

This Advertisement includes:

(Order of Auction)  
4. Spencer Wallow 2009

Date Mailed:  
August 26, 2009  
Sale Date:  
September 17, 2009

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
District Office  
3040 Biddle Road  
Medford, Oregon 97504  
[www.blm.gov/or/districts/Medford/timbersales/index.php](http://www.blm.gov/or/districts/Medford/timbersales/index.php)

#### 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 Grants Pass Interagency Office, 2164 NE Spalding Avenue, Grants Pass, Oregon, telephone (541) 471-6500. 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, September 17, 2009, at the Grants Pass Interagency Office, 2164 NE Spalding Avenue, Grants Pass, Oregon.

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 Contracting Officer within 15 days of the publication of the aforementioned decision document in the newspaper. The regulations do not authorize the acceptance of protests in any form other than a signed, written hard copy that is delivered to the physical address of the advertising BLM office. (No e-mail or fax protests will be accepted.) It is anticipated that the decision document will be published in the Medford Mail Tribune and Grants Pass Daily Courier newspapers on or about August 27, 2009. 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 newspapers to ensure accurate knowledge of the exact publication date.

**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 Grants Pass Interagency Office. A copy of the timber sale contract is also available for inspection at the Medford District Office as well the Grants Pass Interagency 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).**

**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 Grants Pass Interagency Office.**

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.

#4. SPENCER WALLOW 2009 (6310), Josephine County, (O&C) BID DEPOSIT REQUIRED: \$1700.00

All timber designated for cutting in W1/2NE1/4, E1/2NW1/4 Section 13, T. 38 S., R 6 W., Willamette Meridian.

Approx. Number Merch. Trees	Est. Volume MBF 32' Log	Est. Volume CCF	Species	Est. Volume MBF 16' Log	Appr. Price Per MBF	Est. Volume Times Appraised Price
5521	484	1073	Douglas-fir	558	\$29.40	\$16,405.20
33	2	5	White Fir	3	\$19.10	\$57.30
5554	486	1078	<b>Totals</b>	561		\$16,462.50

\*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 Grants Pass Interagency Office.

**TIMBER AUCTION LOCATION** – The timber auction will be held at the Grants Pass Interagency Office, located at 2164 NE Spalding Grants Pass, Oregon, at 9:00 a.m. on Thursday, September 17<sup>th</sup> 2009.

Bidders will be restricted to bidding on a unit (MBF) rate of the Douglas-fir volume. All other species will be sold at appraised price per unit (MBF). The minimum bid increment will be \$0.10 per MBF.

**CRUISE INFORMATION** - The Douglas-fir has been cruised using the 3-P sampling method to select sample trees. Maps showing the location and description of these sample trees are available at the Grants Pass Interagency Office. The sample trees have been measured, utilizing the VOLT system of measurement, and the volume expanded to a total sale volume. The volume of all other species in this sale has been derived from individual tree measurements taken during a 100% cruise using form class tables for estimating board foot volume of trees in 16-foot logs. With respect to merchantable trees of all conifer species: the average tree is 11.7 inches DBHOB; the average gross merchantable log contains 33 bd. ft.; the total gross volume is approximately 6134 M bd. ft; and 91% recovery is expected. Average DF is 11.7 inches DBHOB; average gross merchantable log DF contains 33 bd. ft.

**LOG EXPORT AND SUBSTITUTION RESTRICTIONS** - All timber sold to the Purchaser under the terms of the contract, except exempted species, 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.

The 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.

**CUTTING AREA** – 5 units containing 40 acres must be partial cut

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

ACCESS - Access to the sale area is available via existing BLM roads; 37-6-36, 38-6-13, 38-6-13.1, 38-6-13.3 and 38-6-13.4.

Right-of-Way and Road Use Agreement M-1182 with Spalding Lumber Company SE1/4SE1/4 Section 2 T.38S. R.6W.

ROAD MAINTENANCE - The Purchaser will be required to maintain 5.97 miles of existing BLM road. The Purchaser will be required to pay a maintenance and rockwear fee of \$14.60 per MBF or a total of \$8,190.59 for the use of these 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 25 percent by weight as determined by a Speedy Moisture Meter.

#### EQUIPMENT REQUIREMENTS –

1. Yarding tractor not greater than 6.5 feet wide (D4/JD450 or equivalent) as measured from the outer edges of standard width shoes and equipped with integral arch and winch capable of lining logs 60 feet.
2. Cable yarder capable of one end log suspension, lateral yarding and yarding logs uphill approximately 600 feet.

SLASH DISPOSAL – Slash disposal will consist of slashing damaged residuals over forty (40) acres and handpile/cover of forty (40) acres.

CONTRACT TERMINATION - A Special Provision, (E-4) 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. Seasonal operating constraints.
3. Slash treatment will be concurrent with logging.
4. Approximately 5 acres of unit 13-6B, (70 MBF) will be a tractor swing show. The swing will be approximately 150 to 800 feet, 20-21% adverse.
5. Whole tree (limbs, tops attached) yarding will be allowed unless unacceptable damage occurs.
6. This contract contains provisions, (L-25), for the sale and removal of additional timber necessary to facilitate safe and efficient Purchaser operations. These provisions include: The designation and sale of additional timber, such as skid, corridor and guyline trees, at contract price, as necessary to facilitate safe and efficient logging. Such trees may be felled and removed when they are painted by the Authorized Officer; Sale of additional timber volume at

- current fair market value where the species of trees are not representative of the forest stands being thinned; Government reservation of trees previously marked for cutting (replacement) when the Authorized Officer determines that it is necessary in order to maintain stand densities consistent with objectives set forth in management prescriptions; The use of unilateral modifications executed by BLM for such additional (replacement) timber; Revocation of the Purchaser's right to cut additional timber if the Authorized Officer determines that trees have been cut and removed that were not previously marked and approved for cutting and removal by the Authorized Officer; and, It is estimated that approximately 20MBF of such additional timber may be removed under the contract, but is not included in the advertised sale volume nor was it included in the timber sale appraisal. This estimate is a net figure reduced by the estimate of the volume of trees previously marked for cutting, which the Authorized Officer may elect to reserve.
7. L-33 is also included in this contract in conjunction with L-25. The majority of additional volume needed shall be authorized under L-25, and additional volume authorized under L-33 should be incidental to that already cruised under L-25.

NARRATIVE DESCRIPTION OF HOW TO GET TO THE TIMBER SALE AREA – From Grants Pass, take State Hwy 238 south to Murphy (approx. 7 miles). Turn right (southwesterly) onto Murphy Creek Road (county road) and proceed approx. 3 miles to BLM road number 37-6-36 (Spencer Creek Road). Turn left onto Spencer Creek road and proceed approx. 6 miles to road junction with BLM roads 38-6-13, 13.1 and 13.4. This is the common point to all units except 13-2.

ENVIRONMENTAL ASSESSMENT - Two environmental assessments (EA-OR117-08-01 and EA-OR117-08-02) were prepared for this sale, and a Finding of No Significant Impact has been documented for both. These documents are available for inspection as background for this sale at the Grants Pass Interagency Office.

THIS IS A SALE PROSPECTUS ONLY – Attachments may not include all exhibits referred to in the contract. The complete contract, including all exhibits is available for inspection at the Grants Pass Interagency Office and Medford District Office