

U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE		Name of Purchaser	
<b>TIMBER SALE CONTRACT</b> <i>(Applicable to Sales to be Measured before Felling)</i>			
National Forest Flathead	Ranger District Hungry Horse	Region 1	Contract Number
Sale Name Lost Johnny Point Hazard		Award Date	Termination Date August 31, 2015

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 <sup>1/</sup> \_\_\_\_\_

a \_\_\_\_\_ hereinafter called Purchaser.

<sup>2/</sup> 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 BT or 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**

By: \_\_\_\_\_  
Contracting Officer  
(Title)

\_\_\_\_\_  
(Purchaser) <sup>4/</sup>

Two Witnesses: <sup>3/</sup>

By: \_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Business Address)

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)

I, <sup>5/</sup> \_\_\_\_\_, 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.



**INSTRUCTIONS:**

1/ If Purchaser is a corporation, state a "corporation organized and existing under the laws of the State of \_\_\_\_\_ " and specify the State; if Purchaser is a partnership, state a "partnership consisting of \_\_\_\_\_ " and specify the names of each partner; and if Purchaser is a sole proprietor doing business under an assumed name, state "(n) individual doing business under the name of \_\_\_\_\_ City of \_\_\_\_\_, State of \_\_\_\_\_."

2/ Delete this paragraph for unadvertised administrative use and timber settlement contracts.

3/ The signatures and addresses of two witnesses are required if Purchaser is other than a corporation.

4/ 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.

5/ The certificate must be completed if Purchaser is a corporation.

6/ For companies incorporated in States that require a corporate seal, 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.

<b>EXAMPLE 1/</b>	
<i>Subcontractor Certification</i>	
<i>Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion</i>	
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
<u>1/</u> It is 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 Forest Service, except at the written request of 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 28 acres more or less is located in: Section 1, T29N, R19W, Flathead County, Montana, PMM

**AT2 – Quantity 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)	<sup>1/</sup>
Engelmann Spruce and Other	Sawtimber	69	CCF	7.0	1	8.0	4.6	10.67
<b>Timber Subject to Agreement under CT2.11#</b>								
Combined Softwood	Non-sawtimber	Unestimated	CCF	4.0	1	16.0	2.5	N/A
<b>Total Quantity</b>								

<sup>1/</sup> Enter Merchantability Factor (Merch. Factor) or Net Scale in % of Gross Scale, whichever is appropriate.

\* 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)		13
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**

Species	Product	Unit of Measure	Rates per Unit of Measure				Required Deposits Slash Disposal \$	Base Index
			Base \$	Advertise \$	Bid Premium \$	Bid (Tentative) \$		

**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) \$	
Engelmann Spruce and Other	Sawtimber	CCF	3.00	37.54			N/A
Combined Softwood	Non-Sawtimber	CCF	1.00			1.00	N/A

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 Number	Approx. Acres	To be Escalated under AT4a				Total Tentative Payment \$	To be Paid for at Flat Rates under AT4b				Total Flat Rate Payment \$	Total Required Deposits for Slash Disposal \$
		Species	Product	Quantity	Unit of Measure		Species	Product	Quantity	Unit of Measure		
1	13						ES and Other	Sawtimber	69	CCF		N/A

**AT4c – Schedule of Payment Units**

Payment Unit Number	Approx. Acres	To be Escalated under AT4a				Total Tentative Payment \$	To be Paid for at Flat Rates under AT4b				Total Flat Rate Payment \$	Total Required Deposits for Slash Disposal \$
		Species	Product	Quantity	Unit of Measure		Species	Product	Quantity	Unit of Measure		

**AT4c – Schedule of Payment Units**

Payment Unit Number	Approx. Acres	To be Escalated under AT4a				Total Tentative Payment \$	To be Paid for at Flat Rates under AT4b				Total Flat Rate Payment \$	Total Required Deposits for Slash Disposal \$
		Species	Product	Quantity	Unit of Measure		Species	Product	Quantity	Unit of Measure		

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

Species	Index Name and Date
N/A	

**AT6 – High Stumps**, applicable to BT6.412

Species	Product	Maximum Stump Height (inches)
All	All	8

**AT7 – Specified Roads**, applicable to BT5.2

Name and Date of Governing Road Specifications: N/A

Project		Design Class	Approx. Length (mi./km.)	Sheet Numbers and Approval Date	Performance Responsibility		
Road No.	Name				Survey	Design	Const. Staking <sup>1/</sup>
	N/A						

<sup>1/</sup> 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
	N/A		

**AT9 – Fire Precautionary Period**, applicable to BT7.2

May 1 to September 30, inclusive

**AT10 – Purchaser Responsibility to Furnish Crews and Equipment for:**

**Initial Fire Suppression**, applicable to BT7.3

Within 10 road miles

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

Within 50 road miles

**AT11 –Purchaser’s Obligation per Operations Fire**, applicable to BT7.41

**Maximum Amount:** \$ 500.00

**AT12 – Termination Date**, applicable to BT8.2

8/31/2015

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

**First Period:** June 1 to Aug 15, inclusive

**Second Period:** \_\_\_\_\_ to \_\_\_\_\_, inclusive

**AT14 – Performance Bond**, applicable to BT9.1

**Performance Bond Amount:** \$ 2,700

**AT15 – Downpayment**, applicable to BT4.211  
**Downpayment Amount:** \$ \_\_\_\_\_

**AT16 – Periodic Payments**, applicable to BT4.213

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

**AT17 – Market-Related Contract Term Addition Producer Price Index**, applicable to BT8.212  
**Index Name:** Softwood Lumber      **Index Number:** 0811

**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
- BT6.23 Protection of Land survey Monument
- BT6.25 Equipment Cleaning

**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 (6/72)   | CT6.633# Temporary Road, Skid Trail/Road and Landing Scarification (2/02) |
| CT2.2# Utilization & Removal of Included Products (4/03)                               | CT6.7 Hazard Reduction and Site Preparation (3/89)                        |
| CT2.352# - Designation by Species and Diameter (4/04)                                  | CT6.71 Change in Slash Treatment (3/90)                                   |
| CT4.211 Downpayment(6/07)  | CT6.711 Burning by Purchaser (10/79)                                      |
| CT4.212 Temporary Reduction of Downpayment (08/09)                                     | CT6.8 Measurement Method (10/01)  |
| CT4.4 Payments Not Received (8/12)   | CT6.801 Measuring (Pulp Logs) (5/80)                                      |
| CT5.31# - Road Maintenance Requirements (7/01)   | CT6.84 Accountability (10/04)   |
| Specification T-113 Surfacing Repair   | CT7.2 Normal Precautions (2/02)   |
| Specification T-201 Shoulder Maintenance   | CT8.66# Use of Timber (Option 1) (4/04)                                   |
| CT5.316 Snow Removal (4/13)  |   |
| CT5.41# Closure to Use by Others (3/07)  |   |
| CT6.10 Prewrite Conference (10/04)   |   |
| CT6.23 Protection of Survey Monuments (10/04)  |   |
| CT6.24# Site Specific Special Protection Measures (4/04)                               |   |
| CT6.310# Salvage Cutting Schedule  |   |
| CT6.316# Limited Operating Period (5/05)   |   |
| BT6.33 Safety Attachment – Logging and Maintenance Operation Signing Standards (10/01) |   |
| CT6.332 Safety (Timber Hauling) (10/04)  |   |
| CT6.339 Accident And Injury Notification (4/05)  |   |
| CT6.351# Washing Equipment (7/07)  |   |
| CT6.4# Conduct of Logging (3/83)   |   |
| CT6.41# Special Felling Requirement (10/04)  |   |
| CT6.50# Steamside Management Zones (12/90)   |   |
| CT6.6 Erosion Prevention and Control (9/06)  |   |
| CT6.601# Erosion Control Seeding (3/07)  |   |

