

**TIMBER SALE PROSPECTUS**

<b>Sale Name :</b>	Browns Run	<b>Type of Sale :</b>	Premeasured
<b>National Forest :</b>	Allegheny	<b>Ranger District :</b>	Bradford
<b>Bidding Method :</b>	Sealed Bid	<b>Bid Guarantee :</b>	\$28,700.00

**Location of Bid Opening :** Allegheny National Forest, Bradford District Office, 29 Forest Service Drive, Bradford, PA 16701

**Date :** 05/19/2015

**Time :** 02:00 PM

**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 2400-6T 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.

**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.

Payment Units 01 through 05 of the Browns Run timber sale are located approximately 4 miles east of Warren, PA along FR 160. Payment Units 07 and 08 are located approximately 2 miles south of Warren, PA along FR 253.2. There is no Payment Unit 06 included with this sale. The Browns Run Sale Area encompasses approximately 240 acres with cutting confined to 233 acres.

Individual Trees, Cut Tree Marking (CTM), CT2.355# (Payment Units 01, 03, 04, and 05)

All trees designated as Cut Tree Mark (CTM), as shown on the Sale Area Map, are designated for cutting with paint at DBH and the stump. Color designations are shown in Special Provision CT2.355#.

Individual Trees, Leave Tree Marking (LTM), CT2.356# (Payment Units 02, 07, and 08)

All trees designated as Leave Tree Mark (LTM), as shown on the Sale Area Map, are not to be cut when marked with indicated paint color above and below the stump. Color designations are shown in Special Provision CT2.356#. All trees meeting Utilization Standards specified in AT2, which are not marked as a Leave Tree or protected by CT2.301# (Protected Areas), are designated for cutting.

**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 Rates per Unit of Measure

Species	Product	Unit of Measure	Estimated Quantities	Average DBH	Advertised Rates	Base Rates	Required Deposits	
							Slash Disposal	Road Maintenance
Ash	Sawtimber	CCF	93.00	20.1	\$81.35	\$58.84	\$0.00	\$10.10
Black Cherry	Sawtimber	CCF	375.00	21.8	\$535.84	\$296.19	\$0.00	\$10.10
Eastern Hemlock	Sawtimber	CCF	43.00	17.3	\$12.00	\$12.00	\$0.00	\$10.10
Hardwood - Other	Sawtimber	CCF	44.00	16.2	\$19.86	\$16.19	\$0.00	\$10.10
Mixed Oak	Sawtimber	CCF	39.00	14.9	\$115.38	\$73.40	\$0.00	\$10.10
Red Maple	Sawtimber	CCF	412.00	17	\$91.63	\$63.24	\$0.00	\$10.10
Red Oak	Sawtimber	CCF	132.00	19.7	\$229.05	\$122.03	\$0.00	\$10.10
Softwood - Other	Pulpwood	CCF	85.00	10	\$1.90	\$1.90	\$0.00	\$10.10
Hardwood - Other	Pulpwood	CCF	2,007.00	9.6	\$1.90	\$1.90	\$0.00	\$10.10
<b>TOTAL</b>		CCF	3,230.00				\$0.00	\$32,623.00

Estimated Knutson-Vandenberg deposit for sale area improvement work in a total amount of \$183,998.00 is included in total timber value.

**5. PERIOD OF CONTRACT.** The normal operating season covers the period between 10/01 and 03/01. Contract termination date is 06/30/2018. 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 02/13/2017, 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 12/16/2017, 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.

**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 \$29,000.00 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 *
323	BROWN RUN	D	0.3 / 0.48	\$12,140.00	R
160K	HOOK RUN - K	D	0.1 / 0.16	\$1,850.00	R

\* C = Construction  
R = Reconstruction

The required specified road completion date for all roads is 09/30/2015. 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 \$15,290.00

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 \$1,300.00 for engineering services completed by Forest Service in preparation of this contract. The Forest Service shall complete reconstruction related engineering services on the following schedule:

Road or Facility No.	Termini From -To (MP or Sta.)	Engineering Services Completion Date
160K	0 - .1	03/18/2015
323	0 - .3	03/18/2015

**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 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, 1128 State ST, STE 200 Erie, PA 16501, (814) 461-1492.

**20. GENERAL.** Corporations submitting an offer under this solicitation must include form AD-3030-FS, 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>.

U. S. Department of Agriculture Quarantines: Quarantines of forest products against the spread of emerald ash borer (EAB) (entire states of Pennsylvania, Ohio, Michigan, and West Virginia, and southern New York, pine shoot beetle (entire state) and gypsy moth (entire state) are now in effect. Timber from this sale comes from within the quarantined area for emerald ash borer, gypsy moth and pine shoot beetle. The buyer is responsible for understanding and complying with all applicable quarantines, including those in effect in other states. Please contact the regional office of U.S. Department of Agriculture, P.O. Box 1554, Williamsport, PA 17701, telephone 570-322-5784 or see their website: [http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/emerald\\_ash\\_b/downloads/multistateeab.pdf](http://www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/downloads/multistateeab.pdf) for further information on regulations, inspections, and certification to move regulated articles out of quarantined areas.

Equipment Cleaning: This sale contains standard provision BT6.35 - Equipment Cleaning. Off road equipment used on this sale (such as skidders, forwarders, and construction equipment) shall be free of noxious weeds of concern, and free of soil, seeds, vegetative matter, or other debris that could contain or hold such seeds, prior to moving onto the Sale Area, and for subsequent moves to other payment units on sale. An appraisal adjustment has been made for the cleaning of such equipment. The Sale Area Map depicts units infested with specific noxious weed species of concern. Maps of known locations are available for inspection at the Forest Supervisor's office in Warren, PA. A list of noxious weeds of concern to the Forest Service is available for inspection at the same location.

Road Bonding: State and Township roads are subject to weight limit restrictions and may require bonding. Bonding of Township or State roads is the responsibility of Purchaser.

Protection of Improvements (BT6.22) - All Forest Service roads and trails.

Protection of Improvements Not Owned by FS (BT6.221) - There are oil and gas wells, pipelines, electric lines, and roads within Payment Units 01, 02, 07, and 08 of this sale. The Purchaser is required to identify actions necessary to prevent damage to these facilities prior to operations. The cost to mobilize and install bridge pads has been considered in the advertised minimum rates.

Protection of Land Survey Monuments (BT6.23) - Within Payment Unit 01, the Purchaser shall protect all known survey monuments, witness corners, reference monuments, and bearing trees against avoidable destruction, obliteration, or damage during operations.

Showing: No formal showing is planned for this sale. If prospective bidders have any questions regarding the sale they should contact the Bradford Ranger District at 814-363-6000. Office hours are 8:00 am - 4:30 pm, Monday - Friday, except holidays.

Temporary Developments: Roadside decking is planned for Payment Units 01 and 02. The use of existing landings along FR 160 are planned for Payment Units 03 and 04. Additional stone may be needed for these landings, depending on ground conditions at the time of harvest. Payment Unit 05 will require the construction of a new landing on an existing corridor in the southwest corner of the unit off of FR 492. Material from Payment Units 7 and 8 is planned to be decked along an existing corridor in the northern section of Payment Unit 07 off of FR 253.2. Additional stone may be needed to access this decking location. The Purchaser is also expected to install and maintain up to 6 logging and traffic control signs and plow snow on Forest Roads. All temporary development costs have been considered in the advertised minimum rates.

Seed, Lime, Fertilize, and Mulch Requirements (CT6.6#): The estimated total area to be treated is approximately 3 acres.

Cutting Schedule (CT6.313#): Payment Units 07 and 08 shall be cut by 03/01/2016; Payment Unit 02 shall be cut by 03/01/2017. The order of release for the remaining Payment Units shall be determined upon approval of the Purchaser's general Plan of Operations.

Operating Requirements (CT6.314#): Within Payment Units 02 and 07, cutting and skidding is only permitted from October 01 to March 01 (Silviculture).

Operating Requirements (CT6.314#): Within Payment Units 01, 03, and 04, cutting and skidding is only permitted during dry or frozen conditions (Soils).

Operating Requirements (CT6.314#): Within Payment Unit 05, cutting and skidding is only permitted during dry conditions from June 15 to September 30 (Rec & Soils).

Operating Requirements (CT6.314#): Within Payment Unit 08, cutting and skidding is only permitted during frozen conditions (Silviculture & Soils).

Operating Requirements (CT6.314#): Within Payment Units 03 and 04, rock barricades on existing landings shall be returned to their pre-operational condition prior to unit acceptance (Rec).

Operating Requirements (CT6.314#): Within Payment Unit 05, cutting and skidding is prohibited on weekends and legal holidays within 200 feet of FR 492 (Rec).

Operating Requirements (CT6.314#): Within Payment Unit 03, cutting and skidding is prohibited from March 01 to August 31 (Resource Protection).

Skidding and Yarding Requirements (CT6.42#): Within Payment Units 01, 02, 03, 04, 05, 07, and 08, skidding equipment must stay on approved skid trail locations. Trees will be directionally felled to the lead and products yarded to approved skid trails by cable. Existing trails should be utilized wherever possible (Silviculture & Soils).

Slash Disposal Measures (CT6.7#): Within Payment Units 01, 02, 07, and 08, all slash resulting from the Purchaser's operation shall be removed from private land, oil and gas wells, roads, pipelines, electric lines, and other authorized facilities.

Specific Slash Disposal Measures (CT6.7#): Within Payment Units 01, 03, 05, and 07, all slash resulting from the Purchaser's operation shall be treated within 100 feet of FR 160, FR 492, and FR 253.2. Slash shall be removed within 50 feet of the ditch lines of these roads, then lopped and scattered to lie within 3 feet of the ground for an additional 50 feet. Slash shall be treated concurrent with operations (Scenery).

Use of Roads by Purchaser (CT5.12#): Hauling is not permitted on weekends and legal holidays on FR 160, FR 259, and FR 253.2 during the established Allegheny National Forest snowmobile season (Rec).

Use of Roads by Purchaser (CT5.12#): Hauling is not permitted on weekends and legal holidays on FR 492 from the landing southwest to FR 160 (Rec).

Use of Roads by Purchaser (CT5.12#): Hauling is prohibited on FR 492 north of the landing around the Jakes Rocks overlook and south

of the landing to FR 262 (Rec).

NOTICE - Sale does not include a Payment Unit 06.

NOTICE - Nails were observed in numerous trees, some of which were designated as included timber, around the grassy opening in the northwest portion of Payment Unit 03.

NOTICE - Prospective bidders are not permitted to cut ANY timber within a payment unit or sale area of an advertised timber sale, whether designated or non-designated, standing, or downed. Felling or cutting of trees, other than included timber under contract, is a violation of Title 36 of the Code of Federal Regulations Sections 261.6(a) and 261.9(a) and punishable by fines of up to \$5,000.00 and/or six months imprisonment per offense charged.

NOTICE - In accordance with Pennsylvania State Law under Chapter 102 of the Clean Streams Act, all operators conducting timber harvest activities must complete and have available on-site a copy of the E&S Plan provided by the Pennsylvania DEP at: <http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-8747>.

Information regarding this offering can be found on the Allegheny National Forest website at: <http://www.fs.usda.gov/main/allegheny/workingtogether/contracting>

Sale Value: Total sale value based on advertised rates is \$286,356.17.