

U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE  <b>TIMBER SALE CONTRACT</b> (Applicable to Sales to be Scaled after Felling)		<b>Name of Purchaser</b>  	
<b>National Forest</b> Idaho Panhandle	<b>Ranger District</b> Avery	<b>Region</b> Northern	<b>Contract Number</b>  
<b>Sale Name</b> Fallen Bear		<b>Award Date</b>  	<b>Termination Date</b> 10/31/2014

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: <sup>1/</sup>

By: \_\_\_\_\_  
 Contracting Officer

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

\_\_\_\_\_  
 (Title)

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

\_\_\_\_\_  
 (Purchaser) <sup>2/</sup>

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

By: \_\_\_\_\_

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

\_\_\_\_\_  
 (Title)

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

I, <sup>3/</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.

**CORPORATE  
 SEAL <sup>4/</sup>**

**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 6,755 acres more or less is located in: Sections 1-6 & 9-12, T44N, R8E; sections 25-27 & 30-36, T45N, R8E, & section 36 T45N, R7E, Boise Meridian, Shoshone County, State of Idaho.

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

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>
Combine Softwood	Sawtimber	32,303	Tons	7	1	8	5.6	10.67 100% Sound
Combine Softwood	Non-Sawtimber	1,811	Tons	5	1	9	4.0	
<b>Total Quantity</b>		<b>34,114 Tons</b>						

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

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

	Number	Acres
Clearcutting Units (B2.31)		
Specified Road Clearing (B2.32)		6
Overstory Removal Units (B2.33)		
Understory Removal Units (B2.34)		
Individual Trees (B2.35)		339
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				Required Deposits Slash Disposal \$
			Base \$	Advertised \$	Bid Premium \$	Bid (Flat) \$	
Combined Softwood	Sawtimber	Ton	1.02	1.02			4.57
Combined Softwood	Non-Saw	Ton	1.02	1.02			4.57

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 Fiat 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: Forest Service Standard Specifications for Construction of Roads & Bridges (1985), as amended and supplemented (english)

Project		Design Class	Appro. Length (mi./km.)	Sheet Numbers and Approval Date	Performance Responsibility		
Road No.	Name				Survey	Design	Construction Staking <sup>1/</sup>
3399.2	Bruin (C) (segment 0 to .24)	Single Lane - 20 mph	.15 / .24	1-46 08/19/2009	FS	FS	Purchaser BC
3396.2	Gold Bear (C) (segment 0 to .76)	Single Lane - 20 mph	.47 / .76	1-46 08/19/2009	FS	FS	Purchaser BC
3399D	Honey Bruin (C) (segment 0 to .92)	Single Lane - 20 mph	.57 / .92	1-46 08/19/2009	FS	FS	Purchaser BC
3698AA	Little Brown (C) (segment 0 to .61)	Single Lane - 20 mph	.38 / .61	1-46 08/19/2009	FS	FS	Purchaser BC
3458A.2	Loose (C) (segment 0 to .85)	Single Lane - 20 mph	.53 / .85	1-46 08/19/2009	FS	FS	Purchaser BC
3309UA	3309UA (R) (segment 0 to .03)	Single Lane - 20 mph	.02 / .03	1-46 08/19/2009	FS	FS	FS BC
3350	Big Ursa (R) (segment 0 to .42)	Single Lane - 20 mph	.26 / .42	1-46 08/19/2009	FS	FS	Purchaser BC
3698A	Brown Bear (R) (segment 0 to .21)	Single Lane - 20 mph	.13 / .21	1-46 08/19/2009	FS	FS	Purchaser BC
3399	Bruin (R) (segment 0 to .77)	Single Lane - 20 mph	.48 / .77	1-46 08/19/2009	FS	FS	Purchaser BC
3399UD	Bruin Middle (R) (segment 0 to .74)	Single Lane - 20 mph	.46 / .74	1-46 08/19/2009	FS	FS	Purchaser BC
3396	Conrad Peak (R) (segment 0 to .71)	Single Lane - 20 mph	.44 / .71	1-46 08/19/2009	FS	FS	Purchaser BC
3723	Kase Creek (R) (segment 0 to .02)	Single Lane - 20 mph	.01 / .02	1-46 08/19/2009	FS	FS	FS BC
3458A	Loose (R) (segment 0 to .03)	Single Lane - 20 mph	.02 / .03	1-46 08/19/2009	FS	FS	FS BC
339	Quartz Creek (R) (segment 0 to .02)	Single Lane - 20 mph	.01 / .02	1-46 08/19/2009	FS	FS	FS BC
1223UM	Ridge Road (R) (segment 0 to .39)	Single Lane - 20 mph	.24 / .39	1-46 08/19/2009	FS	FS	Purchaser BC
3309	Turnaround (R) (segment 0 to .64)	Single Lane - 20 mph	.4 / .64	1-46 08/19/2009	FS	FS	Purchaser BC
1231	Whitetail Peak (R) (segment 0 to .39)	Single Lane - 20 mph	.24 / .39	1-46 08/19/2009	FS	FS	Purchaser BC

<sup>1/</sup> 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: FSH2409.11a, National Forest Cubic Log Scaling Handbook, as amended and supplemented. Governing instructions for products contained in C(T) Provisions as follows: C6.822#, C6.823, C6.840 and C6.849.

Scaling Specifications					
Species	Product	Maximum Scaling Length (feet)	Trim Allowance		
			Diameter Range (inches)	Length Range (feet)	Trim Allowance (inches)
All	All	99	ALL	ALL	0

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 N/A Ton per scaler

Minimum volume for Intermittent Scaling Services N/A Ton on a N/A basis

A12 - Fire Precautionary Period, applicable to B7.2

May 10 to October 20, inclusive

A13 - Purchaser Responsibility to Furnish Crews and Equipment for:

Initial Fire Suppression, applicable to B7.3

Within 35 road miles

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

Within 35 road miles

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

Maximum Amount: \$ \$20,500.00

A15 - Termination Date, applicable to B8.2

October 31, 2014

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

First Period: June 15 to October 15, 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

	<u>Periodic Payment Determination Date</u>	<u>Amount</u>
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Initial Payment: October 31, 2012 \_\_\_\_\_

Additional Payment: October 31, 2013 \_\_\_\_\_

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.)

- B2.35 Individual Trees
- B4.211 Downpayment
- 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 List)

C2.2# - UTILIZATION AND REMOVAL OF INCLUDED PRODUCTS (4/03)  
C2.303# - - DEAD TREES. (10/04)  
C2.358# - INDIVIDUAL TREES (LEAVE TREE MARKING). (1/09)  
C2.359# - INDIVIDUAL TREES (CUT TREE MARKING). (1/09)  
C2.38# - SPECIES DESIGNATION. (1/09)  
C4.211 - DOWNPAYMENT. (06/07)  
C5.123# - ROAD USE, LIABILITY INSURANCE. (3/90)  
C5.13# - ROAD COMPLETION DATE. (4/04)  
C5.210 - STAKING ERRORS BY PURCHASER. (10/04)  
C5.31# - ROAD MAINTENANCE REQUIREMENTS. (7/01)  
C5.316# - SNOW REMOVAL. (02/02)  
C5.32# - ROAD MAINTENANCE DEPOSIT SCHEDULE. (7/01)  
C5.41# - CLOSURE TO USE BY OTHERS. (3/07)  
C5.419# - SYSTEM ROAD STABILIZATION. (3/07)  
C6.10 - PREWORK CONFERENCE. (10/04)  
C6.23 - PROTECTION OF LAND SURVEY MONUMENTS. (10/04)  
C6.332 - SAFETY (TIMBER HAULING). (10/04)  
C6.339 - ACCIDENT AND INJURY NOTIFICATION. (4/05)  
C6.351# - WASHING EQUIPMENT. (7/07)  
C6.4# - CONDUCT OF LOGGING. (10/82)  
C6.6 - EROSION PREVENTION AND CONTROL. (10/04)  
C6.601# - EROSION CONTROL SEEDING. (3/07)  
C6.632# - TEMPORARY ROAD AND TRACTOR ROAD OBLITERATION. (2/02)  
C6.661 - CURRENT OPERATING AREAS. (10/04)  
C6.7 - HAZARD REDUCTION AND SITE PREPARATION. (3/89)  
C6.71 - CHANGE IN SLASH TREATMENTS. (3/90)  
C6.711 - BURNING BY PURCHASER. (10/79)  
C6.753 - TEMPORARY ROAD CONSTRUCTION SLASH DISPOSAL. (10/82)  
C6.822# - PRESENTATION FOR WEIGHT SCALING . (3/07)  
C6.823 - VOLUME DETERMINATION. (10/04)  
C6.840 - WEIGHT ACCOUNTABILITY. (10/04)  
C6.849 - ROUTE OF HAUL. (10/04)  
C6.929 - REQUIREMENT FOR FOREST PRACTICES ACT NOTIFICATION. (10/01)  
C7.2 - NORMAL PRECAUTIONS. (2/02)  
C8.212 - MARKET-RELATED CONTRACT TERM ADDITION. (11/08)  
C8.66# - USE OF TIMBER. (4/04)