6,264.19	R
2600640	2600640	D	1.83 / 2.95	\$32,497.16	R
2600645	2600645	D	0.48 / 0.77	\$12,272.87	R
2600650	2600650	D	0.19 / 0.31	\$14,088.37	R
9521022	9521022	D	0.13 / 0.21	\$10,280.72	R
2600630	BOULDER MTN ROAD	D	0.6 / 0.97	\$14,297.69	R
2600630	BOULDER MTN ROAD	D	0.34 / 0.55	\$8,301.33	R
9521000	NORTH FORK CHEWELAH CREEK	C	5.18 / 8.34	\$107,106.25	R
9521010	SWAMP CREEK	D	0.1 / 0.16	\$4,970.05	R

\* C = Construction  
R = Reconstruction

The required specified road completion date for all roads is 10/31/2022. If provision C(T)5.13# - Road Completion Date has different dates for projects, this is the final road completion date.

Total estimated construction cost allowed in appraisal is \$598,084.91

A bidder qualifying as a small business concern may elect to have the Forest Service construct the specified roads listed above. Completion dates for construction apply whether construction is performed by the purchaser or by the Forest Service. If the bidder elects Forest Service construction, it is the Forest Service's intent to perform construction through CONTRACT. The Forest Service shall not award the timber sale contract unless either it receives a satisfactory road construction bid or, if it fails to receive such a bid within 90 days of opening timber sales bids, the bidder agrees to perform road construction.

If purchaser elects Forest Service construction, the total estimated public works construction cost that would require to be paid in addition to current contract rates is \$599,377.87. See provision C(T)4.12#- Amount Payable for Timber in the sample contract for additional information.

The following changes will be made to the sample contract when the Forest Service constructs specified roads:

A(T)3 - Timber Designations: "Specified Road Clearing" will be changed to "Construction Clearing" C(T)2.323.

A(T)7 - Change the title to "Permanent Roads To Be Constructed by Forest Service."

A22 or AT19 - Make the following changes in A22 or AT19:

- Add C(T)2.323 - Construction Clearing.
- Add C(T)4.12# - Amount Payable for Timber.
- Add C(T)8.41 - Limitation of Performance by Other Than Purchaser.

The estimated road construction cost includes the cost of road reconstruction engineering services, pursuant to Public Law 88-657, 78 Stat. 1089, 16 U.S.C. 532-537. Refer to provision C(T)5.213# - Deposit for Reconstruction Engineering Services in the sample contract for additional information.

Purchaser shall make a cash deposit in the amount \$51,562.50 for engineering services completed by Forest Service in preparation of this contract.

**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, 505 106th Avenue NE, Suite 302, Bellevue, Washington 98004, (425) 450-5480.

**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>.

**State Excise Tax:** This contract is subject to the Washington State Excise Tax. (Note: For information contact the WA State Dept. of Revenue, Olympia, WA, 800-548-8829).

**Liability Limits:** Standard provisions B8.34 and B8.35 limit the United States liability in the event of a cancellation due to protection of threatened, endangered and/or sensitive species.

**Timber Subject to Agreement:** Final utilization specifications for biomass material will be determined as part of the agreement to include the removal of this material in the contract.

**Consolidated Appropriations Act:** This award is subject to the provisions contained in the Consolidated Appropriations Act, 2012 P.L. No. 112-74, Division E, Sections 433 and 434. Complete and return the enclosed form AD-3031-FS with the signed copies of the contract.

**Accountability:** For weight scaled materials sold at different rates, each product must be completely removed from a landing before

another product can be removed. See Provision C6.840 - Accountability.

Scaling Charges and Lost Loads: \$15 per load will be charged for processing scaling tickets by the Forest Service unless the contractor elects another party to perform these services.

Equipment Cleaning: The contractor is required to clean all off-road equipment prior to bringing the equipment onto the contract area as per Provision B6.35

Erosion Control and Soil Treatment: The contractor will be required to pay a co-op deposit of \$0.02/ton for the cultivation and harvest of replacement native seed for use on future contracts.

All signs described within the TRAFFIC CONTROL PLAN and SPECIFICATIONS B6.33 SAFETY shall meet MUTCD retroreflectivity standards for operations conducted before dawn or after dusk.

This sale contains subdivisions that have trees to be cut designated by species and diameter. See C2.352#. It is preferred that these units are harvested during the summer or when conditions allow for inspections of stumps. Stump diameters shall be measured at 4" above the natural forest floor on the high side of the tree.

A minimum stump height of 6 inches, as measured from the uphill side, is required in all subdivisions.

This sale contains subdivisions that have trees to be cut designated by prescription. See C2.355#. Marking of the subdivisions prior to cutting is not required. See C6.36#.

Hand falling will be required within areas with slopes exceeding 35% for tractor and 40% for cut-to-length and/or areas where equipment operations may result in unacceptable damage to the resource.

Some subdivisions have adverse skidding/forwarding in excess of 20% slope.

Areas of disturbed soil 100 square feet or greater will need to be seeded to prevent the spread of noxious weeds. See C6.6#.

New seed mix requirements per C6.6#.

Emergency Fire Precautions (C7.22) have changed per 06/2018 update.

Volume associated with new system road construction has not been included in the cruise. This volume will be accounted for in Add-on Volume.

Mechanical yarding/skidding equipment is prohibited from entering the equipment exclusion areas. The equipment exclusion shall be 25 feet from the Subdivision Boundary as designated on the Sale Area Map. C6.42#

Hand falling will be required within the equipment exclusion areas, as shown on the Sale Area Map, for trees that cannot be reached with the arm/boom of mechanized equipment. C6.41#

This sale has seasonal operating restriction requirements. Refer to special provision C6.315# - SALE OPERATION SCHEDULE in the sample contract for specific requirements.

NEW SALE OPERATION RESTRICTIONS regarding recreation events and non-commercial group use permits. C5.12# and C6.315#.

Subdivision 94 has tight timing restrictions due to goshawk nesting season (3/1-8/31), snowmobile trail disturbance restrictions (12/1-3/31), and Batey-Bould Motorcycle Trail disturbance restrictions (summer months). Timing of harvest must be coordinated with Contracting Officer.

Subdivisions 96 and 97 have tight timing restrictions due to snowmobile trail disturbance restrictions (12/1-3/31) and Batey-Bould Motorcycle Trail disturbance restrictions (summer months). Timing of harvest must be coordinated with Contracting Officer.

Construction and use of Temporary Road 109B is to be limited to summer months, July 1 through September 30. This criterion may be modified following consultation with the District Hydrologist.

Subdivison 97 contains virtual clumps and boundaries. The boundaries of the virtual clumps and openings are designated as "Digital Mapping Used Geo-fence". These clumps and openings have not been marked on the ground, but are shown on page 2 of the Sale Area Map and on the digital vector files (shapefiles) provided to the Purchaser by the Contracting Officer. C2.355

All live trees greater than or equal to 20.0" DBH and/or greater than or equal to 30.0" stump diameter shall be left uncut, with the exception of trees that need to be felled for safety or to allow for skidding/forwarder trails.

Due to concerns of COVID-19, this timber sale will be offered as a sealed bid. To further mitigate the threat of COVID-19, all bids are required to be mail-in only. There will not be a public bid opening. Contract award may be delayed up to one week to ensure all mail has been received.