

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

TIMBER SALE CONTRACT

(Applicable to Sales to be Measured before Felling)

Name of Purchaser

National Forest
Chippewa

Ranger District
Blackduck

Region
Eastern

Contract Number

Sale Name
Cup Cake

Award Date

Termination Date
07/05/2018

The parties to this contract are The United States of America, acting through the Forest Service, United States Department of Agriculture, hereinafter called Forest Service, and _____ hereinafter called Purchaser.

Forest Service having advertised a sale at which either (1) Purchaser, whose required bid deposit is now held by Forest Service as an initial deposit, was the successful bidder, or (2) no bids were received and Purchaser having subsequently offered at least the minimum advertised price and made an initial deposit in the same amount as the bid deposit specified in the sale advertisement; and the parties hereto desiring to record their agreement; now therefore,

Unless provided otherwise herein, Forest Service agrees to sell and permit Purchaser to cut and remove Included Timber and Purchaser agrees to purchase, cut, and remove Included Timber.

This contract consists of three Divisions: AT - Specific Conditions, BT - Standard Provisions, and CT - Special Provisions, together with Sale Area Map, Plans and specifications for developments (if any), and such attachments as may be provided for in Division CT. Specific Conditions are numbered and apply to the Part, Section, Subsection, or Item of the Standard Provisions, as indicated hereunder. Other conditions of this contract are stated in Division CT - Special Provisions.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the award date.

UNITED STATES OF AMERICA

Two Witnesses:^{1/}

(Name)

(Address)

(Name)

(Address)

By: _____
Contracting Officer

(Title)

By: _____
(Purchaser) ^{2/}

(Title)

(Business Address)

I, ^{3/} _____, certify that I am the _____
Secretary of the corporation named as Purchaser herein; that _____
who signed this contract on behalf of Purchaser, was then _____
of the corporation; that the contract was duly signed for and in behalf of the corporation by authority of its governing body, and is
within the scope of its corporate powers.

**CORPORATE
SEAL** ^{4/}

INSTRUCTIONS:

- 1/ The signatures and addresses of two witnesses are required if Purchaser is other than a corporation.
- 2/ If Purchaser is a co-partnership, the signatures should be: XYZ Company, by John Doe, a member of the firm. If Purchaser is a corporation, form of signature should be: XYZ Company, by John Doe, President (or other officer or agent) and the seal of the corporation must be impressed or indicated.
- 3/ The certificate must be completed if Purchaser is a corporation.
- 4/ If the corporation has no corporate seal that fact shall be stated, in which case a scroll or adhesive seal shall follow the corporate name.

EXAMPLE 1/

Subcontractor Certification
Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion

Timber Sale Name: _____
National Forest: _____

The prospective subcontractor (participants in lower tier covered transactions) certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this timber sale by any Federal department or agency.

Where the prospective subcontractor is unable to certify to any of the statements in this certification, such prospective subcontractor shall attach an explanation to this proposal.

Name of Subcontractor: _____
Business Address: _____

_____ Date _____ Signature

1/ It is the Purchaser's responsibility to have subcontractors complete this certification and to maintain a file of completed certifications. This certification does not need to be returned to the Forest Service, except at the written request of the Contracting Officer.

The following conditions apply to the indicated portions of Division BT - Standard Provisions issued June 2006.

AT1 - Location and Area, applicable to BT1.1

This Sale Area of 3700 acres more or less is located in:

T149N R30W sections 19, 20 24, 25, 27, T149N R29 Sections 23 29, 30 & T148N R29 Section 3

AT2 - Volume Estimate and Utilization Standards, applicable to BT2.1, BT2.2, BT2.4, and BT6.4

Species	Product	Estimated Quantity *	Unit of Measure	Minimum Specifications				
				Merchantable Tree		Piece Required to be Removed		
				Diameter Breast High (d.b.h.) (inches)	Number of Minimum Pieces per Tree	Length (feet)	Diameter Inside Bark at Small End (inches)	Net Scale in % of Gross Scale
Mixed Hardwoods	Sawtimber	292.00	CCF	11.0	1	8	9.6	40
Red & White Pine	Sawtimber	173.00	CCF	9.0	1	8	7.6	40
Spruce	Sawtimber	110.00	CCF	9.0	1	8	7.6	40
Aspen	Pulpwood	1,991.00	CCF	5.0	1	8	4.0	70
Balsam Fir	Pulpwood	369.00	CCF	5.0	1	8	4.0	70
Mixed Hardwoods	Pulpwood	553.00	CCF	5.0	1	8	4.0	70
Pine	Pulpwood	109.00	CCF	5.0	1	8	4.0	70
Spruce	Pulpwood	223.00	CCF	5.0	1	8	4.0	70
Timber Subject to Agreement under CT2.11#								
Mixed Hardwoods	Grn Bio Cv	unestimated	CCF	4.0	1	8	N/A	70
Total Quantity		3,820.00	CCF					

* Quantities not included here are described in BT2.4.

AT3- Timber Designations, applicable to BT2.3; acres are approximate:

	Number	Acres
Clearcutting Units (BT2.31)	_____	_____
Specified Road Clearing (BT2.32)	_____	_____
Overstory Removal Units (BT2.33)	_____	_____
Understory Removal Units (BT2.34)	_____	_____
Individual Trees (BT2.35)	_____	442.7
Incompletely Measured Payment Units (BT2.36)	_____	_____

AT4 - Timber Payment Rates, applicable to BT3.1 and BT4.0

AT4a - For Species and Products to be Paid for at Rates Escalated under BT3.2

Not Applicable

AT4b- For Species and Products to be Paid for at Flat Rates

Species	Product	Unit of Measure	Rates per Unit of Measure				Required Deposits Slash Disposal \$
			Base \$	Advertised \$	Bid Premium \$	Bid (Flat) \$	
Mixed Hardwoods	Sawtimber	CCF	12.58	13.90			.00
Red & White Pine	Sawtimber	CCF	75.05	83.52			.00
Spruce	Sawtimber	CCF	28.58	31.73			.00
Aspen	Pulpwood	CCF	28.92	32.11			.00
Balsam Fir	Pulpwood	CCF	19.62	21.74			.00
Mixed Hardwoods	Pulpwood	CCF	11.09	12.24			.00
Pine	Pulpwood	CCF	40.70	45.24			.00
Spruce	Pulpwood	CCF	25.87	28.71			.00
Timber Subject to Agreement under CT2.11#							
Mixed Hardwoods	Grn Bio Cv	CCF	1.00	1.00			

For purposes of convenience in collection and bookkeeping, Bid Rates stated in AT4 include payment of deposits for sale area betterment required pursuant to 16 USC 576b. Such deposits are not included as Required Deposits defined hereunder.

AT4c - Schedule of Payment Units

Payment Unit No.	App rox. Acres	Quantity of Species and Products to be Escalated under AT4a	Total Tentative Payment \$	Quantity of Species and Products to be Paid for at Flat Rates under AT4b	Total Flat Rate Payment \$	Total Required Deposits for Slash Disposal \$
01	12.5			Mixed Hardwoods Sawtimber 5.00 CCF Aspen Pulpwood 85.00 CCF Balsam Fir Pulpwood 4.00 CCF Mixed Hardwoods Pulpwood 9.00 CCF		.00
					Total PU Quantity And Value 103.00 CCF	
03	9.1			Spruce Sawtimber 12.00 CCF Aspen Pulpwood 69.00 CCF Balsam Fir Pulpwood 36.00 CCF Mixed Hardwoods Pulpwood 4.00 CCF Spruce Pulpwood 11.00 CCF		.00
					Total PU Quantity And Value 132.00 CCF	
04	7			Mixed Hardwoods Sawtimber 1.00 CCF Aspen Pulpwood 79.00 CCF Mixed Hardwoods Pulpwood 15.00 CCF		.00
					Total PU Quantity And Value 95.00 CCF	
05	45.5			Mixed Hardwoods Sawtimber 54.00 CCF Aspen Pulpwood 591.00 CCF Balsam Fir Pulpwood 7.00 CCF Mixed Hardwoods Pulpwood 135.00 CCF		.00
					Total PU Quantity And Value 787.00 CCF	
06	58			Mixed Hardwoods Sawtimber 82.00 CCF Aspen Pulpwood 275.00 CCF Balsam Fir Pulpwood 24.00 CCF Mixed Hardwoods Pulpwood 196.00 CCF		.00
					Total PU Quantity And Value 577.00 CCF	
07	39			Mixed Hardwoods Sawtimber 1.00 CCF Aspen Pulpwood 30.00 CCF Mixed Hardwoods Pulpwood 43.00 CCF		.00
					Total PU Quantity And Value 74.00 CCF	
08	25.7			Red & White Pine Sawtimber 173.00 CCF Aspen Pulpwood 2.00 CCF Balsam Fir Pulpwood 0.00 CCF Pine Pulpwood 109.00 CCF		.00
					Total PU Quantity And Value 284.00 CCF	
09	21			Mixed Hardwoods Sawtimber 21.00 CCF Aspen Pulpwood 46.00 CCF Mixed Hardwoods Pulpwood 16.00 CCF		.00
					Total PU Quantity And Value 83.00 CCF	
10	135			Mixed Hardwoods Sawtimber 119.00 CCF Aspen Pulpwood 611.00 CCF Balsam Fir Pulpwood 171.00 CCF Mixed Hardwoods Pulpwood 130.00 CCF		.00
					Total PU Quantity And Value 1,031.00 CCF	
11	9.2			Mixed Hardwoods Sawtimber 1.00 CCF Aspen Pulpwood 172.00 CCF Balsam Fir Pulpwood 18.00 CCF Mixed Hardwoods Pulpwood 1.00 CCF		.00
					Total PU Quantity And Value 192.00 CCF	

Payment Unit No.	App rox. Acres	Quantity of Species and Products to be Escalated under AT4a	Total Tentative Payment \$	Quantity of Species and Products to be Paid for at Flat Rates under AT4b	Total Flat Rate Payment \$	Total Required Deposits for Slash Disposal \$
12	20			Mixed Hardwoods Sawtimber 8.00 CCF Aspen Pulpwood 23.00 CCF Balsam Fir Pulpwood 109.00 CCF Mixed Hardwoods Pulpwood 4.00 CCF		.00
				Total PU Quantity And Value 144.00 CCF		
13	33			Spruce Sawtimber 73.00 CCF Spruce Pulpwood 158.00 CCF		.00
				Total PU Quantity And Value 231.00 CCF		
14	19.7			Spruce Sawtimber 16.00 CCF Spruce Pulpwood 39.00 CCF		.00
				Total PU Quantity And Value 55.00 CCF		
2	8			Spruce Sawtimber 9.00 CCF Aspen Pulpwood 8.00 CCF Balsam Fir Pulpwood 0.00 CCF Mixed Hardwoods Pulpwood 0.00 CCF Spruce Pulpwood 15.00 CCF		.00
				Total PU Quantity And Value 32.00 CCF		

The following definitions are established for the terms used in AT4:

Base Rates are the lowest rates of payment for timber that are authorized by this contract. Base Rates remain constant throughout the life of this contract and are not subject to change by rate redetermination, except for reduction under BT3.31, BT3.32, or BT3.33.

Advertised Rates are the minimum acceptable Bid Rates for timber, exclusive of Required Deposits. These rates are those indicated by appraisal, with a cost allowance made for construction of Specified Roads listed in AT7, but are never less than Base Rates.

Bid Premium Rates are the amounts by which Purchaser's bid is in excess of Advertised Rates. The Bid Premium Rates are constant during this contract, except as provided in BT3.31, BT3.32, and BT3.33.

Bid Rates are the rates bid by Purchaser (exclusive of Required Deposits for slash disposal and road maintenance) and are the sum of Advertised Rates and Bid Premium Rates. Until a rate redetermination becomes effective, the Bid Rate for species and products in AT4a is the Tentative Rate that is subject to quarterly adjustment under BT3.2; for species and products in AT4b, the Bid Rate is the Flat Rate.

Required Deposits are deposits that Purchaser may be required to pay for slash disposal (16 USC 490) and road maintenance (16 USC 537). Required Deposits may be adjusted as part of a rate redetermination or a Contract Term Extension. The table shows only Required Deposits for slash disposal; road maintenance deposits, if any, are given in CT5.32#.

Base Index is the specified average of the lumber or other product selling value index used as the basis for computing adjustment in rates for variance in product selling value, as provided in BT3.2.

AT5 - Indices Used in Quarterly Adjustment, applicable to BT3.2

Not Applicable

AT6 - High Stumps, applicable to BT6.412

Species	Product	Maximum Stump Height (inches)
All	Sawtimber	14
All	Pulpwood	10

AT7 - Specified Roads, applicable to BT5.2

Name and Date of Governing Road Specifications:

Project		Design Class	Approx. Length (mi./km.)	Sheet Numbers and Approval Date	Performance Responsibility		
Road No.	Name				Survey	Design	Construction Staking 1/
NOT APPLICABLE							

1/ Indicate timing, i.e. before clearing (BC) or after clearing (AC). Applicable to BT5.212.

AT8 - Forest Service Engineering Completion Schedule, applicable to BT5.21

Road No.	Road Name	Type of Work	Completion Date
NOT APPLICABLE			

AT9 - Fire Precautionary Period, applicable to BT7.2

April 01 to November 15, inclusive

AT10 - Purchaser Responsibility to Furnish Crews and Equipment for:

Initial Fire Suppression, applicable to BT7.3

Within 5 road miles

Fire Suppression Reinforcement, applicable to BT7.312 and BT7.313

Within 20 road miles

AT11 - Purchaser's Obligation per Operations Fire, applicable to BT7.41

Maximum Amount: \$ \$900

AT12 - Termination Date, applicable to BT8.2

July 05, 2018

AT13 - Normal Operating Season, applicable to BT6.31, BT6.66, BT8.21 and BT9.3

First Period: May 15 to March 15, inclusive

Second Period: _____ to _____, inclusive

AT14 - Performance Bond, applicable to BT9.1

Performance Bond Amount: _____

AT15 - Downpayment, applicable to BT4.211

Downpayment Amount: _____

AT16 - Periodic Payment Amount, applicable to BT4.213

	<u>Periodic Payment Determination Date</u>	<u>Amount</u>
Initial Payment:	_____	_____
Additional Payment:	_____	_____

AT17 - Market-Related Contract Term Addition Producer Price Index, applicable to BT8.212

Index Name: Wood Chips **Index Number:** 211135

AT18 - Inapplicable Standard Provisions

The following listed Sections, Subsections, or Items of Division BT - Standard Provisions - are hereby made inapplicable. (Instructions: List by reference number and title.)

BT4.211	DOWNPAYMENT
BT4.4	PAYMENTS NOT RECEIVED
BT8.212	MARKET-RELATED CONTRACT TERM ADDITION

AT19 - List of Special Provisions

The following listed special provisions are attached to and made a part of this contract as Division CT. Provisions with reference numbers followed by # contain blanks into which data have been entered for this sale. (Instructions: List by reference number, title, and date.)

CT2.11#	TIMBER SUBJECT TO AGREEMENT (06/1972)
CT2.301#	PROTECTED AREAS (06/2009)
CT2.302#	BOUNDARY TREES (06/2009)
CT2.352#	DESIGNATION BY SPECIES AND DIAMETER (04/2004)
CT2.355#	INDIVIDUAL TREES, CUT TREE MARKING (06/2009)
CT4.211	DOWNPAYMENT (06/2007)
CT4.212	TEMPORARY REDUCTION OF DOWNPAYMENT (08/2009)
CT4.4	PAYMENTS NOT RECEIVED (08/2012)
CT5.31#	ROAD MAINTENANCE REQUIREMENTS (07/2001)
CT6.313#	CUTTING SCHEDULE (06/2009)
CT6.314#	OPERATING REQUIREMENTS (06/2009)
CT6.412	STUMP MARKS (02/2009)
CT6.42#	SKIDDING AND YARDING REQUIREMENTS (06/2009)
CT6.7#	SLASH DISPOSAL MEASURES (06/2009)
CT7.2	FIRE PRECAUTIONS (06/2009)
CT8.212	MARKET-RELATED CONTRACT TERM ADDITION (11/2008)