

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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

2020.0032 – Upper Rock Divide – 4,040 MBF

TIMBER SALE NOTICE – ADVERTISED SUPPLEMENT

NOTICE IS HEREBY GIVEN that the Bureau of Land Management will offer for sale timber as described herein for sealed bid 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. Sealed bids will be received by the District Manager, or his designated representative, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459, by 10:00 am PST on **April 24, 2020**

AN ENVIRONMENTAL ASSESSMENT was prepared for these sales, and a Finding of No Significant Impact has been documented. These documents are available for inspection as background for this sale at the Coos Bay District Office or online for timber sales: ORC04-TS-2020.0032, Upper Rock Divide SET-ASIDE SALE at <https://go.usa.gov/xm7a9>

THIS TIMBER SALE NOTICE does not constitute the decision document for purposes of protest and appeal of a forest management decision. Consistent with 43 CFR Subpart 5003-Administrative Remedies, the notice of a timber sale, when published as a legal ad in a newspaper of general circulation, shall constitute the decision document for purposes of protest and appeal. Protests may be filed with the Authorized Officer within 15 days after the first publication of the aforementioned decision document in the newspaper. It is anticipated that the decision document will be published in The World newspaper on or about March 26, 2020. BLM does not warrant publication on this exact date. All parties considering protest of the timber sale decision document are encouraged to review the aforementioned newspaper to ensure accurate knowledge of the exact publication date.

A SEALED 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 for submission of a sealed bid for each tract.

FOR SBA SET-ASIDE TRACTS, the bidder must not have been determined by the Small Business Administration to be ineligible for preferential award for set-aside sales and must accompany his deposit with a self-certification statement that he is qualified as a small business concern as defined by the Small Business Administration in its regulations, Title 13, Chapter I, Part 121 (Revision 7) as amended, of the Code of Federal Regulations. The Form 5430-1 Self Certification Statement is attached hereto. The successful bidder will be required to sign SBA Form 723 "Small Business Certification Required on All Preferential Sales of Set-Aside Timber" at the time he signs the timber sale contract. Section 2(a) of Form 723 requires that successful bidders of SBA set-aside tracts must comply with delivery requirements pertaining to timber volume. No more than 30% of the timber volume from a set-aside sale may be delivered for manufacturing to a business that is not a small business, as defined by the SBA (13 CFR 121.507 (a)). A copy of SBA form 723 is attached.

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.

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 must be authorized in writing by the purchaser to do so. All sealed bids must be accompanied by the attached 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. In the event there is a tie in high written bids, 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.

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. 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 \$2,500 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 \$2,500.

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/timbersaleresults.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.

A new Special Provision has been added to the contract which enables the Contracting Officer to suspend the contract to facilitate protection of certain plant or animal species, and/or to modify or terminate the contract when necessary to comply with the Endangered Species Act or to protect occupied Marbled Murrelet sites in accordance with the Standards and Guidelines of the Coos Bay District Record of Decision and Resource Management Plan. This contract provision limits the liability of the Government to the actual costs incurred by the Purchaser which have not been amortized by timber removed from the contract area.

UNITED STATES DEPARTMENT OF THE INTERIOR
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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. ORC04-TS-2020.0032
UPPER ROCK DIVIDE

COOS BAY DISTRICT OFFICE
MYRTLEWOOD RESOURCE AREA

SALE DATE: April 24, 2020
SALE TIME: 10:00 a.m.

SALE NO.: ORC04-TS-2020.0032, UPPER ROCK DIVIDE

SET-ASIDE SALE

COOS COUNTY: OREGON: O&C: SEALED BID AUCTION:

Bid deposit required: \$104,900.00

All timber designated for cutting on: T. 29 S., R. 9 W., Sec. 29, E1/2NE1/4, NW1/4NE1/4, NE1/4NW1/4, 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
3,738	2,615.0	Douglas-fir	3,227.0	\$285.60	\$921,631.20
1,906	594.0	western hemlock	754.0	\$150.90	\$113,778.60
199	44.0	Port-Orford cedar	56.0	\$207.00	\$11,592.00
4	2.0	western redcedar	3.0	\$402.00	\$1,206.00
5,847	3,255.0	Total	4,040.0		\$1,048,207.80

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). THE MINIMUM BID INCREMENT WILL BE \$0.50 PER 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: Except 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 21.2 inches; the average gross merchantable log contains 137 bd. ft.; the total gross volume is approximately 4,270.0 MBF; and 95% recovery is expected. The average DBHOB for Douglas-fir is 24.4; and the average gross merchantable log contains 147 bd. ft. None of the total sale volume is salvage material. The following cruise methods were used for volume determination.

3P: Douglas-fir and western hemlock were calculated using the 3P system within Unit 1 to select 159 Douglas-fir and 59 western hemlock sample trees. The sample trees were cruised, and their volumes computed using form class tables for estimating board foot volumes of trees in 16-foot logs. The volumes are then expanded to a

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UPPER ROCK DIVIDE

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100% CRUISE: Volumes for Port-Orford cedar and western redcedar were based on a 100% cruise using form class tables for estimating board foot volume of trees in 16-foot logs.

CUTTING AREA: One unit totaling approximately 84 acres must be regeneration cut. Acreage data was collected using a Trimble Geo 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: United States highways, privately controlled roads, and Government controlled roads.

DIRECTIONS TO SALE AREA: From Coos Bay, Oregon, travel south on Highway 101 for approximately five miles. Take slight left onto OR-42 E and travel 48.8 miles. Turn left onto Lower Signal Tree Road (29-9-36.0). Travel approximately 6.7 miles and take left onto the 29-9-28.0 road. Proceed about 0.6 miles at junction of 29-9-29.0 road stay to the right. Proceed about 0.25 miles to edge of the unit. Refer to Exhibits A and A-1 for unit locations.

ROAD USE, ROCKWEAR & MAINTENANCE: Refer to Exhibit E Summary attached. Operator maintenance required on 1.0 miles of road.

Rockwear and Road Maintenance Fees Payable to BLM:	\$36,707.20
Road Use, Rockwear and Road Maintenance Fees Payable to Weyerhaeuser:	\$0.00

ROAD CONSTRUCTION: Road Construction estimates include the following:

New Construction:

4.35 stations

Road Renovation:

151.39 stations

Aggregate (All quantities are truck measurement):

6" minus hard rock: 130 L.C.Y.

3" minus hard rock: 30 L.C.Y.

1 ½" minus hard rock: 330 L.C.Y.

1 ½" minus maintenance hard rock: 220 L.C.Y.

Soil Stabilization:

Dry Seed, fertilizer, & mulch: 2.4 acres (Pre-haul)

Dry Seed, fertilizer, & mulch: 2.60 acres (Post-haul)

Roadside Brushing:

151.39 stations

Road Decommissioning:

Earthen Barriers: 4

DURATION OF CONTRACT: Shall be 36 months for cutting and removal of timber. The contract contains 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.

SPECIAL PROVISIONS: This list is not comprehensive. Please review the entire contract.

1. A license agreement is required with Weyerhaeuser, RWA- C-344. A performance bond in the amount of \$10,000 and comprehensive liability insurance will be required for this license agreement.
2. All equipment must be washed prior to entry into the contract area to control the spread of noxious weeds and Port-Orford cedar root disease.
3. All roads are designed for all-season haul except for Spur 1A, Spur 1B, 29-9-29.2, and the 29-9-29.3 road which are designed for summer haul only.
4. No trees shall be felled into Reserve Areas, as shown on the Exhibit A. Line pulling, jacking, or other mechanical devices shall be used as necessary.
5. All trees three (3) inches DBHOB or larger and/or twenty-five (25) feet or taller designated for cutting shall be felled concurrently with all other trees designated for cutting.
6. Lift trees and intermediate support trees may be necessary.
7. One-end suspension is required in Regeneration Cut Areas.
8. Full suspension is required over any stream channels. Trees cut for yarding corridors within the Reserve Area adjacent to Stream Channels shall be felled toward the channel and left on site.
9. A forwarder, log loader, tractor, or rubber tire skidder may be used to yard logs within the Ground-Based Yarding areas. Ground-based equipment are generally restricted to areas with slopes less than 35% and soil moistures less than 25%.
10. Purchaser shall verify all landing locations with an Authorized Officer if not previously identified on Exhibit A. Required clearing limits shall be staked prior to construction.
11. Purchaser shall shape and restore all landings to a natural contour to prevent erosion.
12. Purchaser shall seed, mulch, and fertilize all landings, road cuts and fills, and waste areas.
13. Soil stabilization, water bar construction, road decommissioning, and road barrier construction shall be conducted after the completion of harvest activities but no later than October 15 of the same year.
14. BLM will assume supervisory responsibility for disposal of logging slash.
15. Machine piling of logging slash is required at all landing areas, along all roads, and within Ground-Based Yarding Areas. Areas to be piled will be identified by the Authorized Officer.
16. Personnel supplied by the Purchaser for machine or landing pile burning shall include eight (8) people qualified at a minimum, as Type-II Firefighters (FFT2), (National Wildfire Coordinating Group (NWCG) Wildland Fire Qualifications System guide, PMS 310-1).
17. After yarding is completed, the purchaser shall top sixty-eight (68) and girdle seventeen (17) conifer trees marked with orange painted "S."
18. The Purchaser shall provide signage to control traffic when conducting logging and road construction operations adjacent to and/or on the 29-9-28.0 and the 29-9-29.0 roads.
19. To minimize the risk of attracting predators to activity areas, all garbage (especially food products) will be contained and removed daily from the contract area pursuant to Section 27 of the contract.
20. Spill kits will be required to be on site during road construction and logging.

Seasonal Restriction Matrix ORC04-TS-2020.0032 UPPER ROCK DIVIDE Timber Sale Prospectus

*Restricted periods are **Shaded**; Conditional periods are **hatched**; See Exhibit A and C for portions of units/haul route affected.

Sale Area	Activity	Jan		Feb		Mar		Apr		May		June		July		Aug		Sep t		Oct		Nov		Dec	
		1	15	1	15	1	15	1	15	1	15	1	15	1	15	1	15	1	15	1	15	1	15	1	15
General All Units	Road Construction, Renovation, or Improvement Work ¹																								
	Hauling ¹																								
	Hauling on approved rocked roads ³																								
	Ground based yarding ²											25%													

¹ Wet season restrictions may be shortened or extended depending on weather conditions for all roads.

² Ground based yarding restricted to periods when soil moisture levels are below 25% as determined by the Authorized Officer.

³ Wet season haul on rocked roads may be suspended during periods of heavy rain (>1" in 24 hours).