

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

TIMBER SALE CONTRACT

(Applicable to Sales to be Measured before Felling)

Name of Purchaser

National Forest
Stanislaus

Ranger District
Groveland

Region
Pacific S-West

Contract Number

Sale Name
Middle Fork (MP)

Award Date

Termination Date
09/30/2012

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 196 acres more or less is located in:

T.1S, R.18E., Sections 25 - 27, MDB&M

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 Merch. Factor
Douglas Fir	Sawtimber	399.00	CCF	9.0	1	10	6.0	12
Incense Cedar	Sawtimber	235.00	CCF	9.0	1	10	6.0	12
Ponderosa/Jeffrey Pine	Sawtimber	619.00	CCF	9.0	1	10	6.0	12
Sugar Pine	Sawtimber	92.00	CCF	9.0	1	10	6.0	12
White/Red Fir	Sawtimber	3.00	CCF	9.0	1	10	6.0	12
Combined Softwood	Non-Saw	757.00	CCF	4.0	1	6	N/A	16
Total Quantity		2,105.00	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)	_____	196
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 \$	Advertised \$	Bid Premium \$	Bid (Tentative) \$		
Douglas Fir	Sawtimber	CCF	3.00	12.50			4.44	173.27
Ponderosa/Jeffrey Pine	Sawtimber	CCF	1.00	1.00			4.44	271.94
Sugar Pine	Sawtimber	CCF	1.00	1.00			4.44	352.23
White/Red Fir	Sawtimber	CCF	3.00	5.01			4.44	167.66

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) \$	
Incense Cedar	Sawtimber	CCF	1.00	5.46			4.44
Combined Softwood	Non-Saw	CCF	.25	.25			4.44

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.	Approx. 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 \$
1	61	Douglas Fir <i>Sawtimber</i> 9.00 CCF		Incense Cedar <i>Sawtimber</i> 34.00 CCF		1,385.28
		Ponderosa/Jeffrey Pine <i>Sawtimber</i> 192.00 CCF				
		Sugar Pine <i>Sawtimber</i> 10.00 CCF				
		White/Red Fir <i>Sawtimber</i> 1.00 CCF				
		Combined Softwood <i>Non-Saw</i> 66.00 CCF				
Total PU Quantity And Value 212.00 CCF		Total PU Quantity And Value 100.00 CCF				
2	45	Douglas Fir <i>Sawtimber</i> 108.00 CCF		Incense Cedar <i>Sawtimber</i> 89.00 CCF		3,139.08
		Ponderosa/Jeffrey Pine <i>Sawtimber</i> 180.00 CCF				
		Sugar Pine <i>Sawtimber</i> 48.00 CCF				
		White/Red Fir <i>Sawtimber</i> 0.00 CCF				
		Combined Softwood <i>Non-Saw</i> 282.00 CCF				
Total PU Quantity And Value 336.00 CCF		Total PU Quantity And Value 371.00 CCF				
3	90	Douglas Fir <i>Sawtimber</i> 282.00 CCF		Incense Cedar <i>Sawtimber</i> 112.00 CCF		4,821.84
		Ponderosa/Jeffrey Pine <i>Sawtimber</i> 247.00 CCF				
		Sugar Pine <i>Sawtimber</i> 34.00 CCF				
		White/Red Fir <i>Sawtimber</i> 2.00 CCF				
		Combined Softwood <i>Non-Saw</i> 409.00 CCF				
Total PU Quantity And Value 565.00 CCF		Total PU Quantity And Value 521.00 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

Species	Index Name and Date
Douglas Fir	WWPA, Inland Douglas Fir-Larch (07-08 Basis), (WWPAD)
Ponderosa/Jeffrey Pine	WWPA, Inland Coast - Inland North Ponderosa Pine (07-08 Basis), (WWPAC)
Sugar Pine	WWPA, Inland Sugar Pine (07-08 Basis), (WWPAC)
White/Red Fir	WWPA, Inland White Fir (Hem-Fir) (07-08 Basis), (WWPAD)

AT6 - High Stumps, applicable to BT6.412

Species	Product	Maximum Stump Height * (inches)
All	All	12

* 1/3 of stump dia. not to exceed 12". For stumps visible from Hwy 120: horizontally flush-cut w/in 50 feet of H. 120; 4" max. ht. w/in 50-200 feet of H. 120; & 6" max. ht. w/in 200-400 feet of H. 120

AT7 - Specified Roads, applicable to BT5.2

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	Approx. Length (mi./km.)	Sheet Numbers and Approval Date	Performance Responsibility		
Road No.	Name				Survey	Design	Construction Staking ^{1/}
1S03B	Reconstruction (R) (segment 0 to .13)	Single Lane - 10 mph	.08 / .13	2 08/05/2010	FS	FS	FS BC

^{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

May 01 to December 01, inclusive

AT10 - Purchaser Responsibility to Furnish Crews and Equipment for:

Initial Fire Suppression, applicable to BT7.3

Within 25 road miles

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

Within 100 road miles

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

Maximum Amount: \$ \$33,000

AT12 - Termination Date, applicable to BT8.2

September 30, 2012

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

First Period: April 15 to November 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: 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
- 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.)

- CT2.21# UTILIZATION AND REMOVAL OF NON-SAWTIMBER PRODUCTS (08/2006)
- CT2.3# RESERVE TREES (04/2004)
- CT2.35# DESIGNATION OF TIMBER AND SUBDIVISION/PAYMENT UNIT BOUNDARIES (08/2007)
- CT2.352# DESIGNATION BY SPECIES AND DIAMETER (04/2004)
- CT2.353# DESIGNATION BY DAMAGE CLASS (04/2004)
- CT4.211 DOWNPAYMENT (06/2007)
- CT4.212 TEMPORARY REDUCTION OF DOWNPAYMENT (08/2009)
- CT5.12# USE OF ROADS BY PURCHASER (06/1999)
- CT5.213# DEPOSIT FOR RECONSTRUCTION ENGINEERING SERVICES (04/2004)
- CT5.31# ROAD MAINTENANCE REQUIREMENTS (07/2001)
- CT5.32# ROAD MAINTENANCE DEPOSIT SCHEDULE (07/2001)
- CT5.35# ROAD AND WATER SUPPLY USE (05/2008)
- CT6.22# PROTECTION OF IMPROVEMENTS (05/2008)
- CT6.24# SITE SPECIFIC SPECIAL PROTECTION MEASURES (04/2004)
- CT6.314 RELEASE OF PAYMENT UNIT (08/2006)
- CT6.315# SALE OPERATIONS SCHEDULE (08/2006)
- CT6.32# PROTECTION OF RESERVE TREES (04/2004)
- CT6.331 LOG TRUCKING (08/2006)
- CT6.37 SUBSTITUTE METHODS (08/2006)
- CT6.41# FELLING, BUCKING, AND LIMBING (08/2007)
- CT6.42# GROUND BASED SKIDDING (08/2006)
- CT6.5 STREAMCOURSE PROTECTION (08/2006)

CT6.6#	EROSION PREVENTION AND CONTROL (05/2008)
CT6.7#	SLASH TREATMENT (08/2006)
CT6.8-2#	MEASURING - OPT 2 (08/2006)
CT6.83	ACCOUNTABILITY (08/2006)
CT7.2#	SPECIFIED FIRE PRECAUTIONS (08/2006)
CT7.22#	EMERGENCY PRECAUTIONS (08/2006)
CT8.212	MARKET-RELATED CONTRACT TERM ADDITION (11/2008)
CT8.66# (Option 1)	USE OF TIMBER (04/2004)