

PROSPECTUS
INTEGRATED RESOURCE TIMBER CONTRACT

Project Name: Mini Mack Fuels Reduction Method of Measure: Weight Scale

National Forest: Idaho Panhandle Ranger District: Bonnors Ferry

Bidding Method: Request for Proposals (Price and Technical Proposal Required)

Bid Guarantee: \$ None

Location of Bid Opening: Forest Supervisor's Office

Address: 3815 Schreiber Way

Coeur d'Alene, ID 83815

Date: March 18, 2008 Time: 10:00 a.m.

1. INTRODUCTION. This prospectus furnishes prospective bidders with information not contained in the published advertisement and is designed to enable bidders to decide whether or not to further investigate the sale. The prospectus is not a legally binding document, but is offered to provide general information about a project. The contract does not include descriptions, estimates, and other data in this prospectus, unless otherwise stated. In the event that the prospectus contains an error or contradicts the sample contract, the contract governs. Bidders are urged to examine the project and make their own estimates. Stewardship Contract **Form FS-2400-13** will be used. Inspect the project area and the sample contract before submitting a bid. Obtain the appraisal, other information on the timber, required project work and conditions of project and bidding at Forest Service offices listed above and in the named attached advertisement.

2. BIDDING. This is a STEWARDSHIP CONTRACT that will be awarded on a best value basis. Bidders must submit a price proposal on prepared forms they can obtain from Forest Service offices listed above and in the attached advertisement. Bidders must also submit a technical proposal that must contain the information required in the Instructions to Bidders, which is attached to the bid form. The bid forms include instructions for bidding and submission of the required certifications.

Total Sale Value Bidding:

Prospective contractors must submit bids for the timber in terms of the minimum acceptable total sale value. The bid form states minimum acceptable bid rates and estimated quantities of timber, together with the minimum acceptable total sale value. The advertised minimum acceptable total sale value is for the biddable species, as listed on the bid form in the upper section of block 14. The bidder should enter the offer on the bid form only in terms of the total timber value. The Forest Service shall establish bid rates by species in the contract by multiplying each species' minimum acceptable bid rate

by the bid increase percentage. Such rates will be rounded to the nearest cent. The bid increase percentage is the bidder's total sale value bid rate divided by the minimum acceptable total sale value. The total amount for stumpage is the volume of each biddable species multiplied by its bid rate, plus the volume of each fixed rate species multiplied by its fixed rate.

Stewardship Projects

Prospective contractors must submit bids for all mandatory and optional stewardship projects. The bidder should enter the offer on the bid form in both the rate per unit and the total bid for each item. Upon completion and acceptance of the stewardship projects the contractor will earn stewardship credits that can be applied to stumpage above base rates. Stewardship credits may not be used for deposits for slash disposal or road maintenance.

3. LOCATION AND DESCRIPTION OF TIMBER. Refer to the sample contract and contract area map attached to the sample contract for legal location of contract area, location of cutting units, the acreage of contract area, and the cutting unit acreage.

THE FOLLOWING GENERAL LOCATION, ROUTES OF ACCESS, ACREAGES, AND OTHER SPECIAL LOCATION DATA DO NOT SUPERSEDE THE SALE AREA MAP OR SAMPLE CONTRACT.

The contract area is 721 acres in size and is located in sections 17, 18, 19 and 20, T62N, R1W, Boise Meridian, Boundary County, Idaho. The project area lies within the Myrtle Creek drainage. The sale area is located approximately 13 miles west of Bonners Ferry, accessed by Myrtle Creek Road 633. Harvest is planned on 223 acres.

4. TIMBER QUANTITIES AND RATES. The quality, size, cut per acre, and product suitability of the timber are estimates based on detailed cruise information on file and available for inspection at the Forest Service offices listed above and in the advertisement. VOLUME QUANTITIES LISTED HEREIN ARE MADE AVAILABLE WITH THE UNDERSTANDING THAT VALUES SHOWN ARE FOREST SERVICE ESTIMATES AND ARE NOT GUARANTEED. For these reasons, bidders are urged to examine the timber sale area and make their own estimates.

THE MINIMUM ACCEPTABLE BID RATE IS STATED IN THE ATTACHED BID FORM. THESE RATES ARE EFFECTIVE AT THE TIME OF ADVERTISEMENT.

Estimated Quantities and Rates per Unit of Measure

Species	Product	Unit of Measure	Estimated Quantities	Average DBH	Minimum Acceptable Bid Rates	Base Rates	Required Deposits	
							Slash Disposal	Road Maintenance
Combined Softwood	Sawtimber	Ton	5995	9.6"	\$14.90	\$0.00	\$ 4.14	\$0.46
Combined Softwood	Non Sawtimber	Ton	2174	NA	\$14.90	\$0.00	\$4.14	\$0.46
	TOTAL	Ton	8169				\$33,819.66	\$3757.74

The minimum acceptable total sale value bid for advertised timber is \$ 121,718.10. It does not include any non-biddable, fixed rate species listed on the bid form in the lower section of block 14 titled "Required Removal at Fixed Rate. Only the Fixed Rate Applies." The total amount for stumpage is the volume of each biddable species multiplied by its bid rate, plus the volume of each fixed rate species multiplied by its fixed rate.

The bid rate for species and unit of measure are assigned under procedures for average bid premium bidding, as noted in this prospectus. This rate has been established by appraisal, with a cost allowance for the roads specified by the contract, if any. Required deposits for slash disposal and road maintenance are in addition to the advertised rates for timber.

5. **PERIOD OF CONTRACT.** The normal operating season covers the period between July 1 to October 31 for units D1, D6, and D9 and between December 1 and March 31 for units B4, B5, and D2 . The contract termination date is October 31, 2011. Extensions of this contract may be granted only when the purchaser has met specified conditions.

If an appeal or lawsuit is filed challenging the decision to award this contract or upon determination by the Regional Forester that conditions existing on this timber sale are the same as, or nearly the same as, conditions existing on other timber sale(s) in appeal or litigation, Contracting Officer may delay award or reject all bids. If delay in award is for 30 days or more during Normal Operating Season after bid opening, Contracting Officer shall, upon award, adjust the contract term to include additional calendar days in one or more Normal Operating Seasons equal to the time award is delayed during Normal Operating Season.

6. **PAYMENT.** Payment for timber and any required deposits for slash disposal or road maintenance are required in advance of cutting. The Purchaser may apply stewardship credits that have been earned and credited, or provide an acceptable payment guarantee prior to cutting. Payment for required deposits must be a cash payment. The

purchaser shall make advance deposits in accordance with provision E.2.1.2 Advance Deposits.

7. PERFORMANCE BOND. A performance bond is required. The penal sum of the bond will be \$10,000.00. If an irrevocable letter of credit is used to secure the performance bond, the termination of the letter of credit must be at 12 months past the contract termination date.

8. SPECIFIED ROADS. The Forest Service has determined that the following forest development roads shall be constructed or paid for, in whole or in part, by the timber sale purchaser. Sufficient information to permit a prospective bidder to calculate the likely cost to be incurred for road construction is available at the Forest Supervisor's Office. See the sample contract for verification of specific details and information concerning construction specifications.

CONSTRUCTION ESTIMATES AND INFORMATION CONTAINED HEREIN, TOGETHER WITH RELATED SPECIFICATIONS, ARE NOT GUARANTEED. The following roads are those that Forest Service considers necessary to remove the timber from this sale.

Road Number	Road Name	Traffic Service Level	Approximate Miles	Estimated Road Construction Cost	Type of Work *C or *R
1309	Cooks Peak	D	4.0	35,825.34	* R

- * C = Construction
- * R = Reconstruction

Total estimated road construction cost allowed in appraisal is \$ 35,825.34

9. ROAD MAINTENANCE. Purchaser shall perform or pay for road maintenance work, commensurate with purchaser's use, on roads controlled by Forest Service, and used by purchaser in connection with this sale. Road maintenance requirements are based on the predicted haul route. Any change in the purchaser's actual haul route may necessitate a change in the roads to be maintained and/or in the amount of required deposit for road maintenance. Required deposits for road maintenance are listed in Section 4 and in the sample contract. Maintenance specifications are in the sample contract.

10. INAPPLICABLE STANDARD PROVISIONS. See the attached sample contract.

11. SPECIAL PROVISIONS. See the attached sample contract.

12. FINANCIAL ASSISTANCE. Not applicable.

13. SET-ASIDE SALES. Not applicable.

14. LOG EXPORT AND SUBSTITUTION RESTRICTIONS.

The contract requires domestic processing of included timber except for species declared to be surplus, and prohibits the use of such included timber in substitution for unprocessed private timber exported. The bidder, by signing the bid for advertised timber, certifies compliance with the applicable prohibitions against export and substitution prescribed in the Forest Resources Conservation and Shortage Relief Act of 1990, as amended (16 U.S.C. 620, et seq.) with each bid.

15. EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE REVIEW. If the total bid value plus required deposits for this contract exceeds \$10 million, before award, the Forest Service shall request an equal employment opportunity compliance review of the high bidder to determine compliance with the provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967 and Executive Order No. 12086 of October 5, 1978.

16. AWARD. The Contracting Officer is required to make a determination of bidder responsibility as stated in Title 36, Section 223.101, of the Code of Federal Regulations.

To determine a purchaser to be responsible, a Contracting Officer must find that:

- a. The purchaser has adequate financial resources to perform the contract or the ability to obtain them;
- b. The purchaser is able to perform the contract within the contract term taking into consideration all existing contracts and Governmental business commitments;

- c. The purchaser has a satisfactory performance record on timber sale contracts. A prospective purchaser that is or recently has been seriously deficient in contract performance shall be presumed not to be responsible, unless the Contracting Officer determines that the circumstances were beyond the purchaser's control and were not created through improper actions by the purchaser or affiliate, or that the purchaser has taken appropriate corrective action. Past failure to apply sufficient tenacity and perseverance to perform acceptably under a contract is strong evidence that a purchaser is not a responsible contractor. The Contracting Officer shall consider the number of contracts involved and extent of deficiency of each in making this evaluation;
- d. The purchaser has a satisfactory record of integrity and business ethics;
- e. The purchaser has or is able to obtain equipment and supplies suitable for logging the timber and for meeting the resource protection provisions of the contract;
- f. The purchaser is otherwise qualified and eligible to receive an award under applicable laws and regulations.

Bidders, by signing the bid form, certify that, to the best of bidder's knowledge, the bidder will meet the requirements in 36 CFR 223.101, determination of purchaser responsibility, and if awarded this contract, that bidder will complete the timber sale contract and any modifications thereof in accordance with its terms including requirements to purchase, cut, and remove included timber.

17. FALSE STATEMENTS ACT. Bidders, by signing the bid form, certify that they are aware that bidder is subject to the penalties prescribed in 18 U.S.C. 1001, Chapter 47, Fraud and False Statements (P.L. 104-45). The Act states "whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years, or both."

18. DAMAGES. This contract shall be terminated for breach pursuant to paragraph 17, 20, and/or 22 of the bid form and the terms of the sample contract if: 1) bidder fails to execute a timber sale contract, or furnish a satisfactory performance bond within 30 days of the award letter's date; or 2) bidder is found to have violated the False Statements Act in making any statement or certification on the bid form including not meeting purchaser responsibility requirements, and bidder has made a false statement.

19. SUSPENSION AND DEBARMENT CERTIFICATION. Non-procurement debarments and suspensions are governed by the Government-wide common rules (7 CFR 3017).

These rules require each timber sale purchaser, to submit a certification for itself, its principals, and its affiliates when bidding on sales. The bidder must designate its status regarding debarment, suspension, and other matters as specified on the bid form. The bidder, by signing the bid form, certifies this status. An explanation for not submitting a certification may be submitted. The Contracting Officer will determine whether the explanation provides sufficient reason for permitting participation in the bidding. Also, as a timber sale purchaser enters into transactions with subcontractors, these subcontractors must certify their eligibility. The certification titled "Subcontractor Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion" must be provided to subcontractors, but completed certifications are not required to be submitted with bid forms. Purchaser must keep these subcontractor certification forms on file for review by the Forest Service, if requested.

The certification forms and instructions for subcontractors transactions are provided as an addendum to the bid form.

20. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) LOGGING REGULATIONS. Conduct of operations on this timber sale is subject to inspection for compliance with the logging operations regulations at 29 CFR 1910.266 by OSHA. This standard is applicable to the entire logging industry wherever logging operations occur. Information is available to assist purchasers to ensure compliance with the logging operations regulations during conduct of this timber sale from the U.S. Department of Labor, Occupational Safety and Health Administration, OSHA Boise Area Office, 1150 North Curtis Road, Suite 201 Boise, ID 83706.

21. GENERAL.

- All off-road equipment will be cleaned prior to entering the project area to remove dirt, plant parts, and materials that may carry weed seeds. (K-G.3.5.1#). Contractor shall treat noxious weeds along Road 1309 by spraying herbicides prehaul and posthaul.
- There is an existing cost share agreement on Road 633, Liability insurance will be required. (K-F.1.2.3#)
- The sale lies in a Bear Management Unit. All tractor harvesting shall occur in the winter, during the grizzly bear denning period (November 16 to March 31). (K-G.2.4#)
- There are wet areas within the leave islands in cutting units D6 and D9. No equipment within the wet area exclusion and fell trees away from it.
- Hauling will be restricted on weekends and holidays for safety reasons, due to residential and recreational use of the haul route. (K-F.1.2#)
- **Contractors should include as a consideration of bid the cost of performance and/or payment bonds when submitting a price proposal for this contract.**