

## NOVEMBER SALE ADVERTISEMENT

TIMBER FOR SALE, UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT.

ORAL AUCTION BIDS as hereinafter designated will be received by the District Manager, or designated representative of the Bureau of Land Management, Coos Bay District Office, 1300 Airport Lane, North Bend, Oregon 97459, at 10:00am on November 19, 2021, for all timber marked or designated for cutting. Before bids are submitted, full information concerning the timber, the conditions of sale and submission of bids, including appraised prices per species, should be obtained from the above District Manager, or designated representative. The right is hereby reserved to waive technical defects in this advertisement and to reject any or all bids. The United States reserves the right to waive any informality in bids received whenever such waiver is in the interest of the United States.

The decision was posted to the BLM's ePlanning website on September 8, 2021, referring to the Catching EA DOI-BLM-ORWA-C030-2019-0003-EA.

IN DOUGLAS COUNTY: OREGON: O&C: ORAL AUCTION: ORC03-TS-2022.0002  
Tumblin Rose CT: All timber designated for cutting on certain Federal lands in T.20 S., R. 8 W., Sec. 7, Lots 13-28, 30, 31, and 32, T. 20 S., R. 9 W., Sec. 13, Lots 3, 4, 14, 19, 21, 22, and 30, Will. Mer., estimated for the purpose of this sale to be 6,130 MBF. No written bid for less than \$545,598.40 will be considered. The minimum deposit with written bid is \$54,600.00. For the purposes of 43 CFR 5401.0-6 and 5430.0-6, this advertisement is being published on October 21, 2021 and October 28, 2021.

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND  
MANAGEMENT

Coos Bay District Office 1300 Airport Lane.  
North Bend, Oregon 97459

**Tract No. ORC03-TS-2022.0002 Tumblin Rose CT**

TIMBER SALE NOTICE – ADVERTISED SUPPLEMENT

NOTICE IS HEREBY GIVEN that the Bureau of Land Management will offer for sale timber as described herein for oral auction, pursuant to Instructions to Bidders, as stated on Form No. 5440-9 and subject to Notice of Requirement for Certification of Non-segregated Facilities, Form No. 1140-4 attached. Written and oral bids will be received by the District Manager, or his designated representative, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459. The timber sale will commence at **10:00 AM on Friday, November 19, 2021**. Oral bids will be received on Douglas-fir only with a \$0.50/MBF/bid minimum overcall on each bid.

AN ENVIRONMENTAL ASSESSMENT was prepared for this sale, and a Finding of No Significant Impact has been documented. These documents are available for inspection as background for these sales at the Coos Bay District Office or online at <https://eplanning.blm.gov/eplanning-ui/project/68000/570> for DOI-BLM-ORWA-C030-2017-0001-EA West Fork Smith River EA.

Upper Slide Creek WFSR Add-on Thinning Acres DNA (DOI-BLM-ORWA-C030-2020-0005-DNA) has been completed and is published on ePlanning: <https://eplanning.blm.gov/eplanning-ui/project/2001625/570>

A WRITTEN BID on Form No. 5440-9 at no less than the appraised price on a unit basis per species and the required minimum bid deposit shall be required to participate in oral bidding for each tract.

THIS TIMBER SALE has been cruised based upon Eastside Scribner board foot measure. The volumes herein are estimates only, based on 16-foot taper breaks, which must be taken into consideration if comparisons are made with volume predictions based on other standards. The volumes based on 32-foot taper breaks are shown for comparison purposes. No sale shall be made for less than the total purchase price, without regard to the amount bid per unit, even though quantity of timber actually cut or removed or designated for taking is more or less than the estimated volume or quantity so listed.

APPRAISED PRICES are determined by analytical appraisal methods unless otherwise noted on individual timber sale notices.

**USE OF PRIVATE ROADS FOR SALE ACCESS.** The purchaser is given no authority to enter upon or cross any private lands or to use any privately-owned property or improvements unless such rights are specifically covered in the contract stipulations. If the Purchaser desires to make any use of private property, which is not specifically authorized by the contract, they must make the necessary prior arrangements for such use with the landowner.

**ACCESS** to a sale may be through a locked gate (see individual sale information). Prospective bidders may obtain a key from the Coos Bay District Office.

**WAIVER OF BID DEFICIENCIES AND REJECTION OF BIDS.** When the Authorized Officer determines it to be in the interest of the Government to do so, he may reject any or all bids and may waive minor deficiencies in the bids or the timber sale advertisement or this supplement (43 CFR 5442.3).

**INSTRUCTIONS TO BIDDER.** Refer to attached Form 5440-9 for detailed Instructions to Bidder. All persons signing Form 5440-9 or tendering oral bids must be authorized in writing by the purchaser to do so. Oral bidding begins from the unit prices of the highest written bid. The Bureau exercises an overall system in which each bidder assumes the last highest bid and raises from that point. In the event there is a tie in high written bids, and no oral bidding occurs, the bidder who was the first to submit a bid deposit and written bid shall be declared the high bidder. If it cannot be determined who made the first submission of high tie written bids, the high bidder will be determined by lot. The high bidder must confirm the bid, in writing.

**AN IRREVOCABLE LETTER OF CREDIT (ILC)** may be used in place of bid bonds, performance bonds, and payment bonds. ILC's must be approved by the Authorized Officer prior to use and are subject to certain limitations. Contact the District Office for further information.

**THE SUCCESSFUL BIDDER,** as a condition of award, will be required to complete and/or sign the following forms:

1. Form No. 5430-11, Independent Price Determination Certificate, a certification that the bid was arrived at by the bidder or offeror independently, and was tendered without collusion with any other bidder or offeror.
2. Form No. 5450-17, Export Determination.

**PRE-AWARD QUALIFICATIONS.** The high bidder may be required to furnish information to determine the ability to perform the obligations of the contract. If the high bidder is determined not qualified, responsible or refuses to respond within fifteen (15) days of a request for information pertaining to qualifications, the contract may be offered and awarded for the amount of the high bid to the highest of the bidders who is qualified, responsible, and willing to accept the contract.

A PERFORMANCE BOND in an amount not less than twenty (20) percent of the total purchase price will be required for all contracts of \$10,000 or more, but the amount of the bond shall not be in excess of \$500,000, except when the Purchaser opts to increase the minimum bond as provided in 43 CFR 5451.2. A minimum performance bond of not less than \$500 will be required for all installment contracts less than \$10,000.

INSTALLMENT PAYMENTS may be authorized for sales of \$500 or more. The number of installments required to be paid at any one time will be determined by BLM. For sales under \$500,000, installments will not be less than ten (10) percent of the total purchase price. For sales of \$500,000 or more, installment payments shall be \$50,000.

A SALE DEPOSIT equal to one installment (10 percent of total purchase price) is required prior to approval of the contract. This deposit must be made in cash or by check payable to the Department of Interior - BLM.

LOG EXPORT AND SUBSTITUTION. The timber sold under this contract is subject to the Forest Resources Conservation and Shortage Relief Act of 1990, as amended (16 USC 620, et seq.). Except for species determined pursuant to public hearing to be surplus, unprocessed timber sold shall not be exported from the United States nor used in direct or indirect substitution for unprocessed timber exported from private lands by Purchaser or any person as defined in the Act (16 USC 620e).

ADDITIONAL INFORMATION concerning each timber sale tract described herein is available at the above District office. A copy of the timber sale contract is also available for inspection at the District office. The prospectus is available online at <https://www.blm.gov/or/resources/forests/index.php>. The online Prospectus includes maps and tables that cannot be made Section 508 compliant. For help with its data or information, please contact the Coos Bay District Office at (541) 756-0100.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**Form 1140-4**  
NOTICE OF REQUIREMENT FOR CERTIFICATION  
OF NONSEGREGATED FACILITIES

Bidders and offerors are cautioned as follows: by signing this bid or offer or entering into this contract or lease, as the case may be, the bidder, offeror, or contractor will be deemed to have signed and agreed to the provisions of the Certification of Non-segregated Facilities in this solicitation. The certification provides that the bidder or offeror does not maintain or provide for his employees facilities which are segregated on a basis of race, color, religion, sex, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that he will not maintain such segregated facilities. Failure of a bidder or offeror to agree to the Certification of Non-segregated Facilities will render his bid or offer nonresponsive to the terms of solicitations involving awards of contract exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause.

In accordance with 41 CFR 60, as amended May 19, 1967, and Executive Order No. 11246 of September 24, 1965, as amended, this notification will be included in all notices of invitations for bid, lease, offers, and requests for proposal where prospective nonexempt contracts may exceed \$10,000.

COOS BAY SALE NO. ORC03-TS-2022.0002  
 Tumblin Rose CT

COOS BAY DISTRICT OFFICE  
 UMPQUA RESOURCE AREA

SALE DATE: November 19, 2021  
 SALE TIME: 10:00 a.m.

SALE NO. ORC03-TS-2022.0002, Tumblin Rose CT

DOUGLAS COUNTY: OREGON: O&C: ORAL AUCTION: Bid deposit required: \$54,600.00

All timber designated for cutting on: T.20 S., R. 8 W., Sec. 7, Lots 13-28, 30, 31, and 32, T. 20 S., R. 9 W., Sec. 13, Lots 3, 4, 14, 19, 21, 22, and 30 Will. Mer.

Approx. No. Merch. Trees	Est. Vol. MBF 32' Log	Species	Est. Vol. MBF 16' Log	Appraised Price Per MBF	Estimated Vol. Times Appraised Price
31,090	4,609	Douglas-fir	5,761	\$91.30	\$525,979.30
1,733	147	Red Alder	184	\$51.30	\$9,439.20
1,037	144	Western Hemlock	179	\$48.90	\$8,753.10
112	5	Western Redcedar	6	\$237.80	\$1,426.80
<b>33,972</b>	<b>4,905</b>	<b>Totals</b>	<b>6,130</b>		<b>\$545,598.40</b>

**THIS TIMBER SALE HAS BEEN CRUISED, APPRAISED, AND ADVERTISED BASED UPON SCRIBNER BOARD FOOT MEASURE (16 FOOT LOG). THE MINIMUM BID FIGURES SHOWN BY SPECIES ARE DOLLARS PER THOUSAND BOARD FEET (\$/MBF). SCRIBNER BOARD FOOT VOLUMES (32 FOOT LOG) BY SPECIES ARE DISPLAYED FOR INFORMATIONAL PURPOSES.**

LOG EXPORT AND SUBSTITUTION: All timber sales, including timber from Federal rights-of-ways, shall be subject to the restrictions relating to the export and substitution of unprocessed timber from the United States in accordance with P.L. 94-165 and 43 CFR §5400 and §5424 as amended.

LOG EXPORT AND SUBSTITUTION RESTRICTIONS: Excepting Port-Orford-cedar, all timber offered for sale hereunder is restricted from export from the United States in the form of unprocessed timber and is prohibited from being used as a substitute for exported private timber.

CRUISE INFORMATION: With respect to merchantable trees of all species in all cruise strata: the average DBHOB is 13.2 inches: the average gross merchantable log contains 49 bd. ft.; the total gross volume is approximately 6,507 thousand bd. ft.; and 94% recovery is expected. The average DBHOB for Douglas-fir is 13.2 inches; and the average gross merchantable log contains 49 bd. ft. The following cruise methods were used for volume determination:

VARIABLE PLOT: Timber volumes of Units 1-6, were based on a variable plot cruise. Using a 20 basal area factor (BAF), 289 plots were measured and 216 trees were randomly selected to be sampled. The sample trees have been cruised and their volumes computed using form class tables for estimating board foot volumes of

COOS BAY SALE NO. ORC03-TS-2022.0002  
Tumblin Rose CT

trees in 16-foot logs. The volumes are then expanded to a total sale volume.

3P: The Douglas-fir and Red Alder trees in the Right-of-Ways have been cruised using the 3P system to select 17 sample trees. The sample trees have been cruised and the volumes computed using form class tables for estimating board foot volumes of trees in 16-foot logs. Maps showing the approximate locations of the sample trees are available at the Coos Bay District Office.

100% CRUISE: Timber volumes for tree species other than Douglas-fir and Red Alder were based on a 100% cruise in the Right-of-Ways using form class tables for estimating board foot volume of trees in 16-foot logs.

CUTTING AREA: Units 1-6 contain 284 acres of partial cut, 32 acres of Group Selection Areas, 1 acre of road right-of-way to be cut, for a total of 317 acres. Acreage data was collected using a Trimble R1 Global Positioning System receiver. Acreage was calculated based on Global Positioning System traverse procedures including differential correction.

ACCESS: Access to the sale area is provided via Oregon State highways, Douglas County Roads, government-controlled roads, and privately controlled roads. **A gate restricts access to this sale area. Keys are available at the Coos Bay District Office. A refundable deposit of \$100 is required to obtain a key.**

DIRECTIONS TO SALE AREA: From Coos Bay, travel north on Highway 101. Turn right on Smith River Road heading east for approximately 39.9 miles, turn left on Road 20-8-18.3 (Upper Slide Creek Rd) to access Units 3-6. To access Units 1 and 2, from Smith River Road junction, continue east approximately 0.6 miles, turn left onto 20-8-18.1(North Sister Road), and continue approximately 0.8 miles to Road 20-8-8 (Herb Creek Ridge Road). Refer to Exhibits A and A-1 for unit locations.

ROAD USE & MAINTENANCE: Purchaser shall pay a maintenance and rockwear obligation totaling \$99,014.45 to the Government. Road Use Maintenance and/or Rockwear Fees totaling \$19,083.97 are payable to Roseburg Resources Co. Purchaser shall enter into a license agreement with Roseburg Resources Company. Purchaser shall maintain approximately 11.2 miles of road.

OPTIONAL CONTRIBUTION: Purchaser will have the option of performing pile burning or contributing \$3,846.00 in lieu thereof. The option must be declared prior to contract execution. Piling and covering are not included in the Optional Contribution and will remain the responsibility of the purchaser. [42.e.\(3\)\(v\)](#)

ROAD CONSTRUCTION: Road construction and improvement estimates include the following

27.67 stations Class SN-16 road

15.90 stations Class SN-12 road

Refer to Exhibit C and D:

Surfacing:

2,808 cu. yds. of 1½-inch minus crushed hardrock

2,304 cu. yds. of 3-inch minus crushed hardrock

1,314 cu. yds. of 6-inch minus crushed hardrock

COOS BAY SALE NO. ORC03-TS-2022.0002  
Tumblin Rose CT

DURATION OF CONTRACT: Will be 36 months for cutting and removal of timber. The contract will contain special stipulations regarding logging, road construction, road use and maintenance, fire prevention, hazard reduction and logging residue reduction, log export and substitution, optional scale check of lump sum sales, equal opportunity in employment, cultural resource protection, and sensitive, threatened, or endangered plants or animals.



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Sale Name  
Tumblin Rose CT  
Sale Number  
ORC03-TS-2022.0002

**SELF CERTIFICATION CLAUSE**  
BIDDERS STATEMENT

The bidder represents that he  is  is not a small business concern as defined by 13 CFR Ch. 1 Part 121.

\_\_\_\_\_  
(Date) (Printed Name of Bidder) Signature of Bidder

Title 18 USC, sec. 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

**INSTRUCTIONS**

In order to qualify for a set-aside sale, all bidders *must* certify to being a small business concern by submitting an executed Self Certification Clause.

The date on the Self Certification Clause and the sale date *must be the same*.

A Self Certification Clause *must* accompany the deposit to qualify for *each* set-aside sale. After a sale award is made, the Self Certification

Clause will be immediately returned, with the deposit, to the unsuccessful bidders but may be resubmitted to qualify for other set-aside sales offered on the *same* date.

The Self Certification Clause submitted by the successful bidder will be retained by the Bureau of Land Management.



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

NOTICE OF REQUIREMENT FOR CERTIFICATION  
OF NONSEGREGATED FACILITIES

Bidders and offerors are cautioned as follows: by signing this bid or offer or entering into this contract or lease, as the case may be, the bidder, offeror, or contractor will be deemed to have signed and agreed to the provisions of the Certification of Nonsegregated Facilities in this solicitation. The certification provides that the bidder or offeror does not maintain or provide for his employees facilities which are segregated on a basis of race, color, religion, sex, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that he will not maintain such segregated facilities. Failure of a bidder or offeror to agree to the Certification of Nonsegregated Facilities will render his bid or offer nonresponsive to the terms of solicitations involving awards of contract exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause.

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In accordance with 41 CFR 60, as amended May 19, 1967, and Executive Order No. 11246 of September 24, 1965, as amended, this notification will be included in all notices of invitations for bid, lease, offers, and requests for proposal where prospective nonexempt contracts may exceed \$10,000.



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Name of Bidder
Tract Number ORC03.TS-2022.0002
Sale Name Tumblin Rose CT
Sale Notice (dated) 10/21/2021
BLM District Coos Bay District

**DEPOSIT AND BID FOR: (Check One):**

- Timber and/or Other Wood Products or**  
(Examples of Other Wood Products: biomass, firewood, posts, poles, etc...)
- Vegetative Resources**  
(Examples of Vegetative Resources: boughs, pinyon nuts, cones, plants, etc...)

<input type="checkbox"/> Sealed Bid for Sealed Bid Sale	<input checked="" type="checkbox"/> Written Bid for Oral Auction Sale
Time for opening sealed bids <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	Sale commences 10:00 <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
On (date) _____ Place _____	On (date) 11/19/2021 Place Coos Bay District Office

In response to the above dated Sale Notice, the required deposit and bid are hereby submitted for the purchase of designated Timber and/or Other Wood Products or Vegetative Resources on the tract specified above.

Required bid deposit is \$ 54,600.00 and is enclosed in the form of:

cash  money order  cashier's check  certified check  bank draft

bid bond of corporate surety on approved list of the United States Treasury  guaranteed remittance approved by the authorized officer.

IT IS AGREED That the bid deposit shall be retained by the United States as liquidated damages if the bid is accepted and the undersigned fails to execute and return the contract, together with any required performance bond and any required payment within 30 days after the contract is received by the successful bidder. It is understood that no bid for less than the appraised price on a unit basis per product and species will be considered. If the bid is rejected the deposit will be returned.

**BID SCHEDULE – TIMBER AND/OR OTHER WOOD PRODUCTS OR VEGETATIVE RESOURCES**

*NOTE: Bidders should carefully check computations in completing the Bid Schedule*

BID SUBMITTED					ORAL BID MADE	
PRODUCT & SPECIES	UNIT	ESTIMATED VOLUME OR QUANTITY	UNIT PRICE	TOTAL VALUE	UNIT PRICE	TOTAL VALUE
Douglas-Fir		5761	X	=	X	=
Red Alder		184	X	=	X	=
Western Hemlock		179	X	=	X	=
Western Redcedar		6	X	=	X	=
			X	=	X	=
			X	=	X	=
			X	=	X	=
			X	=	X	=
			X	=	X	=
			X	=	X	=
<b>TOTAL PURCHASE PRICE</b>						

If sale contract is executed, undersigned is liable for total purchase price including all modifications executed under the terms of the contract. Timber and/or Other Wood Products or Vegetative Resources designated for taking may be less or more than total estimated volume or quantity shown above. Undersigned certifies bid was arrived at by bidder or offeror independently, and was tendered without collusion with any other bidder or offeror. In submitting or confirming this bid, undersigned agrees to the foregoing provisions, applicable regulations, and certifies that he is authorized to act as, or on behalf of, the bidder.

Bid submitted on *(date)*

*(Check appropriate box, sign in ink, and complete the following)*

<input type="checkbox"/> Signature, if firm is individually owned	Name of firm <i>(type or print)</i>
<input type="checkbox"/> Signatures, if firm is a partnership or L.L.C.	Business address, include zip code <i>(type or print)</i>
<input type="checkbox"/> Corporation organized under the state laws of	<i>(To be completed following oral bidding)</i>
Signature of Authorized Corporate Signing Officer	I HEREBY confirm the above oral bid By <i>(signature)</i>
Title	Date
Submit bid, in <i>duplicate</i> , to qualify for either an oral auction or sealed bid sale together with the required bid deposit made payable to the Department of the Interior – BLM.	Sealed Bid – Send to District Manager, who issued the sale notice, in a sealed envelope marked on the outside:
Oral Auction – Submit to Sales Supervisor prior to closing of qualifying period for tract.	(1) "Bid for Timber and/or Other Wood Products or (1a) "Vegetative Resources " (2) Time bids are to be opened (3) Legal description

### NOTICES

The Privacy Act and the regulations in 43 CFR 2.223(d) require that you be furnished with the following information:

**AUTHORITY:** 38 FR 6280 and 43 CFR 5442.1

**PRINCIPAL PURPOSE:** To qualify an oral auction bidder, and then if successful, to bind bidder to certain contract conditions.

**ROUTINE USES:** To determine that an individual is qualified to participate in oral auction bidding, and, as surety that bidder will fulfill contract requirements.

**EFFECT OF NOT PROVIDING INFORMATION:** Filing this deposit and bid information is necessary only when an individual wishes to participate in a sealed or auction bid sale for Timber and/or Other Wood Products or Vegetative Resources.

## INSTRUCTIONS TO BIDDERS

1. **AUTHORITY** – Timber and/or Other Wood Products or Vegetative Resources, located on the revested Oregon and California Railroad Grant Lands and on the reconveyed Coos Bay Wagon Road Grant Lands is administered and sold pursuant to authority of the Act of August 28, 1937 (50 Stat. 874, 43 U.S.C. 1181a). Timber and/or Other Wood Products or Vegetative Resources located on other public lands of the United States under jurisdiction of the Bureau of Land Management are administered and sold pursuant to authority of the Act of July 31, 1947 (61 Stat. 681), as amended, by the Act of July 23, 1955 (69 Stat. 367, 30 U.S.C. 601 et seq.). Regulations of the Secretary of the Interior governing sale of Timber and/or Other Wood Products or Vegetative Resources, are codified in 43 CFR Group 5400.

2. **QUALIFICATIONS OF BIDDERS** – A bidder for sale of Timber and/or Other Wood Products or Vegetative Resources must be either (a) a citizen of the United States, (b) a partnership composed wholly of such citizens, (c) an unincorporated association composed wholly of such citizens, or (d) a corporation authorized to transact business in the State in which the Timber and/or Other Wood Products or Vegetative Resources are located.

3. **INSPECTION OF TIMBER AND/OR OTHER WOOD PRODUCTS OR VEGETATIVE RESOURCES** – Bidder is invited, urged, and cautioned to inspect the Timber and/or Other Wood Products or Vegetative Resources prior to submitting a bid. By executing the Timber and/or Other Wood Products or Vegetative Resources sale contract, bidder warrants that the contract is accepted on the basis of his examination and inspection of the Timber and/or Other Wood Products or Vegetative Resources and his opinion of its value.

4. **DISCLAIMER OF WARRANTY** – Government expressly disclaims any warranty of the fitness of the designated Timber and/or Other Wood Products or Vegetative Resources for any purpose of the bidder. All Timber and/or Other Wood Products or Vegetative Resources are to be sold "As Is" without any warranty of merchantability by Government. Any warranty as to the quantity or quality of Timber and/or Other Wood Products or Vegetative Resources to be sold is expressly disclaimed by Government.

5. **BIDS** – Sealed or written bids for not less than the advertised appraised price, per Timber and/or Other Wood Products or Vegetative Resources must be submitted in duplicate to the District Manager who issued *Timber and/or Other Wood Products or Vegetative Resources Sale Notice*.

(a) **Sealed Bid Sales** – Bids will be received until time for opening which is set out in the Notice. Enclose both copies of bid with required bid deposit in a sealed envelope marked on the outside *Bid for Timber and/or Other Wood Products or Vegetative Resources*, time bid is to be opened, tract number, and legal description of land on which Timber and/or Other Wood Products or Vegetative Resources are located. In event of a tie, the high bidder shall be determined by lot from among those who submitted the tie bids.

(b) **Auction Sales** – Submission of the required bid deposit and a written bid is required to qualify for oral bidding. Oral bidding shall begin from the highest written bid. No oral bid will be considered which is not higher than the preceding bid. In the event there is a tie in high written bids, and no oral bidding occurs, the bidder who was the first to submit his bid deposit and written bid shall be declared the high bidder. If the officer conducting the sale cannot determine who made the first submission of high tie written bids, the high bidder shall be determined by lot. High bidder must confirm his bid, in writing, immediately upon being declared high bidder.

(c) Except as otherwise provided in 43 CFR 5442.2, bids will not be considered in resale of Timber and/or Other Wood Products or Vegetative Resources remaining from an uncompleted contract from any person or affiliate of such person who failed to complete the original contract because of (1) cancellation for the purchaser's breach or (2) through failure to complete payment by expiration date.

(d) When it is in the interest of the Government to do so, it may reject any and all bids and may waive minor deficiencies in bids or in sale advertisement.

6. **BID FORMS** – All sealed, written bids, and confirmation of oral bids shall be submitted on forms provided by Government.

(a) **Timber and/or Other Wood Products or Vegetative Resources Sales** – For each product and species, bids shall specify (1) Bureau of Land Management estimated unit volume or quantity, (2) bidder's price per unit and total value, and (3) bidder's total purchase price. Estimated volume and price per unit are to be used for administrative and appraisal purposes only. Upon award of contract, the high bidder agrees to pay the Government for the Timber and/or Other Wood Products or Vegetative Resources designated for removal in accordance with the terms of the contract. Timber and/or Other Wood Products or Vegetative Resources designated for taking may be less or more than total estimated volume or quantity shown above.

7. **BID DEPOSIT** – All bidders must make a deposit of not less than the amount specified in the *Timber and/or Other Wood Products or Vegetative Resources*

*Notice*. Deposit may be in the form of cash, money orders, bank drafts, cashiers or certified checks made payable to the Department of the Interior – BLM, bid bonds of a corporate surety shown on the approved list of the United States Treasury Department (*Applies To Timber Only*), or any approved guaranteed remittance approved by the Contracting Officer. Upon conclusion of bidding, the bid deposit of all bidders, except high bidder, will be returned. The cash deposit of the successful bidder may be applied toward the required sale deposit and/or the purchase price. Cash not applied to the sale deposit or the purchase price, or a corporate surety bid bond, will be returned at the time the contract is signed by the Government.

8. **AWARD OF CONTRACT** – Government may require high bidder to furnish such information as is necessary to determine the ability of bidder to perform the obligation of contract. Contract will be awarded to high bidder, unless he is not qualified or responsible or unless all bids are rejected. If high bidder is not qualified or responsible or fails to sign and return the contract together with required performance bond and any required payment, contract may be offered and awarded to the highest bidders qualified, responsible, and willing to accept the contract.

9. **TIMBER AND/OR OTHER WOOD PRODUCTS OR VEGETATIVE RESOURCES SALE CONTRACTS** – To be executed by purchaser, has been prepared by Government, and may be examined in the District or Field Manager's office.

10. **PERFORMANCE BOND** – (*Primarily Used For Timber Sales*)

(a) A performance bond in an amount of not less than 20 percent of total purchase price is required, but the amount of the bond shall not be in excess of \$500,000, except when the purchaser opts to increase the minimum bond to permit cutting prior to payment as provided in 43 CFR 5451.2, or in the event the purchaser is a holder of an unresolved default the bond may be increased as provided in 43 CFR 5450.1(b). Performance bond may be (1) bond of a corporate surety shown on approval list issued by the United States Treasury Department and executed on an approved standard form, (2) personal surety bond executed on an approved standard form if Government determines principals and bondsman are capable of carrying out the terms of the contract, (3) cash bonds, (4) negotiable securities of the United States, or (5) any guaranteed remittance approved by the Contracting Officer.

(b) If purchaser elects to cut Timber and/or Other Wood Products or Vegetative Resources without skidding or yarding it to a loading point or removing it prior to the payment of the second or subsequent installments, Government shall require an increase in amount of performance bond initially required by an amount equal to the value of Timber and/or Other Wood Products or Vegetative Resources to be cut. Such increase must be on a bond rider form supplied by Government and be approved, in writing, by Government prior to cutting Timber and/or Other Wood Products or Vegetative Resources covered by the bond increase. This increased amount of bond shall be used to assure payment for Timber and/or Other Wood Products or Vegetative Resources cut in advance of payment.

11. **PAYMENT BOND** – (*Primarily Used For Timber Sales*)

If purchaser elects to (a) cut and remove Timber and/or Other Wood Products or Vegetative Resources, or (b) remove Timber and/or Other Wood Products or Vegetative Resources already cut which has been secured by an increased performance bond as provided in paragraph 10(b) above, before payment of the second or subsequent installments, Government shall require a payment bond on a form supplied by Government. Purchaser shall obtain written approval from Government of payment bond prior to cutting and/or removal of Timber and/or Other Wood Products or Vegetative Resources covered by the bond. Payment bond shall be used to assure payment for Timber and/or Other Wood Products or Vegetative Resources cut and/or removed in advance of payment.

12. **PAYMENT OF PURCHASE PRICE** – For sales of \$500 or more, Government may allow payment by installments. Except as discussed in paragraphs 10 and 11 above, no part of any Timber and/or Other Wood Products or Vegetative Resources sold may be severed, cut, or removed unless advance payment has been made as provided in contract.

13. **LIQUIDATED DAMAGES** – Within thirty (30) days from receipt of *Timber and/or Other Wood Products or Vegetative Resources Sale Contract*, the successful bidder shall sign contract and return it to Government, together with required bond and any required payment. If successful bidder fails to comply within the stipulated time, his bid deposit shall be retained by Government as liquidated damages.

14. **NINETY-DAY SALES** – If no bid is received within time specified in the advertisement of sale and if Government determines that there has been no significant rise in the market value of Timber and/or Other Wood Products or Vegetative Resources, it may, in its discretion, keep the sale open, not to exceed ninety (90) days.

15. *UNAUTHORIZED USE OF GOVERNMENT PROPERTY* – A sale may be refused to high bidder who has been notified that he has failed to make satisfactory arrangements for payment of damages resulting from unauthorized use of, or injury to, property of the United States.

16. *EQUAL OPPORTUNITY CLAUSE* – This contract is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the nondiscrimination clauses. Copies of this order may be obtained from the District Manager. 43 CFR 60-1.7(b) requires that the Equal Opportunity Compliance Report Certification will be completed by prospective contractors. Certification may be obtained from District Manager.

17. *LOG EXPORT* – All timber offered for sale except as noted in the *Timber Sale Notice* is restricted from export from the United States in the form of unprocessed timber and cannot be used as a substitute for exported private timber. For the purpose of this contract, unprocessed timber is defined as: (1) any logs except those of utility grade or below, such as saw logs, peeler logs, and pulp logs, (2) cants or squares to be subsequently remanufactured exceeding eight and three quarters (8-3/4) inches in thickness, (3) split or round bolts or other roundwood not processed to standards and specifications suitable for end product use, or (4)

western red cedar lumber which does not meet lumber of American Lumber Standards Grades of Number 3 dimensions or better, or Pacific Lumber Inspection Bureau R-List Grades of Number 3 common or better. Timber manufactured into the following will be considered processed: (1) lumber and construction timbers, regardless of size, manufactured to standards and specifications suitable for end product uses, (2) chips, pulp and pulp products, (3) green or dry veneer and plywood, (4) poles and piling cut or treated for use as such, (5) cants, squares, and lumber cut for remanufacture of eight and three quarters (8-3/4) inches in thickness or less, or (6) shakes and shingles. In event purchaser wishes to sell any or all of timber restricted from export in the form of unprocessed timber, the buyer, exchanges, or recipient shall be required to comply with contractual provisions relating to "unprocessed timber". Special reporting, branding and painting of logs may be included in contract provisions.\*

18. *DETAILED INFORMATION* – Detailed information concerning contract provisions, bid, performance bond forms, tract location maps, and access conditions may be obtained from the District Manager. All persons interested in bidding on the products listed are encouraged to familiarize themselves with all such detailed information.