



**FOREST SERVICE HANDBOOK
PACIFIC SOUTHWEST REGION (R5)
VALLEJO, CALIFORNIA
FSH 2409.18 - TIMBER SALE
PREPARATION
CHAPTER 50 - FINAL CONTRACT
PREPARATION (GATE 4)**

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50 - Reissues 2409.18-2013-01. Changes formatting to meet 508 compliancy standards.

56.2 - Removes obsolete direction on Administrative Appeals and 36 CFR 215 Regulations and provides direction regarding Notice of Administrative Review or Litigation.

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53 - TIMBER SALE CONTRACT

53.4 - Timber Sale Contract Form FS-2400-6. Use Section 53.5

53.5 - Timber Sale Contract Form FS-2400-6T

When offering a salvage sale on a 2400-6(T) contract, do not allow more than two operating seasons when making the termination date. One operating season for a 2400-6 salvage contract should be the norm. An appraiser should appraise for two sides when necessary to maximize product recovery. Allowing more than two operating seasons for a salvage sale will need Regional Office approval. This limit of two operating seasons is also to be applied to stewardship projects when salvage is a part of the contract.

53.51 - Division A(T) (2400-6(T))

Contract Utilization Standards, Minimum Specifications.

The Utilization Table below shows the minimum tree and piece specifications for the products offered in Region 5. Use the standards as shown except as noted. Other specifications may be used under special circumstances, such as helicopter sales, with Regional Office approval.

Use a minimum of one piece per tree for all products. For salvage sales sold in Scribner (MBF), use 20 board feet for the minimum piece net scale in C 2.2. For green tree measurement sales sold in Scribner (MBF), use 10 board feet for the minimum piece net scale in CT2.2.

When setting up the products to be offered in a sale or stewardship project, do not use Nonsawtimber (Code 08) when selling biomass. If biomass is in your sale or project, use product Green Biomass (Code 20). The product Green Biomass can be used to cover material that is being burned in a cogeneration plant for energy and other material that is going into a bio-fiber product.

These utilization standards and minimum specifications are also to be applied to Integrated Resource Timber Contracts (2400-13(T)) and Integrated Resource Service Contracts. (See Exhibit 01)

53.51 - Exhibit 01 Utilization Table - Minimum Tree and Piece Specifications

Product	Species	UOM	Tree DBH (Inch)	Piece Length (Feet)	Piece Small End Diameter (Inch)	Piece Merch Factor or Percent Net of Gross	Notes
Sawtimber (01)	All	CCF	10.0	10.0	6.0	12	2, 3, 5, 6
Sawtimber (01)	All	MBF	10.0	10.0	6.0	25 Percent	3, 5, 6
Sawtimber (01)	All	Ton	10.0	10.0	6.0	12	2, 3, 5, 6
Non-Sawtimber (08)	All	Ton	3.0	6.0	NA	16	1, 4, 7
Non-Sawtimber (08)	All	CCF	3.0	6.0	NA	16	1, 4, 7
Green Biomass (20)	All	Ton	3.0	6.0	NA	16	1, 4
Green Biomass (20)	All	CCF	3.0	6.0	NA	16	1, 4

Utilization Table Notes

1. Trees less than 10 inches DBH can still be included material but they must not be sold as a sawlog product. Trees less than 10 inches DBH can be offered as product 20, green biomass if it applies or product 08, non-sawtimber if biomass does not apply to the sale or project, at rates less than sawlog, see R5 supplement to FSM 2430, 2431.31b - Minimum Rates.
2. A minimum tree DBH of 9.0 inches may be used if 75 percent of trees in this DBH class can produce a 16 foot log with a 6.0 inch small end diameter, inside bark
3. A larger DBH may be specified for timber species with high taper, such as incense-cedar, to insure that the average tree contains a minimum piece.
4. A larger minimum tree DBH for biomass and non-sawtimber may be used if necessary for economic considerations.
5. When offering a salvage sale, increase the minimum Piece Small End Diameter to 8 inches.
6. Forest Supervisors may specify larger tree and piece specifications for salvage sales when local conditions warrant the change and overall Forest Service objectives and interests are properly protected.
7. Do not use when the product being sold is biomass. If biomass is in your sale or project, use product Green Biomass (Code 20). The product Green Biomass can be used to cover material that is being burned in a cogeneration plant for energy and other material that is going into a bio-fiber product.

53.53 - Division C(T)

1. National Special Provisions (for 2400-6(T)). The following table establishes the replacement costs for rust resistance Sugar Pine to be used in special provision C(T)6.32 - Protection of Reserve Trees. These replacement costs are from a January 28, 2009 report titled "Costs of Replacing a Major Gene Rust-Resistant Sugar Pine" by: the Sugar Pine Rust Resistance Program, Region 5 Genetics.
2. The replacement costs are developed for each seed zone and are based on the percentage of proven Major Gene Resistance (MGR) trees in a zone. When

applicable, these values are also to be used in the Integrated Resource Timber Contract (2400-13(T), Provision K(T)-G(T).3.2) and in the Integrated Resource Service Contract. (See Exhibit 01)

53.53 - Exhibit 01 - Replacement Costs of a Proven-MGR Tree by Seed Zone

Seed Zone	MGR tree Percent	Selection, Screening, Protection Costs (\$)	Seed Zone	MGR tree Percent	Selection, Screening, Protection Costs (\$)
91	3.24	\$7,792.50	524	10.82	\$3,032.45
92	*4.64	\$5,745.47	525	13.88	\$2,584.55
120	18.10	\$2,215.24	526	11.42	\$2,927.29
301	7.90	\$3,784.38	531	13.45	\$2,636.11
302	8.26	\$3,664.44	532	15.33	\$2,434.89
303	6.38	\$4,446.67	533	17.60	\$2,250.28
311	2.02	\$11,890.00	534	*17.83	\$2,234.24
312	1.86	\$12,843.33	540	16.83	\$2,307.06
321	2.48	\$9,880.00	550	5.97	\$4,685.00
322	0.98	\$23,550.00	560	9.80	\$3,244.00
331	2.00	\$12,000.00	720	*1.42	\$16,546.67
332	1.35	\$17,280.00	731	4.44	\$5,950.00
340	1.36	\$17,170.00	732	5.15	\$5,275.14
351	*1.32	\$17,635.38	741	2.07	\$11,622.86
371	1.31	\$17,764.00	742	1.14	\$20,305.00
372	1.31	\$17,814.29	751	*2.75	\$8,997.09
380	4.67	\$5,708.00	771	4.19	\$6,255.56
390	*4.61	\$5,771.72	772	10.95	\$3,010.00
511	*5.06	\$5,348.84	781	*12.40	\$2,774.91
512	*5.98	\$4,679.50	986	*6.07	\$4,622.59
516	*2.25	\$10,760.67	992	15.07	\$2,460.00
521	3.38	\$7,512.00	993	2.45	\$9,983.33
522	5.51	\$4,990.00	994	4.76	\$5,620.00
523	6.06	\$4,628.00	997	10.62	\$3,071.67

Notes: MGR tree Percent is based on the number of MGR trees found in testing out of the total number of MGR candidates for a seed zone.

*MGR data from neighboring seed zones were included in MGR percentage calculations as these seed zones lacked adequate data. For SZ 534, MGR tree Percent is based on trees outside of Mountain Home Demonstration State Forest since the MGR frequencies are known to be unusually high in that Forest.

56 - APPRAISAL AND PROSPECTUS

56.2 - Prospectus

Notice of Administrative Review or Litigation

There are two scenarios that warrant specific notification or solicitation in the Prospectus to inform offerors/bidders of the possibility that litigation may later affect contract award and operations.

The project was **administratively objected to** pursuant to 36 C.F.R. 218.

The project is **in litigation**.

The relevant language below should be included in the Prospectus for all timber sale and integrated resource contracts if any of the above situations are encountered. If a project was objected to and is also involved in litigation, the Prospectus need only include the "Notice of Litigation" language.

A. Notice of Objection: "Offerors/Bidders are hereby put on notice that the [FILL IN - project decision name(s)] NEPA document and associated decision, which provides the authority to conduct this project, were administratively objected to pursuant to 36 C.F.R. 218. This project may therefore be subject to litigation in the future, which may result in contract suspension, modification, or termination. The contract provides for limited remedies in cases of suspension, modification, or termination due to litigation. To receive documentation relevant to the administrative objection noted above, please contact [FILL IN]."

B. Notice of Litigation: Use the text in the WO 2409.18 - Sales Preparation Handbook, Chapter 50, 56.2 - Exhibit 02, dealing with a sale that is the subject of litigation.

In addition to the two specific circumstances noted above, if the Contracting Officer is aware of existing litigation that may affect contract operations, even though the litigation does not specifically challenge the project decision authorizing the contract, the Contracting Officer should notify prospective offerors/bidders of the litigation. Similarly, if the Contracting Officer is aware that litigation concerning the project is very likely, even though no litigation has been filed at the time of advertisement or bid opening, the Contracting Officer should notify prospective offerors/bidders of that potential litigation. The notice to offerors/bidders could be in the prospectus or at the bid opening.

It is recognized that, for various reasons, the notice guidance set forth in this section may not be followed in all situations, since it is often difficult to determine whether a particular court case will affect a project or contract. Therefore, while the notice guidance set forth above is recommended in the interest of informing bidders/purchasers, this guidance is not intended to create any contractual or legal obligations. Consult with the Office of the General Counsel if there are any questions concerning whether to provide notice of litigation to prospective offerors/bidders.

Pre-award Waiver, Release, and Limitation of Liability Agreement

Use the language below for the situation where a project authorizing a timber sale contract (including a 2400-13(T)) has a high probability of being litigated and the Contracting Officer believes contract award would be inappropriate until either the litigation is resolved or the high

bidder or offeror signs a standard Pre-award Waiver, Release, and Limitation of Liability Agreement.

Due to the [FILL IN - describe likely litigation set forth in the notice provisions of the Prospectus, described above], the Contracting Officer is unlikely to award this contract until either the litigation is resolved or the high bidder signs a standard Pre-award Waiver, Release, and Limitation of Liability Agreement. A copy of the Pre-award Waiver, Release, and Limitation of Liability Agreement is available for review at the Forest Supervisor's Office.

For Salvage Sales or Projects with salvage products:

The following two statements are to be included in the General Section of the Prospectus when offering salvage sales or projects with salvage products.

1. Due to the urgent need to harvest this salvage sale or project, the Market Related Contract Term Addition (MRCTA) is not being offered for this sale or project.
2. Due to the urgent need to harvest this salvage sale or project, it is highly unlikely that the Forest Service will grant a contract term extension on this sale or project.