

This advertisement includes:

**Date Mailed:** August 31, 2012

Mid-Spencer Timber Sale (\*\*SBA Set-Aside)  
(Lump Sum Sale)

**Sale Date:** September 19, 2012

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Klamath Falls Resource Area  
2795 Anderson Avenue, Building 25  
Klamath Falls, Oregon 97603

**TIMBER SALE NOTICE**

**NOTICE IS HEREBY GIVEN** that the Bureau of Land Management (BLM) 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. Written and oral bids will be received by the Field Manager, or their representative, at the Bureau of Land Management, Klamath Falls Resource Area Office, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon, telephone (541) 883-6916. The timber sale will commence at 10:00 a.m. on September 19, 2012.

**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.

**\*\*THIS IS A SBA-SET ASIDE TIMBER SALE. FOR SET-ASIDE TIMBER SALES,** the bidder must not have been determined by the Small Business Administration to be ineligible for preferential award of 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 1, Part 121 as amended, of the Code of Federal Regulations. The Form 5430-1, Self-Certification Statement, must be completed prior to awarding the contract. 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.

**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 \$2,500.00 or more, but the amount of the bond shall not be in excess of \$500,000.00, 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 \$500.00 will be required for all installment contracts less than \$2,500.00.

**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 BLM of their intention to apply for such loan.

**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.

The Bureau of Land Management (BLM) has revised the log export restrictions special provision to reduce the log branding and painting requirements. The new requirements include branding of one end of all logs with a scaling diameter of over 10 inches. All loads of 11 logs or more, regardless of the diameter of the logs, will have a minimum of 10 logs branded on one end. All logs will be branded on loads of 10 logs or less. One end of all branded logs will be marked with yellow paint. At the discretion of the Contracting Officer, the Purchaser may be required to brand and paint all logs. The Purchaser shall bear any increased costs for log branding and painting.

**ADDITIONAL INFORMATION** concerning each timber sale tract described herein is available at the above Resource Area Office. A copy of the timber sale contract is also available for inspection at the Resource Area Office.

The prospectuses for these timber sales are also available online at:  
<http://www.blm.gov/or/districts/lakeview/timbersales/index.php>

The prospectuses include maps and tables that cannot be made Section 508 compliant. For help with this data and information, please contact the KFRA BLM Office at 541-883-6916.

**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. 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 \$500.00 or more. Required installments will be determined by BLM. For sales under \$500,000.00, installments will not be less than 10% of the total purchase price. For sales of \$500,000.00 or more, installment payments shall be \$50,000.00.

**A SALE DEPOSIT** equal to one 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 Klamath Falls Resource Area 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 pre-work 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 pre-work conference unless all subcontractors can be present at one conference.

**PRIOR TO THE AWARD** of any timber sale, the BLM 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 sixty (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, 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 sixty (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 sixty (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.

**PRE-AWARD 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, not 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 CFR 6280, March 8, 1973)

**ENVIRONMENTAL ASSESSMENTS** were 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 Klamath Falls Resource Area Office.

Notice of Decision for Mid Spencer sale of timber dated September 4, 2012.

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, offer or, 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 offer or does not maintain or provide for his employees facilities which are segregated on a basis or 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 offer or 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.

Form 1140-4  
(June 1974)

## Notice to Bidders

On December 17, 2009, the District Court for the District of Western Washington issued an Order in the lawsuit challenging the 2007 Records of Decision (RODs) to remove the Survey and Manage Mitigation Measure Standards and Guidelines within the Range of the Northern Spotted Owl. In the Order the Court made its ruling related to National Environmental Policy Act (NEPA) claims, finding multiple inadequacies in the 2007 Final Supplement to the 2004 Supplemental Environmental Impact Statement (2007 Final Supplement) on which the 2007 RODs are based. *Conservation Northwest et al. v. Rey*, No. 2:08-cv-01067-JCC (W.D. Wash.).

On July 5, 2011, the Court approved a settlement agreement resolving the litigation. The terms of the settlement included a series of exemptions from Survey and Manage requirements that BLM could implement on certain types of projects. This project, **MID SPENCER TIMBER SALE**, was planned in conformance with the terms of the settlement agreement.

On January 12, 2012 the Intervenor in the survey and manage lawsuit filed an appeal of the court's order approving the agreement. *Conservation Northwest et al. v. Rey*, No. 11-35729 (9<sup>th</sup> Cir.)

Although it is not known at this time what the Court's decision will be in response to the appeal, if the court reverses the district court's acceptance of the settlement agreement or otherwise reinstates the 2001 Survey and Manage ROD without modification, the **MID SPENCER TIMBER SALE** may require additional modifications to comply with survey and manage which could lead to further litigation and the possibility that the contract could be delayed, suspended and that the sale may never be awarded.

To ensure that this notice is understood, the high bidder for this tract will be required to acknowledge receipt of a copy of this notice.

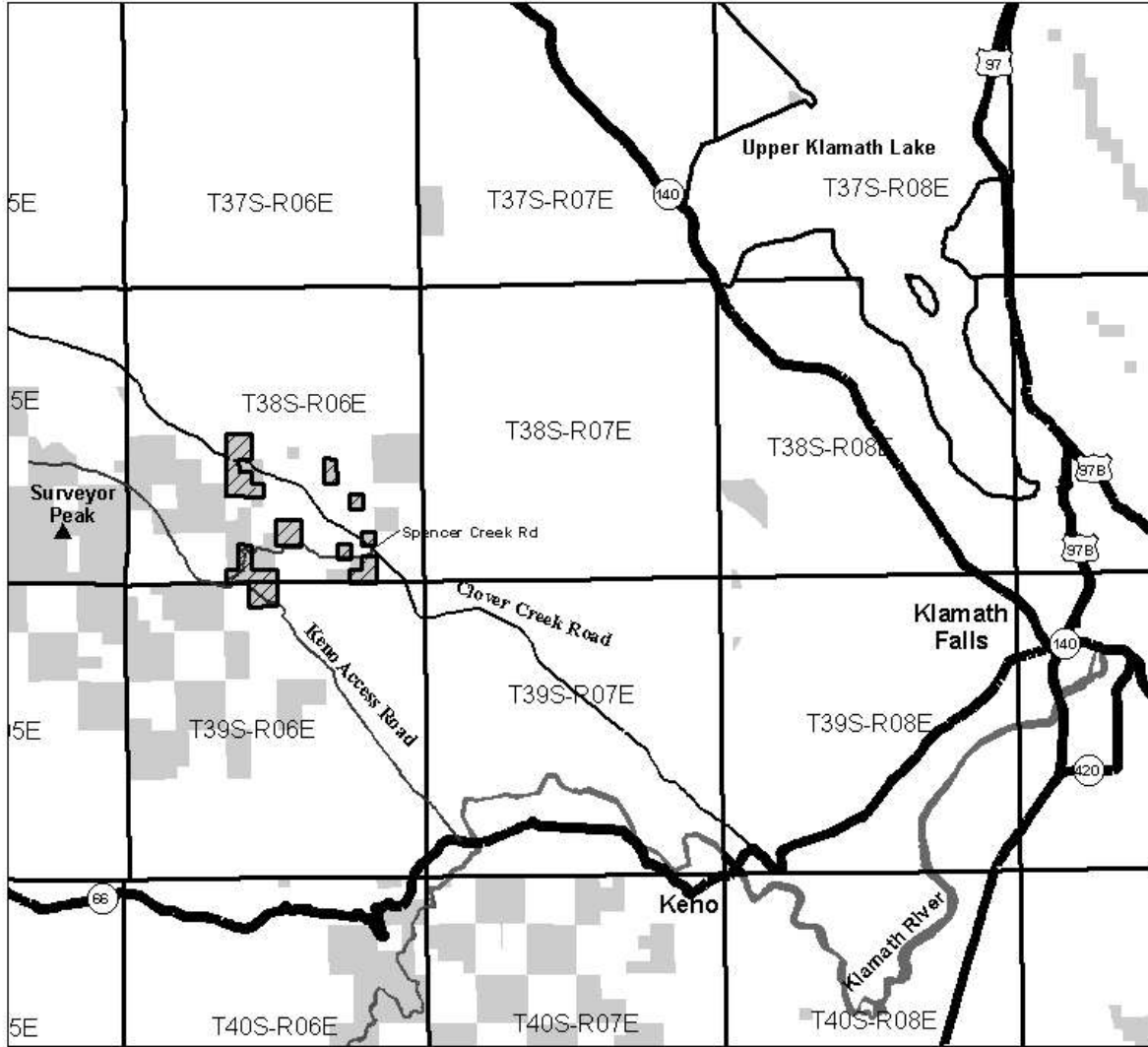
### ACKNOWLEDGEMENT

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I acknowledge receipt of a copy of this notice and understand that it is uncertain what the Court will decide in response to the January 12, 2012 appeal by the Intervenor in *Conservation Northwest et al. v. Rey*, No. 11-35729 (9<sup>th</sup> Cir.) any decision to award **ORLO4-TS-12-04, MID SPENCER TIMBER SALE**, may be significantly delayed, or operations suspended, and that the United States has authority under 43 CFR § 5442.3 to reject all bids if this is found to be in the interest of the Government.

Company Name  
By  
Title  
Date

Timber Sale: Mid Spencer  
Willamette Meridian  
T.38S., R.6E., Sec. 21, 23, 26, 27, 28, 33, 34, and 35  
T.39S., R.6E., Sec. 04

Timber Sale Contract Map  
Contract No. ORL04-TS-12-4  
Exhibit A  
Page 1 of 6



**Legend**

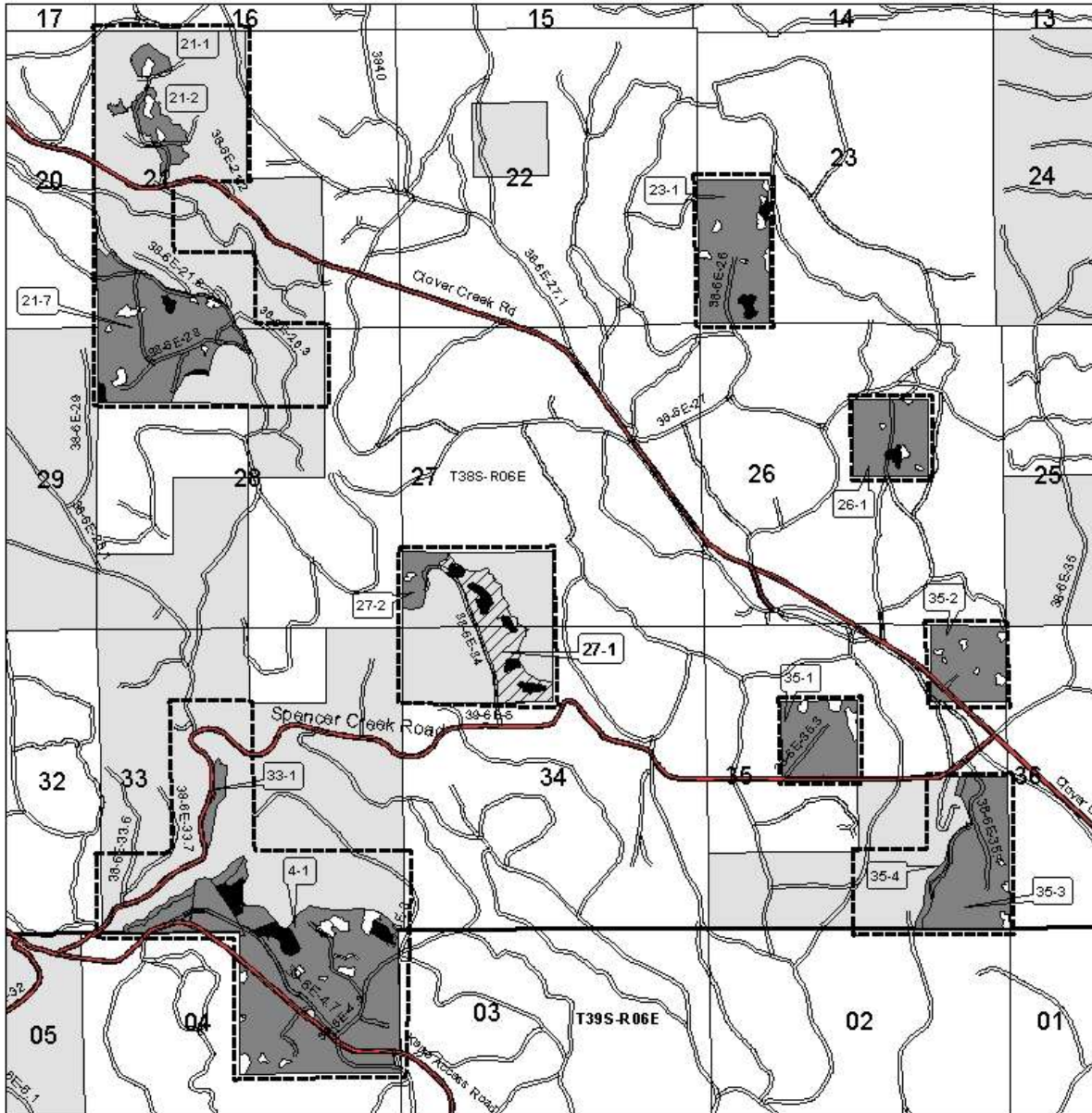
-  Highways
-  Bureau of Land Management Lands
-  Contract Area



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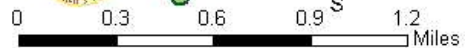
Timber Sale: Mid Spencer  
 Willamette Meridian  
 T.38S., R.6E., Sec. 21, 23, 26, 27, 28, 33, 34, and 35  
 T.39S., R.6E., Sec. 04

Timber Sale Contract Map  
 Contract No. ORL04-TS-12-4  
 Exhibit A  
 Page 2 of 6



- Paved Roads
- Roads
- Cutting Areas
- Patch Cuts (25 Acres Total)
- Patch Cut Harvest Only
- Reserve Areas
- Contract Area
- Section Lines
- Bureau of Land Management

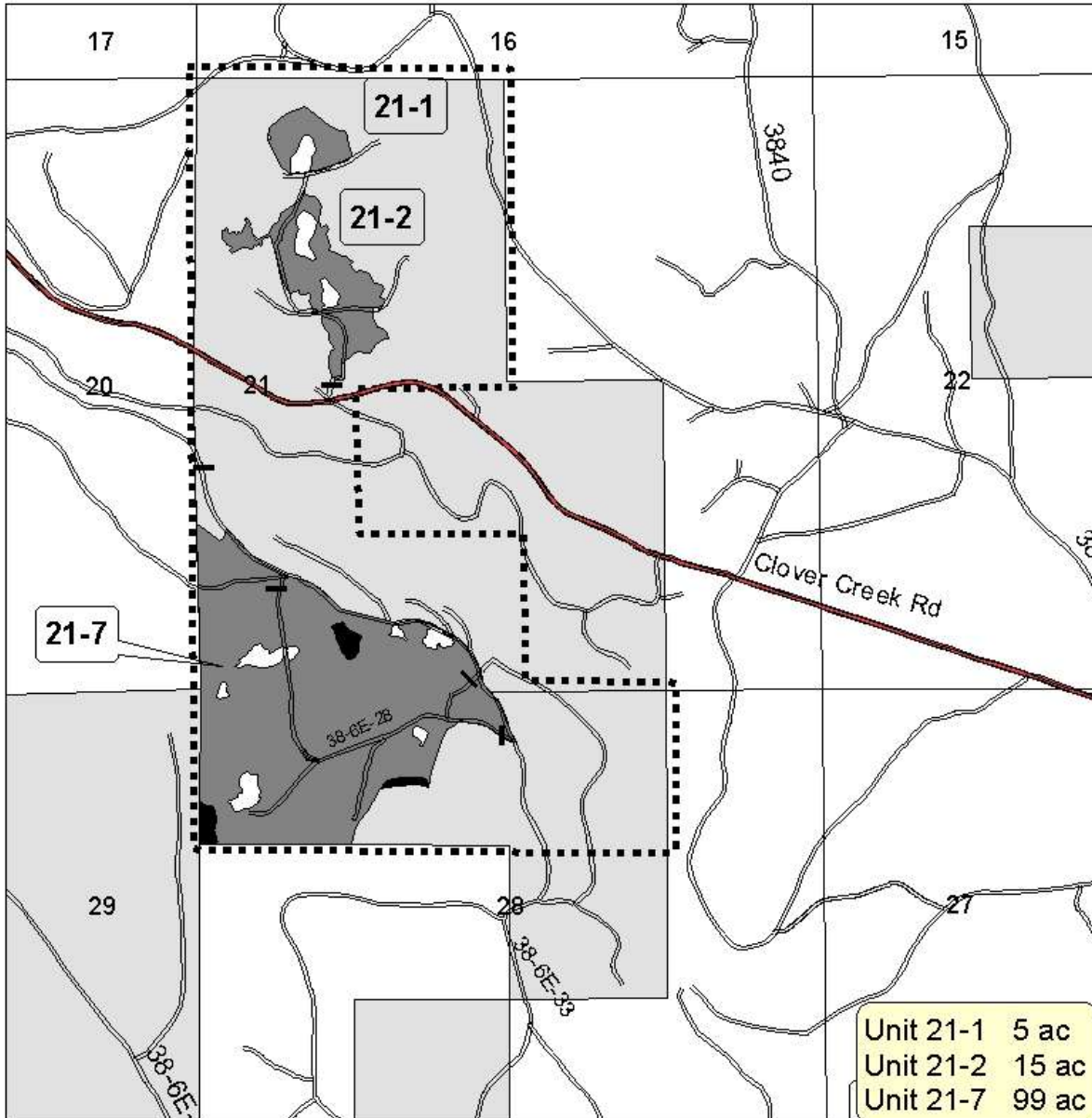
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










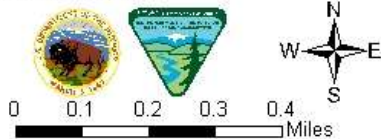
Timber Sale: Mid Spencer  
 Willamette Meridian  
 T.38S., R.6E., Sec. 21, 23, 26, 27, 28, 33, 34, and 35  
 T.39S., R.6E., Sec. 04

Timber Sale Contract Map  
 Contract No. ORL04-TS-12-4  
 Exhibit A  
 Page 3 of 6



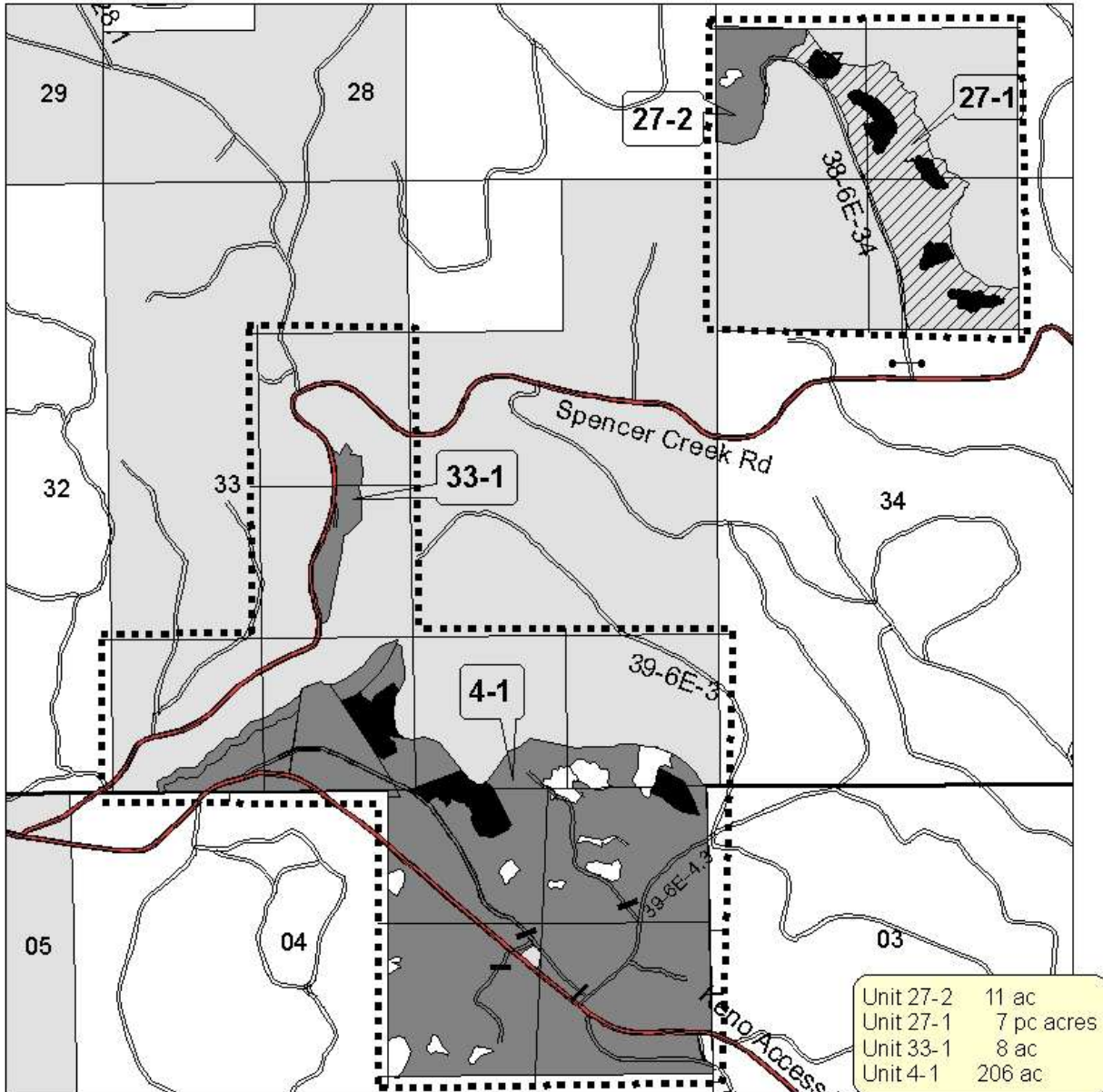
-  Paved Roads
-  Roads
-  Cutting Areas
-  Patch Cuts
-  Patch Cut Harvest Only
-  Blocked Roads
-  Reserve Areas
-  Contract Area
-  Section Lines
-  Bureau of Land Management

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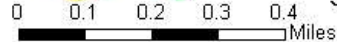
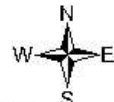
Timber Sale: Mid Spencer  
 Willamette Meridian  
 T.38S., R.6E., Sec. 21, 23, 26, 27, 28, 33, 34, and 35  
 T.39S., R.6E., Sec. 04

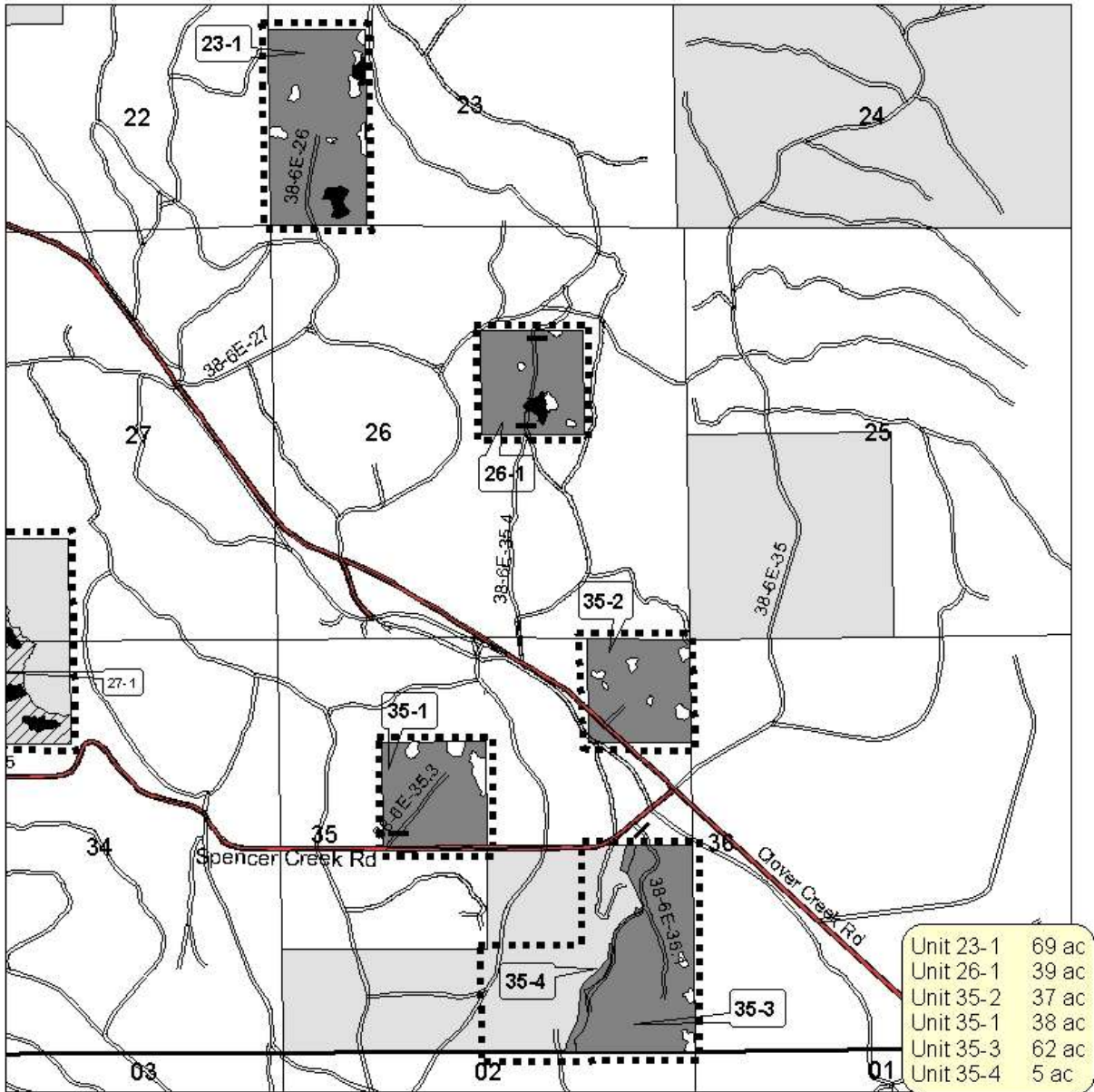
Timber Sale Contract Map  
 Contract No. ORL04-TS-12-4  
 Exhibit A  
 Page 4 of 6



- Paved Roads
- Roads
- Cutting Areas
- Patch Cuts
- Patch Cut Harvest Only
- Blocked Roads
- Gate
- Reserve Areas
- Contract Area
- Section Lines
- Bureau of Land Management

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- Paved Roads
- Roads
- Cutting Areas
- Patch Cuts
- Patch Cut Harvest Only
- Blocked Roads
- Reserve Areas
- Contract Area
- Section Lines
- Bureau of Land Management

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