



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Release
5-155

MANUAL TRANSMITTAL SHEET

Date
8/28/92

Subject

H-5490-1 - CONTRACT TERMINATION

1. Explanation of Material Transmitted: This release transmits BLM Manual H-5490-1 - Contract Termination, a new Handbook which sets forth basic procedural guidelines for terminating forest product sale contracts.
2. Reports Required: None.
3. Material Superseded: None.
4. Filing Instructions: File as directed below, immediately after the Manual Section.

REMOVE

INSERT

None

H-5490-1

(Total: 11 Sheets)

Acting Deputy Director

H-5490-1 - CONTRACT TERMINATION

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- I. General Guidelines. There shall be no delay in terminating a contract if all contractual provisions have been satisfactorily completed. Delay in terminating a contract costs the Purchaser money in addition to bonding payments and the Bureau in lost opportunities to manage the sale area for future forest crops.
- A. When to Terminate. A contract will be terminated following satisfactory completion of all contract actions by the Purchaser. A contract will not be terminated prior to the expiration of the time for cutting and removing unless a relinquishment of rights has been obtained from the Purchaser to permit early release.
- B. When Not to Terminate. A contract will not be terminated when:
1. Items remain undone or uncompleted on the contract.
 2. Forest product of fire trespass related to the contract remains unresolved.
 3. Private parties have an unresolved damage claim against the contractor and such claims are related to the contract.
 4. The contractor owes money to the BLM on the contract.

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II. Termination Actions and Requirements.

- A. Purchaser Responsibilities. The following reports are required to be submitted by the purchaser preliminary to termination:
1. Form 5460-15, Log Scale and Disposition of Timber Removed Report. By the terms of a contract executed on Forms 5450-3 and 5450-4, the Purchaser is required to submit a report of the volume and disposition of forest product removed from the sale on Form 5460-15, Log Scale and Disposition of Timber Removed Report. (See Illustration 1.) A contract must not be terminated until this report is received, unless the Purchaser has a satisfactory explanation or reason why the report cannot be made. Insert a copy of the report in the contract file.
 2. Form 5400-2, Report of Road use Fees Paid. Under certain conditions of road use, it is necessary that a report of road use fees paid by the Purchaser to a third party be made to the BLM on Form 5400-2 Road use Fees Paid Report. (See Illustration 2.) When such report is required, a contract should not be terminated until the report is submitted. Insert copies of the report in the contract file and the appropriate right-of-way agreement file.
 3. Form 5480-3, Timber Sale Contract Relinquishment. Whenever a contract is to be terminated prior to the expiration of time for removal of personal property expressed in the contract, the Purchaser must relinquish all rights, title and interest under the contract. The relinquishment (Form 5480-3), Timber Sale Contract Relinquishment) must be signed by the individual authorized to sign original contracts on behalf of the Purchaser. (See Illustration 3.)
- B. Bureau Responsibilities. The following actions are required of the Authorized Officer.
1. Final Inspection. A comprehensive inspection of the contract area shall be made as a final check on contract compliance. Form 5480-5, Contract Termination Inspection Report shall be prepared and made a part of the official file. (See Illustration 4.)

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2. Refunds.

- a. Excess Payments. A contract overpayment situation may result when the contractor overpays in error or where he is awarded credits which result in overpayment because of such miscellaneous items as split-haul maintenance, windstorm losses or other natural catastrophes, forest product theft, road maintenance beyond the normal scope of the contract, change in road design, delay due to optional check scaling, etc. See Manual Section 1374 for procedures for refunding overpayment.
- b. Cash Bonds.
 - (1) Where a monetary deposit has been submitted by the Purchaser to satisfy the performance bond requirements, a refund should be processed in accordance with the instructions in Manual Section 1374.
 - (2) Where a certified check has been submitted by the Purchaser to satisfy the performance bond requirements, such certified check shall be returned to the Purchaser. Use certified mail.
 - (3) Where an irrevocable letter of credit (ILC) has been submitted by the Purchaser to satisfy the performance bond requirements, such ILC shall be returned to the issuing bank. Use certified mail.
- c. Return of Negotiable Securities. Where negotiable securities of the United States have been submitted by the Purchaser to satisfy performance bond requirements, the Contracting Officer should request the Division of Financial Management, Service Center, to return such securities to the depositor. Send machine copy of Form 5480-4, Certificate Terminating Contract Rights, together with explanatory memorandum to the Service Center.

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3. Final Action.

- a. When all phases of the contract termination process have been completed, Form 5480-4, Certificate Terminating Contract Rights is prepared. (See Illustration 5). The original certificate is filed in the contract file and copies are sent to the purchaser and the surety. Additional copies may be sent to other parties or interest, i.e., road owners, fire protection agency, etc.
- b. The field file of the contract administrator is consolidated into the official District/Area office file and duplicate material is discarded. The terminated contract is transferred from the active to the inactive file.
- c. The effective date of termination shall be entered into the Timber Sale Information System no later than the 10th of the following month.

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Glossary of Terms**-A-**

Authorized Officer: An employee of the Bureau of Land Management, to whom has been delegated the authority to take action.

-C-

Contracting Officer: The Bureau of Land Management official who would have authority to execute a forest product contract and delegate authority to take action in connection with such contract.

Contract termination: All actions necessary to terminate a forest product sale or other vegetative resources contract after all the terms and conditions of the contract have been consummated.

-D-

Designated Representative: Any employee of the Bureau of Land Management who has been duly authorized to exercise certain rights and duties or the Contracting Officer.

-P-

Purchaser's Representative: Any employee of the Purchaser who has been duly authorized by the Purchaser to receive notices or instructions from the Authorized Officer.

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Example of Log Scale and Disposition of Timber

Removed Report

CERTIFICATION STATEMENT

I CERTIFY That the above statement is true and that it is to the best of my knowledge, a complete statement of the volume and disposition of all timber removed under said contract.

If Individual or Partnership, sign here

If Corporation, sign here:

John Doe Lumber Company

(Name of Firm)

(Name of Corporation)

(Signature of Signing Officer)

(Signature of Signing Officer)

President

(Title)

(Business Address)

March 18, 1987

(Date)

(Signature of Signing Officer)

(Business Address)

(Date)

If Purchaser is a Corporation, the following certificate must be executed by the Secretary or Assistant Secretary.

I, James Jones, Secretary Assistant Secretary of the Corporation named as Purchaser herein, that certify that I am the Secretary Assistant Secretary of the Corporation named as Purchaser herein, that who signed the certification was the John Doe President of said corporation, that said certification was duly signed for and in behalf of said Corporation by authority of its governing body, and is within the scope of its corporate powers.

[Corporate Seal]

NOTICE

The Privacy Act of 1974 and the regulation in CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application.

AUTHORITY: The Act of April 12, 1926 (77 Stat 272), the Export Administration Act of 1979 (50 U.S.C. 2401 et. seq.), the Morse Amendment to the Foreign Assistance Act of 1968, the annual Interior Department Appropriations Act, and the Small Business Act of July 18, 1958 (72 Stat 384).

PURPOSE: The information is to be used to determine that firms in the export trade are not exporting Bureau of Land Management timber and to determine volume of timber purchased by small business and sold to large business.

ROUTINE USE: Analysis of timber sales to determine if BLM timber is being exported and the quantities of timber resold to large business.

EFFECT OF NOT PROVIDING INFORMATION: Filing of information is mandatory only if the purchaser wishes to continue purchasing timber from Bureau of Land Management land.

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.) requires us to inform you that: This information is being collected to determine the volume of material removed. This information will be used to comply with the Timber Sale Contract. Response to this request is mandatory under terms of the Timber Sale Contract.

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

U.S. G.P.O. 1987-181-403/57662

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Example of Contract Termination Inspection Report

| UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT | | Purchaser John Doe Lumber Co. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|-----|---|--|-----|-----|----|--|-----|----|------------------------------------|---|--|--|---|--|-----------------------------------|---|--|---------------------------------------|---|--|-----------------------------------|---|--|-------------------------------------|--|---|-----------------------------|---|--|------------------------------------|---|--|------------------------------|-----|--|--|-----|--|--|---|--|---|--|---|--|--|---|---|--|---|------------------------------|---|--|--------------------------------------|---|--|---------------------------------|---|--|--|--|--|-----------------------------------|---|--|--|--|--|--------------------------------|---|--|--|--|--|
| CONTRACT TERMINATION INSPECTION REPORT | | Contract Number OR120-TS2-000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Instructions: Contract Inspector prepares one copy and places with contract file. Prepare in ink or type. | | DATE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | Approved 5/24/82 | Expired 5/24/84 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| I - LOGGING | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. Name of Contractor Same | | 2. DATE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Date of final cutting report 8/12/84 | | Commenced 6/15/82 | Completed 5/12/84 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| II - PAYMENTS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. Contract | | 771,617.95 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| a. Total amount received for timber | | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| b. Total deposits for (| |) \$ 815.31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| c. Total deposits for (| |) \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| d. Road use and maintenance fees | | \$ 1,003.02 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| I CERTIFY That the above figures represent all of the monies due under the terms of the contract | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <div style="text-align: right; margin-right: 100px;"> <i>Sally Smith</i> (Signature of District Clerk) </div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| III - FINAL INSPECTION ITEMS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. Final inspection of contract area was conducted on 6/1/84 by Inspector(s) Jerry Evans and -- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6. Explain if all purchased timber was not removed Purchaser left about 20 MBF of marked salvage along east line of Unit #1. Thesees were pointed out to company representative on 4/15/84, but representatve indicated they were not economical to yard. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7. Explain if any environmental protection measures were inadequate (specify what remains to be done) Considerable washing at seeded slope below road shoulder at Sta. 5+00. The force of water from a culvert at this location is causing damage to the slope and causing silt into Brummet Creek. Half-round culvert outfall installed under terms of the contract appears to be about 20' short of what is needed. This is due to no fault of Purchaser. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 5%;">YES</th> <th style="width: 5%;">NO</th> <th style="width: 40%;"></th> <th style="width: 5%;">YES</th> <th style="width: 5%;">NO</th> </tr> </thead> <tbody> <tr> <td>8. Is slash disposal satisfactory?</td> <td style="text-align: center;">x</td> <td></td> <td>12g. Are streamside and roadside buffer strips free of debris?</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td>9. Is road construction complete?</td> <td style="text-align: center;">x</td> <td></td> <td>13a. Is area ready for reforestation?</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td>10. Is road maintenance adequate?</td> <td style="text-align: center;">x</td> <td></td> <td>b. Is advance reproduction present?</td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td>11a. Are fire trails clear?</td> <td style="text-align: center;">x</td> <td></td> <td>14a. Is reserved timber undamaged?</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td>b. Are waterholes completed?</td> <td style="text-align: center;">N/A</td> <td></td> <td>b. Were trespass damages, if any, collected?</td> <td style="text-align: center;">N/A</td> <td></td> </tr> <tr> <td>12a. Are watercourses clear of debris?</td> <td style="text-align: center;">x</td> <td></td> <td>c. Are bearing trees and corner monuments intact?</td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td>b. Are fire and skid trails waterbarred?</td> <td></td> <td style="text-align: center;">x</td> <td>15a. Has date for removal of personal property expired?</td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td>c. Are roadbanks stabilized?</td> <td style="text-align: center;">x</td> <td></td> <td>b. Has relinquishment been obtained?</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td>d. Are culverts free of debris?</td> <td style="text-align: center;">x</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>e. Was logging equipment removed?</td> <td style="text-align: center;">x</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>f. Was crew litter cleaned up?</td> <td style="text-align: center;">x</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> | | | | | YES | NO | | YES | NO | 8. Is slash disposal satisfactory? | x | | 12g. Are streamside and roadside buffer strips free of debris? | x | | 9. Is road construction complete? | x | | 13a. Is area ready for reforestation? | x | | 10. Is road maintenance adequate? | x | | b. Is advance reproduction present? | | x | 11a. Are fire trails clear? | x | | 14a. Is reserved timber undamaged? | x | | b. Are waterholes completed? | N/A | | b. Were trespass damages, if any, collected? | N/A | | 12a. Are watercourses clear of debris? | x | | c. Are bearing trees and corner monuments intact? | | x | b. Are fire and skid trails waterbarred? | | x | 15a. Has date for removal of personal property expired? | | x | c. Are roadbanks stabilized? | x | | b. Has relinquishment been obtained? | x | | d. Are culverts free of debris? | x | | | | | e. Was logging equipment removed? | x | | | | | f. Was crew litter cleaned up? | x | | | | |
| | YES | NO | | YES | NO | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8. Is slash disposal satisfactory? | x | | 12g. Are streamside and roadside buffer strips free of debris? | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9. Is road construction complete? | x | | 13a. Is area ready for reforestation? | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10. Is road maintenance adequate? | x | | b. Is advance reproduction present? | | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11a. Are fire trails clear? | x | | 14a. Is reserved timber undamaged? | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| b. Are waterholes completed? | N/A | | b. Were trespass damages, if any, collected? | N/A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12a. Are watercourses clear of debris? | x | | c. Are bearing trees and corner monuments intact? | | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| b. Are fire and skid trails waterbarred? | | x | 15a. Has date for removal of personal property expired? | | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| c. Are roadbanks stabilized? | x | | b. Has relinquishment been obtained? | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| d. Are culverts free of debris? | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| e. Was logging equipment removed? | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| f. Was crew litter cleaned up? | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Form 5480-5 (June 1971) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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Example of Contract Termination Inspection Report

16. Is termination recommended? Yes No

6/15/84 *Signature*
(Date) (Signature of Contract Inspector)

I concur:

6/18/84 *Signature*
(Date) (Signature of Area Manager)

Remarks

Item 7 and 12c. A request has been forwarded to the Area Engineer to correct the Culvert problem at Sta. 5+00.

Item 14c. One bearing tree adjacent to the N 1/4 corner, Sec 5 was uprooted by wind. The brass cap and other bearing trees are undisturbed and in good condition.

GPO 828-564

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Example of Certificate Terminating Contract Rights

| | | | | | |
|---|--|--|---|---|---------------------------------------|
| Form 5480-4 (March 1986) | | UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT | | 1. Termination date May 9, 1984 | 2. Contract number OR090-TS2-000 |
| CERTIFICATE TERMINATING CONTRACT RIGHTS | | | | 3. Amount bid \$112,197.00 | 4. Total amount paid* \$128,648.00 |
| NOTE: Form not required when terminating either of these (a) Contract for the Cash Sale of Vegetative Resources (Form 5450-1) or (b) Vegetative or Mineral Material Negotiated Cash Sale Contract (Form 5450-5). | | | | 5. *Additional money received above amount shown in Item 3 \$16,451.00 | |
| 6. Name of Purchaser John Doe Lumber Company | | | 7. Address (include zip code) Street Address City, State Zip Code | | |
| 8. Contract approved by J. M. Jones | | | 9. DATE On Jan. 21, 1982 Extended to -- Expires Jan. 21, 1984 | | |
| Rights of the above-named purchaser under the contract indicated above are hereby terminated. The party in interest has performed all requirements of the contract and is hereby released from any further obligation thereunder. | | | | | |
| Liability under the performance bond is terminated as of this date. The cancelled bond is being retained by the Bureau of Land Management. | | | | | |
| <input checked="" type="checkbox"/> Surety (give name and bond number, if surety bond) | | | ABC Surety Company Bond # 0-12148 | | |
| <input type="checkbox"/> Cash bond balance to be refunded | | | | | |
| <input type="checkbox"/> Negotiable securities to be returned | | | | | |
| THE UNITED STATES OF AMERICA | | | | | |
| | | | By _____ (Authorized Officer) | | |
| | | | _____ District Manager (Title) | | |
| | | | P. O. Box 10226 Eugene, Oregon 97440 (Address, include zip code) | | |
| Submit machine copy to all parties to be notified of termination action | | | CONTRACT FILE | | |
| Submit machine copy to all parties to be notified of termination action | | | PURCHASER | | |
| Submit machine copy to all parties to be notified of termination action | | | SURETY | | |