

**Forest Service Handbook
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Forest Service Handbook 2409.15 – Timber Sale Administration Handbook

Chapter 10 - Fundamentals of Timber Sale Contracting

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Digest: Following is an explanation of the changes throughout the directive by section.

10: Adds introductory paragraph to chapter.

10.3: Moved policy information to FSM 2450.3.

10.4: Refers reader to FSM 2450.4 for responsibilities.

10.5: Adds new section titled “Terminology” describing differences between timber sale contracts and Integrated Resource Timber Contracts.

11: Adds a list of timber sale contract forms approved for use.

11.1: Retitled “Stewardship End Result Contract.” Adds reference to the authority for Stewardship End Result Contracts and lists the Integrated Resource Timber Contract forms approved for stewardship contracts. Material formerly in 11.1 moved to 11.2.

11.2: Retitled “Multiple Part Contracts.” Includes material formerly in 11.1. Adds additional clarity to the section. Adds description of Integrated Resource Timber contracts. Material formerly in 11.2 moved to 11.3.

11.3: New section including material formerly in 11.2 with clarifications.

12.1: Clarifies requirements for Regional sale administration certification programs.

13.1: Clarifies communication requirements. Clarifies that a pre-work should be held with the purchaser.

13.11: Retitled “Representatives.”

13.11a: Retitled “Forest Service Representative.”

13.11b: Clarifies who can act on behalf of Contracting Officer.

13.11c: Clarifies responsibility of Purchasers to designate representatives.

13.12: Adds reference to form FS-2400-0081 Timber Sale & Stewardship IRTC Inspect Report.

13.21: Clarifies Forest Service contract administration responsibilities.

13.3: Adds reference to materials that can be used as guides to interpreting intent of contract.

13.4: Clarifies procedures and forms to be used for documenting inspections.

13.42c: Clarifies situations and procedures when law enforcement should be notified.

14: Retitled “Contract Files” and clarifies how official files and field copies are to be maintained. Adds additional items to be retained in the official contract file.

14.1: Retitled “Content of Contract Files.” Clarifies information to retain at contract close.

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10 - Fundamentals of Timber Sale Contracting

This chapter provides a general overview of the fundamentals on timber sale contracting. Detailed information addressing direction and procedures pertaining to timber sale contracting is contained in FSM 2450, other chapters of this handbook and other handbooks referenced throughout this chapter.

10.3 - Policy

Refer to FSM 2450.3.

10.4 - Responsibility

Refer to FSM 2450.4.

10.5 - Terminology

Integrated Resource Timber Contract forms FS-2400-13 and FS-2400-13T are timber sale contract forms used for stewardship end result projects where the value of products sold is greater than the cost of services performed (FSH 2409.19, sec. 62.11).

There are differences in terminology between Timber Sale Contracts used solely for the sale of products and Integrated Resource Timber Contracts that combine the sale of property with the procurement of services. For ease in reading this chapter, and unless noted otherwise, when the following timber sale terms are used they apply to the equivalent Integrated Resource Timber Contract terms:

<u>Timber Sale Term</u>	<u>Integrated Resource Project Term</u>
1. Timber Sale	Integrated Resource Project or Stewardship Project
2. Timber Sale Contract	Integrated Resource Timber Contract
3. Purchaser	Contractor
4. Sale Area	Contract Area
5. Sale Area Map	Contract Area Map

The numbering system for contract provisions differs between FS-2400-6/6T contracts and the September 2004 version of the FS-2400-13/13T contracts. For ease in reading this chapter, and unless noted otherwise, references to a timber sale contract provision apply to the corresponding provision with the same descriptive title in a (9/04) Integrated Resource Timber Contract. FS-2400-13/13T contracts with an issue date of (10/19) use the same division structure and provision numbers as the FS-2400-6/6T contracts.

11 - Timber Sale Contract

The contract sets forth the terms of a timber sale and governs the responsibility of both parties. The following contract forms are approved for use for timber sales that are not Integrated Resource (stewardship) projects:

1. FS-2400-2 Contract For Sale of Decked Timber.
2. FS-2400-3S Timber Sale Contract (Applicable to timber sales to be scaled after felling).
3. FS-2400-3T Timber Sale Contract (Applicable to sales to be measured before felling).
4. FS-2400-3P Forest Products Contract (Applicable to the sale of nonconvertible products).
5. FS-2400-4 Forest Products Contract and Cash Receipt.
6. FS-2400-6 Timber Sale Contract (Applicable to timber sales to be scaled after felling).
7. FS-2400-6T Timber Sale Contract (Applicable to sales to be measured before felling).

FSH 2409.18, section 52 describes the appropriate situations for use of the different contract forms.

The different contract forms may be revised and updated over time. When this occurs the date of the revision is added after the contract form number. The newest version of a contract form will always be used as new sales are prepared but because many sales have a contract length of two or more years, there may be more than one version of a contract form in use at any given time.

As of the date of this amendment, there may be two versions of the FS-2400-6/6T contracts in use including (6/06) and (4/04) versions. Care must be exercised when administering a contract to be sure which version is used as there can be significant differences in some contract provisions between the different versions. There are two versions of the FS-2400-13/13T contracts in use the (9/04) and (10/19) versions. A minor correction was made to the FS-2400-13T (9/04) contract in September 2010. The date on the contract form was not changed other than adding an asterisk (*) so that version of the contract is FS-2400-13T (9/04)*. In 2019 the FS-2400-13/13T contract was revised to use the same division structure and provision numbers as the FS-2400-6/6T contracts. Only one version of the following contract forms is currently in use as follows: FS-2400-2 (10/02), FS-2400-3S/3T/3P (6/06), FS-2400-4 (4/12). When only one version of a contract is in use, the date is generally not included when referencing the form.

11.1 - Stewardship End Result Contract

Title 36, Code of Federal Regulations, sections 223.300 through 223.305 sets forth the regulations applicable to the implementation of section 604 of the Healthy Forest Restoration Act of 2003, “Stewardship End Result Contracting Projects.” When the Forest Service makes a determination under § 223.301(b)(2) that a stewardship contract is to be a contract for the sale of property, the value of timber or other forest products removed from the project site may be

applied as an offset against the cost of services received under such contract. The following stewardship contract forms are approved for use when the value of forest products removed exceeds the cost of services received:

1. FS-2400-13 Integrated Resource Timber Contract (For measurement of products after harvest)
2. FS-2400-13T Integrated Resource Timber Contract (For measurement of products before harvest)

FSH 2409.19, section 61.2 describes the appropriate use of stewardship contracts.

11.2 - Multiple Part Contracts

Timber Sale Contract forms FS-2400-3S, FS-2400-3T, FS-2400-3P, FS-2400-6, FS-2400-6T and Integrated Resource Timber Contract forms FS-2400-13/13T (10/19) contain three divisions:

1. Division A/AT – Specific Conditions,
2. Division B/BT – Standard Provisions, and
3. Division C/CT – Special Provisions.

Integrated Resource Timber Contract forms FS-2400-13 and FS-2400-13T dated (9/04) are organized similarly by parts:

1. Part A/AT – Specific Conditions,
2. Parts B/BT-J/JT – Standard Provisions, and
3. Part K/KT – Special Provisions.

Understanding the relationship of the divisions and parts that constitute the entire contract is essential to contract administration. FSH 2409.18, ch. 50; and FSH 2409.19, ch. 60 contains direction for preparing these contracts.

In addition to the parts listed above, the sale/contract area map (B/BT1.1) is part of the contract. For sales with specified roads, the Plans, Specifications, and Schedule of Items referenced in B/BT5.2 and commonly referred to as the “road package” are also a part of the contract. Locations of where certain contract provisions apply and can be enforced are shown on the map. The failure to identify features required to be shown on the sale/contract area map may make the associated contract provision unenforceable.

Careful reading of all divisions or parts and the sale/contract area map is required to avoid attempting to enforce contract provisions that do not apply or to avoid overlooking special contract provisions that do apply. Always refer to the specific contract when administering a

sale, as there can be significant differences in some provisions between the different contract versions.

1. Division A/AT consists of data describing unique characteristics of the sale, including the Purchaser, utilization standards, specified roads, a listing by title and number of standard contract provisions that do not apply, a listing of special contract provisions that apply, and certain other requirements.
2. Division B/BT consists of standard provisions that are included in all timber sale contracts. The B/BT contract provisions apply unless they are made inapplicable, replaced, or modified by special C/CT contract provisions, as listed in Division A/AT.
3. Division C/CT of these contracts contains special C/CT provisions that apply to the specific timber sale. They are issued by the Washington Office or Regional Office, and when the provision number is followed by a # it includes blanks for information to be filled in specific to the individual sale.

11.3 - Other Contracts

In addition to the contracts listed in section 11.2, timber may be disposed of using the following forms:

1. FS-2400-1 Forest Products Removal Permit and Cash Receipt
2. FS-2400-2 Contract for the sale of decked timber
3. FS-2400-4 Forest Products Contract and Cash Receipt
4. FS-2400-8 Forest Products Free Use Permit

The appropriate situations for use of the above forms are described in FSH 2409.18, chapter 50. In general, these contracts or permits are simpler in format and are easier to understand than Timber Sale Contract Forms listed in section 11.2. However, the nature of interpretation of the requirements and the effects of proper sale administration on the interests of the Government and the Purchaser are no less important.

12 - Sale Administration Certification

Minimum standards for certification of sale administration personnel are found at FSM 2452.4.

12.1 - Requirements for Regional Programs

Each Region must establish training and certification programs for sale administration to ensure that qualified personnel are available to administer timber sale contracts (FSM 2452.49). The certification programs must lead to the development of a cadre of qualified employees so that all members of the timber sale administration team meet the training requirements specified in FSM

2452.4. Regions are required to establish certification requirements for all sale administration personnel as stated in FSM 2452.49.

13 - Contract Administration

13.1 - Communications (Provision B/BT6.11)

Clear, open and timely communication between the Forest Service and Purchaser throughout the process is a basic tenet for contract administration. An understanding of the specific authorities delegated to individuals representing the government and Purchaser is also an important component of communication. When administering contracts:

1. A “pre-work” meeting should be held with the Purchaser to discuss contract terms, potential problems, unique conditions or requirements and other matters as appropriate. Checklists can be helpful in assuring that all important items are addressed. Discuss the expected end results.
2. Communicate in writing, referencing the contract as well as any additions to the contract such as records and reports.
3. Fully document in the contract folder all delegations of responsibility and authority, specifications, contract modifications, sale design changes, and other agreements with the Purchaser.
4. Although oral agreements are discouraged, to the extent that they may be entered into, they should be recorded as soon as practicable and filed in the timber sale folder. Provide copies to the Purchaser’s Representative.
5. Keep the Purchaser’s Representative informed, in writing, of acceptance or rejection of all work on the sale area.
6. Keep a written record of all significant day-to-day sale administration occurrences that involve acceptance of completed work.

Purchaser’s deficiencies, and the need for follow-up action on the part of either party. Use approved forms for the contract type; form FS-2400-0081 Timber Sale & Stewardship IRTC Inspection Report is the preferred form for documenting sale inspections and agreements reached during routine inspections such as approved locations of skid trails, landings, and temporary roads, and minor adjustments to timber designations and cutting unit boundaries.

13.11 - Representatives (Provision B/BT6.1)

13.11a - Forest Service Representative

Before the start of operations, the Contracting Officer (CO) shall designate, in writing, the individual who shall act as the Forest Service Representative (FSH 2409.15, sec. 66.1). The

Contracting Officer shall also identify and inform the Purchaser of the specific areas of authority and responsibility, including any limitations, of the Forest Service Representative.

Unless or until the Contracting Officer notifies the Purchaser otherwise, in writing, the District Ranger is identified in contract provision B/BT6.1 as the Forest Service Representative. The Contracting Officer may use the automatic nature of this contract provision from the award date until the Purchaser provides an annual operating schedule (contract provision B/BT6.31) to the Forest Service.

The Contracting Officer shall ensure individuals on the sale administration team (FSH 2409.15, sec. 04.2) have the necessary qualifications to represent the Forest Service in the administration of the timber sale contract (FSM 2452.4). In addition, the Contracting Officer shall ensure that the specific areas of authority and responsibility for every member of the sale administration team are identified for the Purchaser in writing (FSH 2409.15 sec. 04.1).

13.11b - Replacements and Temporary Designations

1. Contracting Officer. In the short-term absence (two weeks or less) of the designated Contracting Officer, the Forest Service Representative may act as Contracting Officer for the administration of the contract unless that delegation has been given to an alternate Contracting Officer following the procedures in FSM 2404.21. Include this information in the letter to the Purchaser when designating the Forest Service Representative by name. The signature of a Forest Service Representative acting for a Contracting Officer must appear over the title of “Contracting Officer”. The authority for the designated Contracting Officer to designate the Forest Service Representative as acting Contracting Officer during short term absences must be stated in the Regional Forester’s letter designating the Contracting Officer.

For a long-term absence of the Contracting Officer a new CO must be designated by formal letter from the Regional Forester (FSM2404.22).

2. Forest Service Representative. The Contracting Officer shall designate, by name, the individual who may act for the Forest Service Representative during periods of temporary absence and notify the Purchaser in writing.

Temporary delegation of acting authorization for positions subordinate to the Contracting Officer shall be in writing and for a stated period of time. This acting authorization cannot be re-delegated to anyone other than those individuals named by the Contracting Officer.

13.11c - Purchaser’s Delegations

Except for contract forms FS-2400-2 and FS-2400-4, and unless otherwise agreed, the Purchaser is required to designate, in writing, a Purchaser’s Representative who is authorized to receive notices in regard to performance under the contract and take related action (FSM 2451.1). The

Purchaser's Representative cannot be anyone who is debarred, proposed for debarment, or suspended (FSH 2409.18a, ch. 10). Also, the Purchaser's Representative is required to designate in writing a Field Supervisor who is readily available to active operations and who is authorized to receive notices and take action regarding the protection of National Forest System resources and performance under the contract.

13.12 - Sale Administration Report

Use approved Forest Service forms to document significant sale administration items and to keep the Forest Service Representative informed of all timber sale contract deficiencies or other events that require follow-up action or may be important for future reference. Form FS-2400-0081 Timber Sale & Stewardship IRTC Inspection Report is the preferred form for documenting inspections and mutual agreements reached in the field (FSH 2409.15, sec. 07).

13.13 - Correspondence

Document sale administration items that could lead to serious controversy by writing memorandums or letters to the file or to the Forest Service Representative, as necessary.

Notices and other written communication involving contract performance (acceptance of work, breach of contract, etc.) should be sent to the Purchaser's Representative.

13.14 - Other Records and Reports

Other required records and reports are discussed in section 14 of this Handbook.

13.2 - Principles for Sale Administration

13.21 - Contract Obligations

In every contract there is an implied duty of good faith and fair dealing. The parties must not hinder or interfere with the other's performance. The sale administration team has responsibilities under the contract that must be met, including but not limited to:

1. Meet the obligations of the Forest Service in the timber sale contract and recognize the rights and obligations of the Purchaser, for example B/BT 5.212 Construction Staking.
2. Meet contract terms that have special time requirements, for example B/BT6.36 Acceptance of Work.
3. Negotiate with the Purchaser on contract items where latitude is acceptable, for example location and clearing widths of temporary roads pursuant to B/BT 5.1 Authorization.
4. Follow the chain of command within the Purchaser's organization and in the contract.
5. Plan field work carefully and give priority to the following:

- a. Safety.
 - b. Resource protection.
 - c. Completion of Forest Service obligations.
 - d. Verification of Purchaser's activities for contract compliance.
6. Comply with the direction in FSH 6709.11 when going to active timber sale operations.
 7. Inform the Purchaser, in writing, of any necessary deadlines such as requirements under B/BT 6.6 Erosion Prevention and Control. Include a reference to the appropriate contract provision.
 8. Enter all data in a timely manner needed to assure that monthly statements of account are current and accurate (FSH 2409.15, sec. 04.8).

13.3 - Contract Interpretation

To obtain the full and accurate intent of the contract provisions and preclude someone from relying on only one phrase, which may be modified by other phrases or terms in the contract, the contract must be read as a whole. Do not base contract interpretation on a single term, contract provision, drawing, or specification.

The Forest Service Manual, Handbooks, land management plans, environmental analysis and decision documents, timber sale reports, and other materials may be used as guides to interpret the intent of the contract but those documents are not part of the contract (FSM 2454.1). When a conflict arises the language of the contract and any modification thereof governs and is the basis for a decision on any dispute or claim (FSM 2452.3).

13.31 - Interpretation Disputes

When a dispute arises, or a member of the sale administration team has a question about interpretation of the contract that cannot be resolved by the Forest Service Representative, seek interpretation by the Contracting Officer. Procedures for addressing disputes are in FSH 2409.15, section 72.

13.4 - Inspections

The Sale Administrator, Engineering Representative, Forest Service Representative, qualified members of the Forest Supervisor's staff or Regional Forester's staff, and line officers may make timber sale inspections, depending upon the type of inspection to be conducted. Regional supplements to this handbook contain instructions for inspections.

Personnel conducting Forest Service Representative and Forest Supervisor's staff inspections must be qualified as Forest Service Representatives (FSM 2452.42).

The extent of an inspection varies according to the objectives stated in the following paragraphs and the standards established by the Regional Forester. Documentation of inspection shall be maintained in accordance with FSM 1490.

1. Sale Administrator/Engineering Representative Inspection. This is a routine inspection of the Purchaser's operations to obtain compliance with timber sale contract provisions and conditions. The Sale Administrator or Engineering Representative may examine various phases of ongoing activities such as falling, right-of-way clearing, skidding, utilization, excavation, culvert installation, slash disposal, or erosion control. Perform these inspections as part of day-to-day sale administration activities. Including a Purchaser's Representative or Field Supervisor in the inspection process can aid communications and ensure that work performed meets the contract requirements. During periods of specified road construction, the Engineering Representative shall report monthly on the progress or acceptance of work listed in the Schedule of Items to the Forest Service Representative and Forest Products Resource Specialist.

The frequency of these inspections should be as often as is necessary to obtain satisfactory contract compliance from the Purchaser and may vary depending on the immediate needs of the sale. Vary the timing of inspection to prevent establishing a routine schedule. Generally, more frequent inspections are necessary at the beginning and near the end of the operating period or when starting or finishing units or specified road segments. It is recommended to document these inspections on form FS-2400-0081 (sec. 13.12) or on the appropriate forms for the contract type in use. Document variations in quantities (contract provision B/BT5.251) and other minor changes associated with specified road construction on form FS-7700-42 Specified Road Construction Agreement and/or Notice. Send copies of inspections and agreements to the Purchaser's Representative, the Forest Service Representative, and the Contracting Officer. All agreements must be documented in writing and signed by individuals possessing the delegated authority to approve the agreement for the Forest Service and Purchaser.

2. Forest Service Representative's Inspection. This inspection evaluates the Purchaser's compliance with timber sale contract provisions and focuses on the performance of the Sale Administrator or Engineering Representative in fulfillment of Forest Service obligations. It is a formal inspection, covering the full range of sale activities. The minimum frequency of inspection is once every 6 months during sale operations. The preferred form to use is the FS-2400-0081 Timber Sale & Stewardship IRTC Inspection Report. Deficiencies in the performance of the Sale Administrator or Engineering Representative should be documented internally and addressed pursuant to direction in FSH 6109.13, chapter 10.
3. Forest Supervisor's Staff Inspection. This is an in-depth inspection covering all actions, interrelationships, coordination, and communications among the sale administration team, the Purchaser's Representative, and the Field Supervisor. The inspection provides line officers with a detailed evaluation of contract administration and resource management accomplishments. The frequency of these inspections is left to the

discretion of the Forest Supervisor. To provide for safety and avoid interrupting Purchaser's operations, a member of the contract administration team should participate in these reviews if they are conducted in areas with active logging.

4. Deciding Officer Inspection. This is an in-depth inspection by the deciding officer or delegated representative that reviews the National Environmental Policy Act documentation and implementation, including mitigation measures. The inspection provides deciding officers with a detailed evaluation of resource management accomplishments. Deciding officers or delegated representatives should review at least one operating sale each quarter. The Regional Forester may establish a different frequency in writing, stating the reason for changing the frequency. The review must be documented with a letter to the official contract file documenting what was inspected and the results. To provide for safety and avoid interrupting Purchaser's operations, a member of the contract administration team should participate in these reviews if they are conducted in areas with active logging.
5. Line Officer's (Activity Review) Inspection. The main objectives of this inspection are to:
 - a. Assess the attainment of management objectives, as set forth in the environmental assessment and land management plan.
 - b. Measure and evaluate the job performance of Forest Service employees.
 - c. Prevent and/or resolve controversial issues.
 - d. Identify the need to modify the timber sale contract to prevent unacceptable environmental damage.
 - e. Provide feedback to management and their staffs.

To provide for safety and avoid interrupting Purchaser's operations, a member of the contract administration team should participate in these reviews if they are conducted in areas with active logging.

13.41 - Other Inspections and Reviews

Various specialists, groups, or teams may visit the timber sale area to ensure that timber sale operations meet Forest Service program objectives. An example would be a Regional Office timber sale review team's inspection or a Forest wildlife biologist's inspection to evaluate the impact of timber sale operations on wildlife populations. These visits should be planned and documented. To provide for safety and avoid interrupting Purchaser's operations, a member of the contract administration team should participate in these reviews if they are conducted in areas with active logging.

13.42 - Inspection Documentation and Notification

13.42a - Sale Inspection Documentation

1. Inspectors must use approved timber sale inspection report forms to document inspections (FSH 2409.15, sec. 07). Use supplementary pages, as necessary, to accurately describe conditions. Be precise in identifying and describing areas inspected and conditions found.
2. Normally, inspectors may not be able to thoroughly cover all timber sale contract requirements in each area of the sale during a single inspection. When this occurs, the inspection report should state that the inspector covered a sample of an area or subdivision, document which area or subdivision, and state whether the sample indicates the degree of timber sale contract compliance.
3. Inspectors must state whether the areas inspected are accepted, as well as areas where operations are in progress. Inspecting areas not yet accepted enables the inspector to advise others on the adequacy of the work the Purchaser has completed. This promotes uniformity in timber sale administration.
4. Inspectors must check for the presence of tracer paint on each active sale unit as a function of normal sale administration. If a unit takes more than one month to complete, check for the presence of tracer paint monthly. Document findings on the sale inspection report.
5. Except for the use of highway-yellow paint pursuant to B6.842 or BT6.8, Purchaser's use of paint on the timber sale area without the written permission of the Forest Service Representative shall be documented on a sale inspection report and Forest Service law enforcement shall be notified (sec. 13.42c).
6. The finding of additional trees marked or designated for cutting by unauthorized individuals shall be documented on a sale inspection report and Forest Service law enforcement shall be notified (sec. 13.42c).

13.42b - Damage or Cutting of Undesignated Timber

Document all cutting or damage of undesignated timber or damage to residual timber on sale inspection reports. Unnecessary damage is any damage that could have been prevented by reasonable measures and results in considerable deterioration or mortality (B/BT 2.131). Sale administration personnel should document unauthorized cutting and damage and determine whether it was negligent or willful. The following list provides examples of the types of unwarranted unauthorized damage or other situations found on timber sale areas that require documentation on the sale inspection report:

1. Timber cut by mistake (Provision B/BT2.14).
2. Undesignated timber unnecessarily damaged (Provision B/BT2.131).
3. Undesignated timber negligently cut (Provision B/BT2.132).

4. Undesignated timber willfully cut (Provision B/BT2.132).
5. Unauthorized alterations in timber sale or unit boundaries (Provision B/BT2.3)

13.42c - Notifying Forest Service Law Enforcement

The Sale Administrator must notify Forest Service Law Enforcement personnel of any of the situations listed in section 13.42b and paragraphs 5 and 6 of section 13.42a (FSH 2409.12b and FSH 5309.11, sec. 28). This notification must be immediate for the situations described in paragraphs 3 through 5 (sec. 13.42b) and paragraphs 5 and 6 in section 13.42a. If the Sale Administrator believes that the timber was cut or damaged by mistake or unnecessarily damaged, the sale inspection report must be sent to law enforcement personnel and the Forest Service Representative within 2 days.

If any situation in paragraphs 3 through 5 in section 13.42b and paragraphs 5 and 6 in section 13.42a occurs, contract remedies, including notifying the Purchaser or suspending harvest operations, must not be implemented prior to the contract administration team and Forest Service law enforcement personnel making a joint decision on the appropriate course of action. However, if there is a threat of immediate and irreparable resource damage an immediate suspension of the offending activities is appropriate (FSM 2452.5).

Refer to FSH 2409.12b, chapter 10 for procedures to follow if any of the situations in paragraphs 3 through 5 in section 13.42b and paragraphs 5 and 6 in section 13.42a occur. Additional information can be found in Regional Forest Products Theft Prevention Plans and FSH 5309.11.

14 - Contract Files

Retain the official contract file for each stewardship (Integrated Resource Timber Contract) or timber sale contract in a designated electronic filing system accessible to assigned personnel. The file may consist of one or more folders containing the contract and all supporting documentation. Sale administration field folders may be kept so personnel can perform duties when electronic records are not accessible. The direction in section 14.1 describes the required records and reports to be maintained in the contract file. Such files shall be maintained in accessible formats and in accordance with record retention policies and litigation holds.

14.02 - Objective

Maintain complete records and accurate documentation to:

1. Secure contract compliance.
2. Ensure orderly progress of road construction and logging.
3. Obtain prompt payment of stumpage and other deposits.
4. Maintain continuity of contract administration over time.

5. Prepare a claim file in event of a claim (section 72.31 of this handbook).

14.1 - Content of Contract Files

Organize the official contract file into one or more electronic folders in a consistent and uniform manner. Field folders should be organized similar to the official file but may be tailored to meet the needs of the individual.

Do not permit an official hardcopy file to be taken to the field under any circumstances. Personnel conducting field inspections pursuant to section 13.4 must rely on field folders or copies made from documents in the official file.

Official documents associated with the preparation and administration of each contract must be maintained in the official contract file and retained as directed in FSH 6209.11, section 40, under file code 2450 (commercial) or 2460 (other than commercial).

Retain all relevant documents pertaining to contract formation, implementation and administration which may be pertinent in the future should a contract be the subject of a claim or litigation. At a minimum, and as applicable, the following items should be prepared and included in the official file. There may be additional items for a specific timber sale or Integrated Resource Timber Contract.

1. The complete contract and any modifications.
2. Pertinent environmental analysis and decision documents.
3. Sale preparation notes, traverse maps or GPS files, and cruise information.
4. Cadastral survey and corner notes, where applicable.
5. If geo-fences are used, an official vector file containing boundary designations.
6. The timber sale appraisal and summary report (Form FS-2400-17, Report of Timber Sale-Convertible and Nonconvertible Products), including the appraisal map.
7. All correspondence, including but not limited to delegations of authority, notices pertaining to performance, notices of breach including time limits for breach remedy, adjustments to contract term, acceptance, and rejection of work, and final acceptance of subdivisions or payment units.
8. Notices of suspension not related to breach such as a suspension due to litigation.
9. Documentation granting or denying in whole or in part Purchaser's request for contract term adjustment.

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10. All agreements, including but not limited to, scaling agreements; accountability agreements; agreements adding or deleting volume, slash treatment agreements; and cooperative deposit agreements.
11. Road inspection records that indicate progress and deficiencies in specified road construction.
12. Receipts signed by the Purchaser's Representative for any materials provided by the Forest Service pursuant to B/BT5.22 Material Delivery.
13. A report of completed and accepted specified road construction and other transportation facilities.
14. Documentation of timber sale inspections. It is recommended to use form FS-2400-0081 Timber Sale & Stewardship IRTC Inspection Report or letters to inform the Purchaser's Representative of compliance or noncompliance in sale operations and as a means of documenting agreements made with the Purchaser's Representative. A copy of the inspection report should be given to and discussed with the Purchaser Representative in the field when practicable.
15. Documentation of phone conversations with the Purchaser and Purchaser's Representative regarding performance, interpretation of contract provisions, agreement, etc.
16. Copies of all emails with the Purchaser and Purchaser's Representatives.
17. All statements of account and source documents needed to initiate and support all financial information such as forms FS-2400-0066 and FS-6500-0089.
18. For Integrated Resource Timber Contracts, all acceptances of stewardship work.
19. Documentation of meetings or phone conversations with the Regional Forester or others in the Region concerning funding or budget decisions that may impact operations on a stewardship contract.
20. Rationale for and documentation of meetings with specialists or management that lead to or affect contract modifications.
21. A progress map. Update on the progress map the status of significant stages of logging, road construction, slash treatment, stewardship work, etc. as part of the inspection report.
22. The Plan of Operations (B/BT6.311), annual Operating Schedules (B/BT 6.31), Plan of Operations for Road Construction (B/BT6.312) and any revisions thereof.
23. Fire plans (B/BT7.1).
24. Scaler information forms.

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Chapter 10 - Fundamentals of Timber Sale Contracting

Amendment: 2409.15-2021-1

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25. An accountability receipt for logs and receipt numbers issued to the Purchaser.
26. Scale summaries and audits of volume removed from a scaled timber sale.
27. Knutson-Vandenberg (KV) and Salvage Sale Fund (SSF) plans and any revisions thereof.
28. Contracting Officer's decision(s) on any dispute(s) or claim(s).
29. Brush Disposal Plans.
30. Signed TIM Gate Certifications.
31. Closure audit and signed final Statement of Account. Prior to performing the closure audit ensure that the official file is complete, and all field copies are destroyed.