

This Advertisement includes:

Date Mailed:
June 25, 2003

1. CONDE SHELL

Sale Date:
July 24, 2003

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
District Office
3040 Biddle Road
Medford, Oregon 97504
www.or.blm.gov/Medford
email address: or110mb@or.blm.gov

TIMBER SALE NOTICE

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 Nonsegregated Facilities, Form No. 1140-4, attached. Written and oral bids will be received by the District Manager, or his representative, at the Bureau of Land Management Office, 3040 Biddle Road, Medford, Oregon, telephone (541) 618-2200. This is not a public meeting and is an invitation to bid only. Therefore, only those persons bidding on timber sales will be allowed to attend this auction. The timber sale will commence at 9 a.m. on Thursday, July 24, 2003.

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. The sale notice, first published on November 1, 2001, in the Medford Mail Tribune, Grants Pass Daily Courier, and Roseburg News Review newspapers, constituted the decision document for purposes of protest under 43 CFR Subpart 5003 – Administrative Remedies. The doctrine of administrative finality precludes review of issues which could have been reviewed at the time of the first offering but were not, and of issues on which a final decision was made at the time of the first offering.

A WRITTEN BID on Form 5440-9 at not 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.

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

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

1. Form 1140-6, 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 1140-7, Equal Opportunity Affirmative Action Program Representation, for all contracts over \$10,000.00.
3. Form 1140-8, Equal Opportunity Compliance Report Certification.
4. Form 5450-17, Export Determination.

A PERFORMANCE BOND in an amount not less than 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.

QUALIFIED SMALL BUSINESS concerns may apply to the Small Business Administration for a loan to provide financing for access road construction required under the terms of qualifying timber sale contracts and necessary contract changes will be made. Approval of loan applications rests with the Small Business Administration and may be contingent upon availability of funds. Applicants for such loans shall notify the Bureau of Land Management of their intention to apply for such loan.

LOG EXPORT AND SUBSTITUTION. All timber sales 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 5420, as amended.

ADDITIONAL INFORMATION concerning each timber sale tract described herein is available at the Medford District Office. A copy of the timber sale contract is also available for inspection at the District Office.

THE VOLUMES LISTED 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.

INSTALLMENT PAYMENTS may be authorized for sales of \$500 or more. Required installments will be determined by BLM. For sales under \$500,000, installments will not be less than 10% of the total purchase price. For sales of \$500,000 or more, installment payments shall be \$50,000.

A **SALE DEPOSIT** equal to an installment 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.

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 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.

PRIOR TO STARTING any operations, the Purchaser or their designated representative will be required to meet with the Authorized Officer or their representative and the Contract Administrator for a prework conference. If a subcontractor is to be involved in the operation, the subcontractor must also be represented at the conference. If more than one subcontractor is to be involved in the operation, it may be necessary to have more than one prework conference unless all subcontractors can be present at one conference.

PRIOR TO THE AWARD of any timber sale, the Bureau of Land Management may require the high bidder to furnish such information as is necessary to determine the ability of the bidder to perform the obligations of the contract. The following information is required for first time high bidders bidding as:

1. **Individuals**
 - a. A Citizenship Affidavit, Form 5450-9.
 - b. A certified Financial Statement prepared no earlier than 60 days prior to the sale date.
2. **Partnerships or Unincorporated Associations**
 - a. A Citizenship Affidavit, Form 5450-9, for each member of the

- partnership or association.
- b. A copy of the partnership agreement, or if no formal partnership agreement, a letter showing the nature of the business conducted by the partnership, the partnership term, and the name of the partner or partners authorized to execute timber sale contracts and performance bonds on behalf of the partnership.
- c. A certified Financial Statement prepared no earlier than 60 days prior to the sale date.

3. Corporations

- a. A certified copy of the articles of incorporation and by-laws.
- b. A certified copy of the resolution of the board of directors authorizing the officers to sign timber sale contracts and performance bonds on behalf of the corporation.
- c. An original certificate from the Corporation Commissioner authorizing the corporation to transact business in the State of Oregon.
- d. A certified Financial Statement prepared no earlier than 60 days prior to the sale date.

Those bidders who have demonstrated poor performance, including recent contract defaults, may be required to provide additional performance assurances in the form of advanced payment and/or an increased performance bond as a condition for award of contract. These extraordinary requirements may be required on a case-by-case basis.

PREAWARD QUALIFICATIONS. The higher 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 five (5) 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.

OTHER. 43 CFR Chapter 11 (10-1-92 Edition), Subpart 5442 - Bidding Procedure. § 5442.3 Rejection of Bids; Waiver of Minor Deficiencies. 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. (38 FR 6280, March 8, 1973).

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 this sale at the Medford District Office.

Form 1140-4
(June 1974)

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 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 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.

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.

ASHLAND AREA
JACKSON MASTER UNIT

Medford Sale # 02-16
July 24, 2003 (KB)

#1. CONDE SHELL (5900), Jackson County, O&C

BID DEPOSIT REQUIRED: \$44,700.00

All timber designated for cutting in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, one unnumbered lot (SW $\frac{1}{4}$ SW $\frac{1}{4}$), E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 7, N $\frac{1}{2}$, SW $\frac{1}{4}$ Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, two unnumbered lots (NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$), E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 18, one unnumbered lot (NW $\frac{1}{4}$ NW $\frac{1}{4}$), NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21, SE $\frac{1}{4}$ Sec. 22, SW $\frac{1}{4}$ Sec. 23, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 27, N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, T. 38 S., R. 3 E., Willamette Meridian.

Approx. Number Merch. Trees	Est. Volume MBF 32' Log	Est. Volume MBF 16' Log	Species	Est. Volume CCF	Appr. Price Per CCF*	Est. Volume Times Appraised Price
5,823	1,601	1,787	Douglas-fir	2,891	\$ 103.25	\$ 298,495.75
270	19	26	Ponderosa pine	50	\$ **17.15	\$ 857.50
19,998	3,741	4,138	White fir	6,781	\$ 21.35	\$ 144,774.35
106	5	7	Incense-cedar	14	\$ 135.50	\$ 1,897.00
26,197	5,366	5,958	Totals	9,736		\$ 446,024.60

*Stumpage values have been determined by market value estimates and analytical appraisal methods were used to compute the appraised price. Additional information concerning the appraised price is available at the Medford District Office.

**Minimum stumpage values were used to compute the appraised price (10% of pond value).

CRUISE INFORMATION - The timber volumes were based on a local volume table and 100% cruise using form class tables for estimating board foot volume of trees in 16-foot logs. Approximately 1% of the sale volume is salvage material. With respect to merchantable trees of all conifer species: the average tree is 14 inches DBHOB; the average gross merchantable log contains 60 bd. ft.; the total gross volume is approximately 6,373 M bd. ft; and 93% recovery is expected. (Average DF is 15.6 inches DBHOB; average gross merchantable log DF contains 82 bd. ft.)

THIS TIMBER SALE HAS BEEN CRUISED BASED UPON CUBIC FOOT MEASURE. THE MINIMUM BID FIGURES SHOWN BY SPECIES ARE DOLLARS PER HUNDRED CUBIC FEET (CCF). THE MINIMUM BID INCREMENT WILL BE \$0.05 PER CCF. SCRIBNER BOARD FOOT VOLUMES BY SPECIES ARE DISPLAYED FOR INFORMATIONAL PURPOSES AND FOR THE PURPOSE OF ADMINISTRATION OF SECTION 19 OF THE CONTRACT.

LOG EXPORT AND SUBSTITUTION RESTRICTIONS - All timber offered for sale hereunder is restricted from export from the United States in the form of unprocessed timber and is prohibited from use as a substitute for exported private timber.

CUTTING AREA - Thirty-five (35) units containing 1,680 acres must be partial cut.

CUTTING TIME - Contract duration will be thirty-six (36) months for cutting and removal of timber.

ACCESS - Access to the sale area is available via existing BLM and USFS roads. The Purchaser shall comply with the conditions of the Bureau of Land Management and Forest Service Interagency Right-of-Way Agreement dated May 20, 1980, Exhibit A, Agreement No. 513, as specified in RC-3a. The Purchaser shall furnish the Authorized Officer a copy of the executed License Agreement. Keys are available for the locked gates in the sale area at the Medford BLM District Office from John Samuelson, (541) 618-2313.

ROAD CONSTRUCTION - The contract will require the Purchaser to renovate 30.45 miles of road. Additional information is available in the timber sale prospectus.

ROAD MAINTENANCE - BLM will maintain 35.43 miles of road. The Purchaser will be required to pay a maintenance fee of \$3.66 per MBF or a total of \$21,829.18 for the use of these roads as shown in RC-2c. The Purchaser will be required to maintain 8.85 miles of existing BLM roads.

SOIL DAMAGE PREVENTION - Pursuant to Section 25 of Form 5450-3, Timber Sale Contract, the Purchaser shall not operate or cause to have operated on the contract area any tractor-type logging equipment when soil moisture content exceeds twenty (20) percent by weight. The Purchaser shall construct motor vehicle barricades on all primary skid roads which intersect any haul roads; waterbar all skid trails; and mulch and seed fill slopes on the new constructed helicopter landings fill slope.

EQUIPMENT REQUIREMENTS - LOGGING: A ground-based system equipped with a winch for lining logs. A skyline yarder capable of one-end suspension with a minimum lateral yarding capability of seventy-five (75) feet while maintaining a fixed position during inhaul. An aerial yarding system with a minimum dropline of one hundred fifty (150) feet. SLASH DISPOSAL: Two 250 gallon fire trucks with 1000 feet of fire hose with appliances.

SLASH DISPOSAL - *There is significant uncertainty as to the appropriate slash disposal. SD-5, a special provision establishes a "menu" of available treatments (based on a pre-sale inventory) for selection by the Authorized Officer upon a post-harvest determination of need. SD-5 invokes a unilateral modification designating the required treatments, number of acres, cost per acre, total cost, and revised Total Purchase Price.* Appraised slash disposal consists of forty(40) acres of slashing undesirable vegetation, twenty (20) acres of either chipping and scattering or hand piling, covering and burning slash, and twenty (20) acres of underburning slash.

CONTRACT TERMINATION - A 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 comply with a court order, or protect occupied marbled murrelet sites in accordance with the Standards and Guidelines of the Medford District Record of Decision (ROD) and Resource Management Plan (RMP). 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.

PERFORMANCE BOND - A performance bond in the amount of 20% of the total purchase price will be required.

OTHER -

1. No extension of time beyond the normal 30 days will be granted for completing bonding and contract signing requirements.
2. A BLM logging plan was prepared for the appraisal and is available for review. The logging plan estimates harvest systems to be 93% ground-based, 4% skyline, and 3% aerial (calculated by acres) and 93% ground-based, 3% skyline, and 4% aerial (calculated by volume).
3. All aerial operations within 0.5 miles of any residence will be restricted to an operating time of Monday - Friday, 8 a.m. to 5 p.m.; all aerial operations between 0.5 mile and 1.0 mile of any residence will be restricted to an operating time of Monday - Saturday, 6 a.m. to 6 p.m.; and all aerial operations greater than a mile from a residence will not be restricted.
4. In skyline cable yarding area, to protect residual conifers, no more than two (2) corridors per setting, corridor width shall be kept as narrow as possible (max. 15 feet), and cable landings should be spaced one hundred fifty (150) feet apart where feasible.
5. Ground based and skyline cable yarding shall be logged prior to aerial yarding.
6. Some BLM roads and some harvest units are seasonally restricted.
7. Helicopter landing locations are to be approved prior to construction and/or use.
8. Specified landing slash in cable units will need to be moved to a designated location.
9. Purchaser is responsible to repair any damage to the BST surfacing on road 38-3E-19.0 that results from any of the Purchaser's activities.

NARRATIVE DESCRIPTION OF HOW TO GET TO THE TIMBER SALE AREA - From Ashland, proceed east on the Dead Indian Memorial Highway approximately 13 miles to the Buck Prairie Road (38-3E-19.0). Turn right on the Buck Prairie Road and proceed approximately 0.2 mile to the contract area.

ENVIRONMENTAL ASSESSMENT - An environmental assessment (EA-OR110-01-23) was prepared for this sale, and a Finding of No Significant Impact has been documented. This document is available for inspection as background for this sale at the Medford District Office.