U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE **TIMBER SALE CONTRACT** (Applicable to Sales to be Scaled after Felling)		**Name of Purchaser**	
National Forest Kootenai	**Ranger District** Rexford	**Region** Northern	**Contract Number**
Sale Name 5 Creeks		**Award Date**	**Termination Date** 09/30/2020

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: A - Specific Conditions, B - Standard Provisions, and C - Special Provisions, together with Sale Area Map, Plans and specifications for developments (if any), and such attachments as may be provided for in Division C. 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 C - Special Provisions.

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

UNITED STATES OF AMERICA

Two Witnesses: 1/

By: _____
Contracting Officer

_____
(Name)

_____
(Title)

_____
(Address)

_____
(Purchaser) 2/

_____
(Name)

By: _____

_____
(Address)

_____
(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 B – Standard Provisions issued June 2006.

A1 – Location and Area, applicable to B1.1

This Sale Area of 2580 acres more or less is located in: Portions of Sections 2, 4, 5, 6 and 7, T35N, R28W; Portions of Sections 26, 27, 28, 32, 33, 34, 35 and 36, T34N, R28W; and Portions of Section 1, T35N, R29W, PMM, Lincoln County, State of Montana

A2 – Quantity Estimate and Utilization Standards, applicable to B2.1, B2.2, B2.4, and B6.4

				Minimum Specifications				
				Merchantable Tree		Piece Required to be Removed		
Species	**Product**	**Estimated Quantity**	**Unit of Measure**	**Diameter Breast High (d.b.h.)** *(inches)*	**Number of Minimum Pieces per Tree**	**Length** *(feet)*	**Diameter Inside Bark at Small End** *(inches)*	**Net Merch. Factor**
Live and Dead								
Lodgepole Pine & Other (Live & Dead)	Sawtimber	42320	Ton	7.0	1	8.0	5.6	10.67
Combined Softwood - All Species (Live & Dead)	Non-Sawtimber **1/**	27419	Ton	4.0	1	8.0	2.5	N/A
Total Quantity		**69739**						

1/ Non-sawtimber products include (C2.2): Primary product includes all trees **4.0" to 6.9"** DBH (less than minimum Sawtimber specifications shown in A2); secondary product include tops of Sawtimber trees less than diameter inside bark at small end shown in A2; and all trees not meeting minimum Sawtimber specifications but containnig at least 50% pulpable woodfiber in terms of gross cubic volume. (C6.801)

A3 – Timber Designations, applicable to B2.3; acres are approximate:

	Number	Acres
Clearcutting Units (B2.31)		
Specified Road Clearing (B2.32)		
Overstory Removal Units (B2.33)		
Understory Removal Units (B2.34)		
Individual Trees (B2.35)		829
Incompletely Marked Timber (B2.36)		

A4 - Timber Payment Rates, applicable to B3.1 and B4.0

A4a - For Species and Products to be Paid for at Rates Escalated under B3.2

Not Applicable

A4b - For Species and Products to be Paid for at Flat Rates

Species	Product	Unit of Measure	Rates per Unit of Measure				
			Base $	Advertised $	Bid Premium $	Bid (Flat) $	Required Deposits Slash Disposal $
Lodgepole Pine and Other	Sawtimber	Ton	9.91	9.91			2.22
Combined Softwood	Non-Saw	Ton	.34	.34			2.22

For purposes of convenience in collection and bookkeeping, Bid Rates stated in A4 include payment of deposits for sale area betterment required pursuant to 16 USC 576b. Such deposits are not included as Required Deposits defined hereunder.

The following definitions are established for the terms used in A4:

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 B3.31, B3.32, or B3.33.

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 A7, 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 B3.31, B3.32, and B3.33.

Bid Rates are the rates bid by Purchaser (exclusive of Required Deposits for slash disposal, road maintenance, and contract scaling) 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 A4a is the Tentative Rate that is subject to quarterly adjustment under B3.2; for species and products in A4b, the Bid Rate is the Flat Rate.

Required Deposits are deposits that Purchaser may be required to pay for slash disposal (16 USC 490), road maintenance (16 USC 537), and contract scaling (1994 Appropriations Act). 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 C5.32#; and contract scaling deposits, if any, are given in C6.816#.

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 B3.2.

A5 - Indices Used in Quarterly Adjustment, applicable to B3.2

Not Applicable

A6 - High Stumps, applicable to B6.412

Species	Product	Maximum Stump Height (inches)
All	All	12

A7 - Specified Roads, applicable to B5.2

Name and Date of Governing Road Specifications: Federal Highway Administration Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects(2003)-english

Project		Design Class	Appro. Length (mi./km.)	Sheet Numbers and Approval Date	Performance Responsibility		
Road No.	Name				Survey	Design	Construction Staking 1/
7993	FLAT CREEK (R) (segment 0 to 9.8)	Single Lane - 10 mph	9.8 / 15.77	1-3, 12-13, 18, 21 12/04/2014	FS	FS	FS BC
7989	FLAT FACE (R) (segment 0 to 4.75)	Single Lane - 10 mph	4.75 / 7.64	1-3, 9-10, 17, 20-22 12/04/2014	FS	FS	FS BC
7989A	FLAT FACE A (R) (segment 0 to 2.56)	Single Lane - 10 mph	2.56 / 4.12	1-3, 11, 20-21 12/04/2016	FS	FS	FS BC
993	INCH MTN. (R) (segment 0 to 2.27)	Single Lane - 15 mph	2.27 / 3.65	1-3, 7, 16-17, 20-21 12/04/2014	FS	FS	FS BC
619	SUTTON CREEK (R) (segment 2.21 to 7.05)	Single Lane - 15 mph	4.84 / 7.79	1-6, 18, 20-21 12/04/2014	FS	FS	FS BC
14093	SUTTON LION (R) (segment 0 to .79)	Single Lane - 5 mph	.79 / 1.27	1-3, 14-15, 19-22 12/04/2014	FS	FS	FS BC
7304	UPPER SUTTON (R) (segment 0 to 1.9)	Single Lane - 10 mph	1.9 / 3.06	1-3, 8, 20, 23-24 12/04/2014	FS	FS	FS BC

1/ Indicate timing, i.e., before clearing (BC) or after clearing (AC). Applicable to B5.212.

A8 - Forest Service Engineering Completion Schedule, applicable to B5.21

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

A9 - Scaling Instructions and Specifications, applicable to B6.8

Name and Date of Governing Instructions: National Forest Cubic Scaling HB, FSH 2409.11a, May 22, 1991, as amended and supplemented. Governing instruction for products contained in C Clauses as follows: C6.801, C6.822#, C6.823, C6.848 and C6.849.

Volume to be charged on weight basis.

Scaling Specifications					
Species	Product	Maximum Scaling Length (feet)	Trim Allowance		
			Diameter Range (inches)	Length Range (feet)	Trim Allowance (inches)
All	*All*	*20*	*ALL*	*ALL*	*6*

A10 - Scaling Services, applicable to B6.81

Species	Product	Unit of Measure	Site and Geographic Location	Method	Standard Estimated Cost per Unit $
All	All	Ton	Forest Service Approved Locations with State Certified Scales	Total (100%) Weight Scale	.00

A11 - Minimum Scaling Volumes, applicable to B6.81

Minimum volume for Continuous Scaling Services in two-week period 0 Ton per scaler

Minimum volume for Intermittent Scaling Services 0 Ton on a 0 basis

A12 - Fire Precautionary Period, applicable to B7.2

May 01 to September 30 , inclusive

A13 - Purchaser Responsibility to Furnish Crews and Equipment for:

Initial Fire Supression, applicable to B7.3

Within 10 road miles

Fire Suppression Reinforcement, applicable to B7.312 and B 7.313

Within 50 road miles

A14 - Purchaser's Obligation per Operations Fire, applicable to B7.41

Maximum Amount: $ $7,500.00

A15 - Termination Date, applicable to B8.2

September 30, 2020

A16 - Normal Operating Season, applicable to B6.31, B6.66, B8.21 and B9.3

First Period: July 01 to September 30 , inclusive

Second Period: _____ to _____ , inclusive

A17 - Performance Bond Amount, applicable to B9.1

_____

A18 - Downpayment, applicable to B4.211

Downpayment Amount: _____

A19 - Periodic Payment Amount, applicable to B4.213

	Periodic Payment Determination Date	Amount
Initial Payment:	October 01, 2018	_____
Additional Payment:	October 01, 2019	_____

A20 - Market-Related Contract Term Addition Producer Price Index, applicable to B8.212

Index Name: Softwood Lumber **Index Number:** 0811

A21 – Inapplicable Standard Provisions

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

B4.211 Downpayment
B4.4 Payments Not Received
B6.23 Protection of Land Survey Monuments
B6.35 Equipment Cleaning
B6.84 Accountability
B6.841 Route of Haul
B6.85 Scaling Lost Products
B8.212 Market-Related Contract Term Addition

A22 – List of Special Provisions

The following listed special provisions are attached to and made a part of this contract as Division C. 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.)

See Attached