

AG-0355-S-13-0023
Custer & Gallatin National Forests
Whitebark Pine Carbaryl Tree Spraying Services
Issued: **July 2, 2013**

This solicitation is issued as a Request for Quotation (RFQ).

This is a solicitation for commercial items. This announcement constitutes the only solicitation; quotes are being requested and a written solicitation will not be issued.

The solicitation and incorporated provisions and clauses are those in effect through the most current Federal Acquisition Circular FAC 2005-66.

The applicable North American Industry Classification (NAICS) is **115310** (Support Activities of Forestry): Size Standard is \$7.0 Million

This is 100% small business set-aside.

General Information

The intent of this solicitation is to obtain quotes for Carbaryl Tree Spraying Services on the Beartooth Ranger District of the Custer NF and the Gardiner, Bozeman and Hebgen Lake Ranger Districts.

See attachments for complete site descriptions.

Provide quote by: 10:00 PM, Mountain Standard Time on **July 12, 2013**.

DOCUMENTS TO RETURN:

The following documents shall be submitted by the offeror for evaluation to be considered responsive:

1. Schedule of Items
2. Completed provisions FAR 52.219-28 (page 9) and AGAR 452.209-70 (page 16).
3. Experience Questionnaire
4. Resume of Key Personnel, ie: Supervisor for Spray Operations
5. Equipment List (list of proposed equipment for use in spray operations)
6. Copy of valid Montana Professional FOREST Pesticide Applicator's License(s)

Send quote to: Forest Service, East Side Acquisition Team (ESAT)
Attn: Lisa Rakich
420 Barrett Street
Dillon, MT 59725

E-mail to: lrakich@fs.fed.us or fax to (406)683-3844.

For solicitation questions call Lisa Rakich at (406)683-3968.

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Offers shall include:

COMPANY NAME: _____

DUNS NUMBER: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

CONTACT PERSON: _____

Quote Details:

ITEM NO.	DESCRIPTION	METHOD of MEAS.	PAY UNIT	*EST. QTY.	UNIT PRICE	TOTAL PRICE
1	Custer NF – Spray designated high value whitebark pine trees with carbaryl insecticide to reduce mortality from mountain pine beetle.	AQ	EA	61	\$ _____	\$ _____
2	Gallatin NF – Spray designated high value whitebark pine trees with carbaryl insecticides to reduce mortality from mountain pine beetle.	AQ	EA	225	\$ _____	\$ _____
<i>Total Estimated Number of Trees to be Sprayed = 286</i>						
**TOTAL PRICE:					\$ _____	

DESIGNATED METHOD OF MEASUREMENT
AQ = Actual Quantity

Period of Performance shall be performed within 15 days after issuance of notice to proceed.

Performance Locations: Beartooth Ranger District; Custer Clark National Forest; Gardiner, Bozeman and Hebgen Lake Ranger Districts; Gallatin National Forest; Carbon, Gallatin, and Park Counties, Montana. (See separate attached maps for specific performance location information).

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SCOPE OF CONTRACT

It is the purpose of this contract to secure services for spraying Carbaryl insecticide application on approximately 286 designated high elevation Whitebark pine trees, to provide protection from mountain pine beetles. More specifically, there will be approximately 61 trees sprayed on the Beartooth Ranger District of the Custer National Forest and approximately 225 trees sprayed on the Gardiner, Bozeman, and Hebgen Lake Ranger Districts of the Gallatin National Forest.

Required work includes all activities associated with spraying all bole surfaces of designated trees from the root collar to a height of 50 feet or to where the diameter of the trunk is less than 4 inches in diameter (whichever is lowest). The amount of spray applied must be sufficient to soak the bark (1 gallon/50 square feet of bark) at a concentration of 2 percent active ingredient (e.g.; 4 gallons of Carbaryl/ 100 gallons water).

The Contractor shall furnish all labor, equipment, supervision, transportation, supplies, and incidentals necessary to perform all work required, including the appropriate mix of Carbaryl insecticide. The contractor must be a licensed forest pesticide applicator per the Montana Department of Agriculture.

LOCATION AND DESCRIPTION

The project areas are located on the Beartooth Ranger District of the Custer National Forest and the Gardiner Ranger District of the Gallatin National Forest. The locations of the affected sites are contained in the attached maps.

There is 1 general project area for the Beartooth Ranger District. Project Area: Hell Roaring is located approximately 18 miles southwest of Red Lodge, MT. Forest Service Roads are all gravel surfaced roads. Potential bidders are advised to review on-the-ground road conditions to ensure their vehicle equipment can access the project areas.

Hell Roaring project area: go south west on Highway 212 from Red Lodge, MT approximately 12 miles to the Parkside and Limber Campground access. Turn right and continue on approximately 1 mile to junction of Forest Service Road 2421 (access to Limber Pine Campground) and Forest Service Road 2004 (Hell Roaring Plateau). Take Forest Service Road 2004 approximately 4 to 5 miles to project area. Forest Service Road is very rocky,

There are 4 general project areas for the Gallatin National Forest; here again Forest Service Roads are all gravel surfaced roads. Potential bidders are advised to review on-the-ground road conditions to ensure their vehicle equipment can access the project areas.

Mica Mine Project Area: This area is located approximately 25 miles southwest of Bozeman, MT Go south on Highway 191 from Four Corners, MT for approximately 7-8 miles to the Little Bear Creek Access Road. Take a left and follow the road until it becomes FSR 980. Follow FSR 980 to FSR 3138. Follow FSR 3138 to FSR 6937. Take FSR 6937 to project area.

Dead Horse Project Area: This area is located approximately 35 miles north of West Yellowstone, MT. Go north on Highway 191 for approximately 30 miles to the Taylor Fork Road (FSR 134). Follow FSR134 to FSR135. Follow FSR 135 to FSR136. Take FSR 136 to project area.

Sheep Mountain Project Area: This area is located approximately 6 miles north of Cooke City, MT.

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Go east on Highway 212 from Cooke City for approximately 2 miles to FSR 3230. Take FSR 3230 the project area.

Daisy Pass Project Area: This area is located approximately 5 miles north of Cooke City, MT. Go east on Highway 212 from Cooke City for approximately 1 mile to the Miller Creek Road. Take Miller Creek Road to the project area.

Forest - District	Project Area	Approximate Trees To Be Sprayed
Custer National Forest – Beartooth Ranger District	Hell Roaring	61
Gallatin National Forest – Bozeman Ranger District	Mica Mine	25
Gallatin National Forest – Hebgen Lake Ranger District	Dead Horse	75
Gallatin National Forest – Gardiner Ranger District	Sheep Mountain	75
Daisy Pass		50
	Total Trees	286

CONTRACTOR-FURNISHED PROPERTY

The Contractor's equipment and supplies shall meet the following minimum requirements:

1. The hose on Contractor's spray rig shall be capable of reaching at least 300 feet to allow the contractor to reach all trees designated for spray while keeping vehicles and spray rig on the developed roads.
2. The Carbaryl insecticide product must be new or one that has been properly stored for no more than one year from date of purchase.
3. The applicator must use a hydraulic power sprayer with a minimum PSI (pounds per square inch) of 500. A psi of 550 is preferred, if available. The nozzle should be a washer nozzle with a #10 orifice. Arrangements will be made to inspect equipment prior to commencement of work.
4. The Contractor is to furnish equipment needed to draft water for use from available sources (approved by government), including backflow prevention devices in order to prevent contamination.
5. Sticking agent for use in mixing with emulsifiable concentrate Carbaryl solutions (i.e., Seven XLR, Carbaryl 4F, and Carbaryl SL. Do not use wettable powders.
6. PH meter and additives necessary to obtain the required PH of 7.
7. Proper personal protective equipment (PPE) as stated on the chemical label and material safety data sheet (MSDS) shall be adhered to. Safety must meet federal, state and local requirements for insecticide application.
8. Contractor Requirements – License/Permits:
The Contractor must provide the documentation required in this section with the submitted proposal or quote.
 - A valid Restricted Use pesticide license from the Stat of Montana.
 - Proof of Worker's Compensation coverage.

All insecticide applications shall be performed by, or directly supervised by a state licensed applicator.

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The applicator(s) and/or supervisor shall have a current and valid Montana State Professional Pesticide Applicator's License.

SUPPLEMENTAL SPECIFICATIONS / ADDITIONAL INFORMATION

1. Designated trees – The trees to be sprayed on the Custer National Forest are all whitebark pine trees with a diameter at breast height (dbh) between 5 inches and 21 inches. For the Gallatin the whitebark pine trees to be sprayed area have an average dbh of 10 to 20 inches, with 10% of the trees 20 to 36 inches dbh. To assist the bidder in determining the amount of chemical needed, the median diameter of trees in this contract for the Custer will be 13 inches and for the Gallatin will be 15 inches. Each tree to be sprayed will be designated with plastic flagging tied around the tree bole, prior to the time of operation. At the time of spraying individual trees, the contractor will remove the flagging from the tree and dispose of properly. Forest Service will then paint a small spot on the base of the tree after the tree has been sprayed. Sprayed trees shall be recorded by a Government inspector. Flagging color will be disclosed at the Post Award conference.
2. Environmental Conditions. Spraying will only be conducted when wind speed is less than 8 mph as measured on site by contractor with a standard hand held anemometer to minimize drift of sprayed droplets. At least 4 hours of drying time is needed for the insecticide to adhere to the tree bark. No carbaryl application will occur when precipitation is expected within a four hour window following application. Spraying must also be done when bark is dry (Contractor shall follow label directions for application). No application will occur when temperature is below 40 degrees fahrenheit.
3. Chemical Formulation/Application/Mixing and Handling.
 - a. A formulation of carbaryl will be used. It shall be registered for mountain pine beetles and be properly formulated and applied, following all label directions for mountain pine beetle applications. One of the following insecticides will be used for this treatment: Carbaryl 4L, Carbaryl 4F, Carbaryl SL or Sevin XLR with an added sticking agent. The insecticide shall be liquid concentrate. The application rate to be applied is specified on the label for bark beetle insecticide treatments. An example: The common trade name Carbaryl 4L®, at a recommended rate of 2% solution (5 fluid ounces per gallon water or 4 gallons/100 gallons, then apply 1 gallon/ 50 square feet of bark). The insecticide, sticking agent and application rate will be disclosed to the Government at Post Award conference.
 - b. Mixing and loading of insecticide will be done in areas where accidental spills would not contaminate streams or other water sources.
 - c. Required level of application. All bole surfaces, including the root collar, must be treated with the insecticide. All of the trees shall be sprayed on all sides up to a minimum of 50 feet or to the point where the diameter of the trunk is less than 4 inches in diameter, whichever is less. The applicator cannot choose to ignore a particular face of the tree due to a heavy component of tree branches on one or more bole faces. This means the applicator may have to reposition themselves to ensure coverage of all bole faces. The amount of spray applied per tree will vary depending on tree size, but must be sufficient to soak the bark to the point of runoff to ensure all bark crevices, bark flaps, and the root collar where beetles may enter the tree are thoroughly treated.

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- d. The Contractor shall be in compliance with all applicable OSHA, EPA, manufacturer's directions, Montana State and federal requirements for handling insecticides, including storage, transportation, application and cleanup of spills. A spill cleanup kit will be available with each spray vehicle. The spill cleanup kit will include at least the following: shovel, box of large plastic bags, safety goggles, 10 lbs of absorbent material, rubber gloves, and protective coveralls.
- e. Riparian Area Protection. No carbaryl spraying shall occur within 100 feet of any live water, including streams, creeks, rivers, or lakes.
- f. Access to designated trees. Contractor shall be required to keep the spray vehicle on established roads. All designated trees will be within approximately 300 feet of an established road.

EMERGENCY SPILL PLANNING/ RESPONSE

Emergency Spill Planning: Pesticide spills, incidents and accidents are addressed Chapter 60 of Forest Service Handbook (FSH) 2109.14 Pesticide Use Management and Coordination Handbook. It is available for review at U.S. Forest Service offices.

Definitions of key Terms:

1. Hazardous Material: An umbrella term that includes pesticides and all other hazardous chemicals, hazardous wastes, hazardous substances and oil.
2. Spills on Land: An emergency spill is defined as a release of a hazardous material or petroleum product in amounts greater than normal consumer quantities (25 gallons for petroleum products and 5 gallons for pesticide products – either concentrated or mixed) must be reported.
3. Spills on Water: All chemical and petroleum product spills that have entered or threaten to enter water bodies are an emergency spill and must be reported. A sheen on water caused by a spill would constitute an emergency.

Required Spill Response Equipment: Spill response equipment will be available in the immediate vicinity of all pesticide application operations, on vehicles used to transport pesticides and/or where spills are most likely to occur. Recommended spill kit contents include the following, however modifications to spill kits may be made to consider site conditions and logistical considerations.

1. Rubber gloves
2. Rubber boots
3. Coveralls or rain suit
4. Safety glasses or goggles
5. Shovel, and/or broom
6. Polyethylene or plastic bags with ties or bucket(s)
7. 10-30 lbs absorbent or absorbent pads

Material Safety Data Sheets and pesticide labels will be reviewed and carried with all personnel involved in the handling of pesticides.

Roles and Responsibilities: The Contractor shall immediately notify the Billings Dispatch Office at (406) 896-2900 for Custer Nation Forest spraying and the Bozeman Interagency Dispatch Center at (406) 587-6719 for Gallatin National Forest spraying if an Emergency Hazardous Material Spill occurs. The information that should be reported is outlined in the "Spill Information and Reporting Form" – see below. Additionally, it is the Contractor's duty to contact the appropriated state and county emergency response personnel and to satisfy any related reporting requirements. All clean-up

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costs associated with the hazardous material spill will be the Contractor's responsibility.

Spill Response Plan: A spill plan shall be formulated and supplied with the proposal or quote.

Spill Response Form: See below "Spill Information and Reporting Form".

NOTE: It is Forest Service policy NOT to use Forest Service employees or equipment for "hands-on" cleanup of hazardous materials. Only trained personnel can contain spills within the limits of their training.

52.212-1, Instruction to Offerors-Commercial Items, applies without addenda apply by reference. The FAR clauses and provisions can be accessed via Internet at www.acquisition.gov/far.

52.212-2 Evaluation - Commercial Items. (JAN 1999) - Contract will be awarded to the responsive and responsible small business offering the best value to the Government considering price, past performance and experience in similar work.

52.212-3 -- Offeror Representations and Certifications -- Commercial Items (Feb 2012), applies without addenda apply by reference. The FAR clauses and provisions can be accessed via Internet at www.acquisition.gov/far.

Offeror shall be registered in the System for Award Management (SAM) database and have completed the annual representations and certificates electronically via <https://www.sam.gov> to be eligible for award. If an offeror has not completed the annual representations and certifications electronically at this website, the offeror shall provide a complete copy of their representations and certifications at time of quote.

52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders -- Commercial Items (Mar 2012)

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

(1) 52.222-50, Combating Trafficking in Persons (FEB 2009) (22 U.S.C. 7104(g)).

____ Alternate I (AUG 2007) of 52.222-50 (22 U.S.C. 7104(g)).

(2) 52.233-3, Protest After Award (AUG 1996) (31 U.S.C. 3553).

(3) 52.233-4, Applicable Law for Breach of Contract Claim (OCT 2004) (Pub. L. 108-77, 108-78).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the contracting officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

____ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (Sept 2006), with Alternate I (Oct 1995) (41 U.S.C. 253g and 10 U.S.C. 2402).

____ (2) 52.203-13, Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).

____ (3) 52.203-15, Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub L. 111-5) (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009).

____ (4) 52.204-10, Reporting Executive compensation and First-Tier Subcontract Awards (Feb 2012) (Pub. L. 109-282) (31 U.S.C. 6101 note).

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___ (5) 52.204-11, American Recovery and Reinvestment Act—Reporting Requirements (Jul 2010) (Pub. L. 111-5).

___ (6) 52.209-6, Protecting the Government' Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Dec 2010) (31 U.S.C. 6101 note).

___ (7) 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters (Jan 2012) (41 U.S.C. 2313).

___ (8) 52.209-10, Prohibition on Contracting with Inverted Domestic Corporations (section 740 of Division C of Public Law 111-117, section 743 of Division D of Public Law 111-8, and section 745 of Division D of Public Law 110-161).

___ (9) 52.219-3, Notice of HUBZone Set-Aside or Sole-Source Award (Nov 2011) (15 U.S.C. 657a).

___ (10) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 2011) (if the offeror elects to waive the preference, it shall so indicate in its offer)(15 U.S.C. 657a).

___ (11) [Reserved]

(12) (i) 52.219-6, Notice of Total Small Business Aside (Nov 2011) (15 U.S.C. 644).

___ (ii) Alternate I (Nov 2011).

___ (iii) Alternate II (Nov 2011).

___ (13) (i) 52.219-7, Notice of Partial Small Business Set-Aside (June 2003) (15 U.S.C. 644).

___ (ii) Alternate I (Oct 1995) of 52.219-7.

___ (iii) Alternate II (Mar 2004) of 52.219-7.

___ (14) 52.219-8, Utilization of Small Business Concerns (Jan 2011) (15 U.S.C. 637(d)(2) and (3)).

___ (15) (i) 52.219-9, Small Business Subcontracting Plan (Jan 2011) (15 U.S.C. 637 (d)(4).)

___ (ii) Alternate I (Oct 2001) of 52.219-9.

___ (iii) Alternate II (Oct 2001) of 52.219-9.

___ (iv) Alternate III (July 2010) of 52.219-9.

___ (16) 52.219-13, Notice of Set-Aside of Orders (Nov 2011) (15 U.S.C. 644(r)).

___ (17) 52.219-14, Limitations on Subcontracting (Nov 2011) (15 U.S.C. 637(a)(14)).

___ (18) 52.219-16, Liquidated Damages—Subcontracting Plan (Jan 1999) (15 U.S.C. 637(d)(4)(F)(i)).

___ (19) (i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Oct 2008) (10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).

___ (ii) Alternate I (June 2003) of 52.219-23.

___ (20) 52.219-25, Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting (Dec 2010) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

___ (21) 52.219-26, Small Disadvantaged Business Participation Program—Incentive Subcontracting (Oct 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

___ (22) 52.219-27, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Nov 2011) (15 U.S.C. 657f).

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(23) 52.219-28, Post Award Small Business Program Rerepresentation (Apr 2009) (15 U.S.C. 632(a)(2)).

The Contractor represents that it is, is not a small business concern under NAICS Code 115310 assigned to contract number

Contractor's Signature

Date

Print Contractor's Name

Contractor's Title

____ (24) 52.219-29, Notice of Set-Aside for Economically Disadvantaged Women-Owned Small Business Concerns (Nov 2011).

____ (25) 52.219-30, Notice of Set-Aside for Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (Nov 2011).

(26) 52.222-3, Convict Labor (June 2003) (E.O. 11755).

(27) 52.222-19, Child Labor—Cooperation with Authorities and Remedies (Mar 2010) (E.O. 13126).

(28) 52.222-21, Prohibition of Segregated Facilities (Feb 1999).

(29) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).

____ (30) 52.222-35, Equal Opportunity for Veterans (Sep 2010) (38 U.S.C. 4212).

(31) 52.222-36, Affirmative Action for Workers with Disabilities (Oct 2010) (29 U.S.C. 793).

____ (32) 52.222-37, Employment Reports on Veterans (Sep 2010) (38 U.S.C. 4212).

____ (33) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).

(34) 52.222-54, Employment Eligibility Verification (Jan 2009). (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)

____ (35) (i) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (May 2008) (42 U.S.C. 6962(c)(3)(A)(ii)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

____ (ii) Alternate I (May 2008) of 52.223-9 (42 U.S.C. 6962(i)(2)(C)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

____ (36) 52.223-15, Energy Efficiency in Energy-Consuming Products (Dec 2007) (42 U.S.C. 8259b).

____ (37) (i) 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (Dec 2007) (E.O. 13423).

____ (ii) Alternate I (Dec 2007) of 52.223-16.

(38) 52.223-18, Encouraging Contractor Policies to Ban Text Messaging while Driving (Aug 2011).

____ (39) 52.225-1, Buy American Act--Supplies (Feb 2009) (41 U.S.C. 10a-10d).

(40) (i) 52.225-3, Buy American Act--Free Trade Agreements--Israeli Trade Act (June 2009) (41 U.S.C. 10a-10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, Pub. L. 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, and 110-138).

____ (ii) Alternate I (Jan 2004) of 52.225-3.

____ (iii) Alternate II (Jan 2004) of 52.225-3.

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___ (41) 52.225-5, Trade Agreements (Mar 2012) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).

X (42) 52.225-13, Restrictions on Certain Foreign Purchases (Jun 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

___ (43) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150).

___ (44) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150).

___ (45) 52.232-29, Terms for Financing of Purchases of Commercial Items (Feb 2002) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

___ (46) 52.232-30, Installment Payments for Commercial Items (Oct 1995) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

X (47) 52.232-33, Payment by Electronic Funds Transfer—Central Contractor Registration (Oct. 2003) (31 U.S.C. 3332).

___ (48) 52.232-34, Payment by Electronic Funds Transfer—Other Than Central Contractor Registration (May 1999) (31 U.S.C. 3332).

___ (49) 52.232-36, Payment by Third Party (Feb 2010) (31 U.S.C. 3332).

___ (50) 52.239-1, Privacy or Security Safeguards (Aug 1996) (5 U.S.C. 552a).

___ (51) (i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx 1241(b) and 10 U.S.C. 2631).

___ (ii) Alternate I (Apr 2003) of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

X (1) 52.222-41, Service Contract Act of 1965 (Nov 2007) (41 U.S.C. 351, *et seq.*).

X (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (May 1989) (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).

In compliance with the Service Contract Act of 1965, as amended, and the regulations of the Secretary of Labor (29 CFR Part 4), this clause identifies the classes of service employees expected to be employed under the contract and states the wages and fringe benefits payable to each if they were employed by the contracting agency subject to the provisions of 5 U.S.C. 5341 or 5332.

*This Statement is for Information Only:
It Is Not A Wage Determination.*

Employee Class	Monetary Wage--Fringe Benefits
08250 - General Forestry Laborer	\$12.94 + fringe benefits

Wage Determination No: **WD 1976-1342** (Rev.-46) was first posted on www.wdol.gov on **06/19/2013** available at: <http://www.wdol.gov/>

___ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act -- Price Adjustment (Multiple Year and Option Contracts) (Sep 2009) (29 U.S.C.206 and 41 U.S.C. 351, *et seq.*).

___ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act -- Price Adjustment (Sep 2009) (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).

___ (5) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements (Nov 2007) (41 U.S.C. 351, *et seq.*).

___ (6) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services--Requirements (Feb 2009) (41 U.S.C. 351, *et seq.*).

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____ (7) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. (Mar 2009) (Pub. L. 110-247).

____ (8) 52.237-11, Accepting and Dispensing of \$1 Coin (Sep 2008) (31 U.S.C. 5112(p)(1)).

(d) *Comptroller General Examination of Record* The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records -- Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e)

(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this paragraph (e)(1) in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause—

(i) 52.203-13, Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L.110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).

(ii) 52.219-8, Utilization of Small Business Concerns (Dec 2010) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$650,000 (\$1.5 million for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(iii) [Reserved]

(iv) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).

(v) 52.222-35, Equal Opportunity for Veterans (Sep 2010) (38 U.S.C. 4212).

(vi) 52.222-36, Affirmative Action for Workers with Disabilities (Oct 2010) (29 U.S.C. 793).

(vii) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause 52.222-40.

(viii) 52.222-41, Service Contract Act of 1965, (Nov 2007), (41 U.S.C. 351, *et seq.*)

(ix) 52.222-50, Combating Trafficking in Persons (Feb 2009) (22 U.S.C. 7104(g)).

____ Alternate I (Aug 2007) of 52.222-50 (22 U.S.C. 7104(g)).

(x) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements (Nov 2007) (41 U.S.C. 351, *et seq.*)

(xi) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services--Requirements (Feb 2009) (41 U.S.C. 351, *et seq.*)

(xii) 52.222-54, Employment Eligibility Verification (Jan 2009).

(xiii) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. (Mar 2009) (Pub. L. 110-247). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.

(xiv) 52.247-64, Preference for Privately-Owned U.S. Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx 1241(b) and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

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(2) While not required, the contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

52.211-6 Brand Name or Equal. (AUG 1999)

52.216-1 Type of Contract. (APR 1984)

The Government contemplates award of a firm-fixed price contract resulting from this solicitation.

52.223-2 Affirmative Procurement of Bio-based Products Under Service and Construction Contracts applies and should be completed with annual certifications and representations in www.sam.gov.

52.237-1 Site Visit. (APR 1984)

Offerors or quoters are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance, to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award.

INSPECTION AND ACCEPTANCE

52.246-1 Contractor Inspection Requirements. (APR 1984)

52.246-4 Inspection of Services - Fixed-Price. (AUG 1996)

452.246-70 Inspection and Acceptance. (FEB 1988) -- Alternate I (FEB 1988)

The Contracting Officer's duly authorized representative (COR) will inspect and accept the supplies and/or services to be provided under this contract. Inspection will be performed at: each government site listed on the Schedule of Items. Acceptance will be performed at: each government site listed on the Schedule of Items.

The Contractor is expected to maintain adequate quality control to ensure that the performed work meets requirements and standards set by this contract. The Government will inspect spray operations to verify compliance with requirements, standards and specifications.

Inspectors will examine the mixing and application of spray solutions to ensure compliance with all contract specifications. Inspection will be done concurrently with spray operations in such a way as not to interfere with contract operations. After the Contractor is satisfied that a tree has been sprayed according to specifications, and moves to another area, the Inspector will inspect and record the following:

1. Whether or not all bark surfaces were saturated to the point of runoff. This is a visual inspection, as well as a hands-on inspection which will entail digging around the root collar and peeling off bark to ensure that the tree has been saturated with insecticide.
2. To ensure spray is reaching the proper height or diameter of the tree, a minimum of 1 tree per 5 trees sprayed will be measured for spray height (spray is visible to 50 feet height) or diameter (spray is visible where diameter reaches 4 inches on the upper bole of the tree), as appropriate, depending on tree size.
3. If inspection determines a tree has not been sprayed according to specifications, the tree shall be re-sprayed at no extra cost to the Government.

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c. Acceptance: If inspection determines a tree has not been sprayed according to specifications, the tree shall be re-sprayed. Final acceptance of work performed will be based on the Government's inspection results, including tree tally numbers, which will be considered conclusive. If inspections indicate that tree(s) have not been sprayed in accordance with contract specifications, no payment will be made for that/those tree(s) until contract specifications are met. The Contractor or a designated representative is encouraged to observe the Government's inspections while they are underway.

d. Payment: Payment will be made upon completion of a designated area for each tree accepted during that on site inspection. Partial payments are allowed for accepted and completed areas.

DELIVERIES OR PERFORMANCE

52.242-15 Stop Work Order (AUG 1989)

52.242-17 Government Delay of Work. (APR 1984)

452.211-74 Period of Performance. (FEB 1988)

Contract time is 15 days from the issuance of the Notice to Proceed, including weekend days. The period of performance of this contract is estimated from July 15, 2013, through July 31, 2013.

CONTRACT ADMINISTRATION DATA

452.215-73 Postaward Conference. (NOV 1996)

A post award conference with the successful offeror is required. It will be scheduled within 10 days after the date of contract award. Project COR will coordinate the date, time and location of the post award conference.

GOVERNMENT FURNISHED PROPERTY

None

OTHER REQUIREMENTS

NOXIOUSWEED/EQUIPMENT CLEANING

Noxious weeds are any exotic plant species established or that may be introduced into the State which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses and which is designated by the State's Department of Agriculture, or by the County's weed management district, or by other appropriate agencies having jurisdiction. A weed management district is any area of land identified for the purpose of weed management or control. Such an identified land area may be, but is not limited to one of the following: a project or job site, a County, two or more Counties, or a National Forest.

To mitigate the anticipated impacts of spreading noxious species, the following precautions shall be used:

All equipment and vehicles to be used at the job site shall be cleaned and free of noxious weeds and their seeds prior to entrance onto the project site. The restriction shall include equipment and vehicles intended for off-road

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as well as on-road use, whether they owned, leased, or borrowed by the contractor or any subcontractor.

Cleaning shall consist of the removal all dirt, grease, debris, and materials that may harbor noxious weeds and their seeds. Cleaning shall occur off the project site.

Equipment, materials, and vehicles shall be visually inspected by the COR, or other designated Forest Service official, and certified in writing by the Contractor to be reasonably clean and weed free. Inspections will take place at a location agreed to by the COR and Contractor in advance of delivery to the job site. Equipment and vehicles shall proceed directly to the job site following the inspection. Materials, including delivery vehicles, delivered to the project site will also be inspected prior to entering the area.

The Contractor shall protect all existing vegetation from the introduction of noxious weeds, (1) at or near the work site, and (2) on adjacent property. The Contractor shall treat any introduced noxious weeds resulting from failure to exercise reasonable care in performing the work. If the Contractor fails or refuses to treat such weeds, the Contracting Officer may have the necessary work performed and charge the cost to the Contractor.

Certification of each piece of equipment or vehicles shall remain valid for the duration of the project as long as the identified subjects remain solely on the project. Off road equipment that leaves the job site shall be decertified before being allowed to return. Individual worker's vehicles shall be parked at a staging area that will be designated by the COR.

AGENCY CLAUSES

**452.209-71 Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants
ALT 1 (FEB 2012)**

(a) This award is subject to the provisions contained in the Consolidated Appropriations Act, 2012 (P.L. No. 112-74), Division E, Sections 433 and 434 regarding corporate felony convictions and corporate federal tax delinquencies. Accordingly, by accepting this award the contractor acknowledges that is –

(1) does not have a tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and

(2) has not been convicted (or had an officer or agent acting on its behalf convicted) of a felony criminal violation under any Federal law within 24 months preceding the award, unless a suspending and debarment official of the United States Department of Agriculture has considered suspension or debarment of the awardee, or such officer or agent, based on these convictions and/or tax delinquencies and determined that suspension or debarment is not necessary to protect the interests of the Government.

(b) If the awardee fails to comply with these provisions, the Forest Service may terminate this contract for default and may recover any funds the awardee has received in violation of sections 433 and 434.

452.211-71 Equal Products Offered. (NOV 1996)

(a) Offerors proposing to furnish an "equal" product, in accordance with the "Brand Name or Equal" provision of this solicitation, shall provide the following information for each offered "equal" product:

Contract Line Item Number (if any): _____ all _____

Brand Name or Equal Product identified by the Government in this solicitation: **Carbaryl, Sevin**

Offered Product Name: _____

Catalog Description or part number: _____

Manufacturer's Name: _____

Manufacturer's Address: _____

(b) Offerors are responsible for submitting all additional information on the above product necessary for the Contracting Officer to determine whether the product offered meets the "brand name or equal" product's salient

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characteristics listed in the solicitation.

452.228-71 Insurance Coverage. (NOV 1996)

Pursuant to FAR clause 52.228-5, Insurance-Work on a Government Installation, the Contractor will be required to present evidence to show, as a minimum, the amounts of insurance coverage indicated below:

(a) Workers Compensation and Employer's Liability. The Contractor is required to comply with applicable Federal and State workers' compensation and occupational disease statutes. If occupational diseases are not compensable under those statutes, they shall be covered under the employer's liability section of the insurance policy, except when contract operations are so commingled with a Contractor's commercial operations that it would not be practical to require this coverage. Employer's liability coverage of at least \$100,000 shall be required, except in States with exclusive or monopolistic funds that do not permit worker's compensation to be written by private carriers.

(b) General Liability. The Contractor shall have bodily injury liability insurance coverage written on a comprehensive form of policy of at least \$500,000 per occurrence.

(c) Automobile Liability. The Contractor shall have automobile liability insurance written on a comprehensive form of policy. The policy shall provide for bodily injury and property damage liability covering the operation of all automobiles used in connection with performing the contract. Policies covering automobiles operated in the United States shall provide coverage of at least \$200,000 per person and 500,000 per occurrence for bodily injury and \$20,000 per occurrence for property damage or loss.

(d) Aircraft Public and Passenger Liability. When aircraft are used in connection with performing the contract, the Contractor shall have aircraft public and passenger liability insurance. Coverage shall be at least \$200,000 per person and \$500,000 per occurrence for bodily injury, other than passenger injury. Coverage for passenger injury shall be at least \$200,000 multiplied by the number of seats or passengers, whichever is greater.

452.237-74 Key Personnel. (FEB 1988)

(a) The Contractor shall assign to this contract the following key personnel: Supervisor with a current and valid Montana Professional FOREST Pesticide Applicator's License.

(b) During the first ninety (15) days of performance, the Contractor shall make no substitutions of key personnel unless the substitution is necessitated by illness, death, or termination of employment. The Contractor shall notify the Contracting Officer within 5 calendar days after the occurrence of any of these events and provide the information required by paragraph (c) below. After the initial period, the Contractor shall submit the information required by paragraph (c) to the Contracting Officer at least 5 days prior to making any permanent substitutions.

(c) The Contractor shall provide a detailed explanation of the circumstances necessitating the proposed substitutions, complete resumes for the proposed substitutes, and any additional information requested by the Contracting Officer. Proposed substitutes should have comparable qualifications to those of the persons being replaced. The Contracting Officer will notify the Contractor within 15 calendar days after receipt of all required information of the decision on substitutions. The contract will be modified to reflect any approved changes of key personnel.

List of Documents, Exhibits, and Other Attachments

SITE MAPS	8 Pages
EXPERIENCE QUESTIONNAIRE	2 Pages

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PROVISIONS

52.223-1 Bio-based Product Certification. (MAY 2012) applies and is incorporated by reference only. This certification should be completed annually online at www.sam.gov.

452.209 – 70 Re-representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction. (Alternate 1 (FEB 2012))

(a) Awards made under this solicitation are subject to the provisions contained in the Consolidated Appropriations Act, 2012 (P.L. No. 112-74), Division E, Sections 433 and 434 regarding corporate felony convictions and corporate federal tax delinquencies. To comply with these provisions, all offerors must complete paragraph (1) of this representation, and all corporate offerors also must complete paragraphs (2) and (3) of this representation.

(b) **The Offeror represents that –**

(1) The Offeror is [], is not [] (check one) an entity that has filed articles of incorporation in one of the fifty states, the District of Columbia, or the various territories of the United States including American Samoa, Federated States of Micronesia, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, Republic of Palau, Republic of the Marshall Islands, U.S. Virgin Islands. (Note that this includes both for-profit and non-profit organizations.) If the Offeror checked “is” above, the Offeror must complete paragraphs (2) and (3) of the representation. If Offeror checked “is not” above, Offeror may leave the remainder of the representation blank.

(2)(i) The Offeror has [], has not [] (check one) been convicted of a felony criminal violation under Federal or State law in the 24 months preceding the date of offer.

(ii) Offeror has [], has not [] (check one) had any officer or agent of Offeror convicted of a felony criminal violation for actions taken on behalf of Offeror under Federal law in the 24 months preceding the date of offer.

(3) The Offeror does [], does not [] (check one) have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

452.211-70 Brand Name or Equal. (NOV 1996)

(a) If items called for by this solicitation have been identified by a "brand name or equal" description, such identification is intended to be descriptive, but not restrictive, and is to indicate the quality and characteristics of products that will be satisfactory. Offers of "equal" products (including products of the brand name manufacturer other than the one described by brand name) will be considered for award if such products are clearly identified in the offer (see clause 452.211-71) and are determined by the Contracting Officer to meet fully the salient characteristics requirements listed in the solicitation.

(b) Unless the offeror clearly indicates in its offer that it is offering an "equal" product, the offeror shall be considered as offering the brand name product(s) referenced in the solicitation.

(c)(1) If the offeror proposes to furnish an "equal" product or products, the brand name(s), if any, and any other required information about the product(s) to be furnished shall be inserted in the space provided in the solicitation. The evaluation of offers and the determination as to the equality of the product(s) offered shall be the responsibility of the Government and will be based on information furnished by the offeror or identified in its offer as well as other information reasonably available to the contracting activity. Caution to offerors: The contracting activity is not responsible for locating or securing any information which is not identified in the offer and is not reasonably available to the contracting activity. Accordingly, to assure that sufficient information is available, the offeror must furnish as a part of its offer all descriptive material (such as cuts, illustrations, drawings, or other information) necessary for the contracting activity to (i) determine whether the product offered meets the salient characteristics requirement of the solicitation, and (ii) establish exactly what the offeror proposes to furnish and what the Government would be binding itself to purchase by making an award. The information furnished may include specific reference to information previously furnished or to information

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otherwise available to the contracting activity.

(2) If an offeror proposes to modify a product so as to make it conform to the requirements of the solicitation, the offer shall include (i) a clear description of such proposed modifications and (ii) clearly marked descriptive material to show the proposed modifications.

SPILL INFORMATION AND REPORTING FORM

1. Name of individual reporting spill: _____
Phone number: _____
2. Date and time of: Release/Discovery: _____
Reported: _____
Duration of release: _____
3. Location: (Include state, county, route, milepost, etc) _____

4. Chemical name: _____
 - a. Chemical identification number _____
 - b. Other chemical data _____Note: for transportation related incidents, this information may be available from the driver, placards on the vehicle, and/or shipping paper.
5. Noted characteristics of release(e.g. smell, fumes, etc) _____

6. Known health risks _____

7. Appropriate precaution if know _____

8. Source and cause of release _____

9. Number and type of injuries _____

10. Potential threat to health and environment _____

11. Estimate of quantity released: _____ gallons
Quantity reaching water: _____ gallons
Name of affected watercourse and distance to source of spill: _____

12. For transportation incident, name and address of carrier: _____

Railcar or truck number: _____