Form 1221-2 (June 1969)



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 Material Superseded: None.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

Table of Contents

Chapte	<u>er</u>		<u>Page</u>
I.	Genera	al Guidelines	I-1
	A.	When to Terminate	I-1
	B.	When Not to Terminate	I-1
II.	<u>Termin</u>	nation Actions and Requirements	II-1
A.	Purcha	ser Responsibilities	II-1
	1.	Form 5460-15, Log Scale and Disposition of Timber Removed Report	II-1
	2.	Form 5400-2, Report of Road Use Fees Paid	II-1
	3.	Form 5480-3, Timber Sale Contract Relinquishment	II-1
B.	Bureau	ı Responsibilities	II-1
	1.	Final Inspection	II-1
	2.	Refunds	II-2
	3.	Final Action	II-3

Glossary of Terms

Illustrations

- 1. Example of Log Scale and Disposition of Timber Removed Report (Form 5460-15)
- 2. Example of Road Use Fees paid Report (Form 5400-2)
- 3. Example of Timber Sale Contract Relinquishment (Form 5480-3)
- 4. Example of Contract Termination Inspection Report (Form 5480-5)
- 5. Example of Certificate Terminating Contract Rights (Form 5480-4)

- 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.

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. <u>Bureau Responsibilities</u>. 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.)

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.
- 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.

Rel. 5-155 **BLM MANUAL**

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.
- The effective date of termination shall be entered into the Timber Sale Information System no later than the 10th of the following month.

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.

Example of Log Scale and Disposition of Timber

Removed Report

	DEPARTMENT	ED STATES OF THE INTERIOR AND MANAGEMENT			ORM APPROVED DMB NO. 1004-0146 Apires June 30, 1989	
LOG SCAI	LE AND DISPOSITIO	N OF TIMBER REMOVED F	REPORT	Contract Number	OR110-T8	87-000
his report is required by he result in withholding the T		926 (77 Stat 272), as amended.	. Failure to comply can	Date	March 18,	1987
urchaser's name		umber Company	Stre	ude zip code) et Address , State Zip		
		above-numbered Timb intract area covered by		we hereby submit th	ne following log s	cale for the total
Name of processor:	John Doe L	imber Company				
				TIMBER REMOVED		AND LOSS
SPECIES	GROSS SCALE	WET OC. 1 F	SOUND LOGS* BY DISPOSITION CAT	ECODY**		SOUND LOGS SCALE
	SCALE	(I)	(2)	(3)	CULL PEELERS	OTHER CULLS
DF	1,213,020	873,710	13.880	,		209,760
SP			-0-			110,000
PP & KP	166,550 105,400	143,000 79,640	410			13,560
WF & HEM	55,200 172,590	48,270 147,550	340			1,620
						
TOTALS	1,712,760	1,282,170	14,630			334,940
Name of Processor:	Jones Lumb	aw Company				
DF	145,140	13,880				122,660
SP	1,580	-0-				2,100
PP & KP	3,790	410 340			 	380
		-				
TOTALS	151,450	14,630			L	126,720
Name of Processor:						
					-	
					1	
TOTALS	1			- 140-7		
GRAND TOTALS	!					
Sound logs are define after deductions have		g 331- a percent of gross sea	le (50 percent of gros	ss scale in the case of	peeler blocks) in so	und wood volume
SCALED B		SCALING METHO	DS.	** DISPOST	TION CATEGO	RIES
		-				
Company em	, , , ,	scare rote uses	4 7	orber processed in the limber sold to a third pa		
Scaling Bure	1	imum length without to	thet arrive	moer sold to a third par- accepted and unprocesse		
Other (specif)y ¦Tapo	er allowance	î	om the United States		
Comments						
Comments						

Example of Log Scale and Disposition of Timber

Removed Report

CERTIFICATI	ON STATEMENT
	knowledge, a complete statement of the volume and disposition of all timber
emoved under said contract.	•
If Individual or Partnership, sign here	If Corporation, sign here;
	John Doe Lumber Company
(Name of Firm)	(Name of Corporation)
	Jaka Das
(Signature of Signing Officer)	(Signature of Signing Officer)
	President
(Business Address)	(Title)
	1.107/
	March 18, 1987
(Signature of Signing Officer)	(Date)
(Business Address)	
(Benness Address)	
(Date)	
	must be executed by the Secretary or Assistant Secretary.
If Purchaser is a Corporation, the following certificate	must be executed by the Secretary or Assistant Secretary.
If Purchaser is a Corporation, the following certificate I. James Jones certify that I am the 🔽 Secretary 🗌 Assistant Sec	cretary of the Corporation named as Purchaser herein, that
If Purchaser is a Corporation, the following certificate I. James Jones certify that I am the 🔽 Secretary 🔲 Assistant Security	cretary of the Corporation named as Purchaser herein, that
If Purchaser is a Corporation, the following certificate I. James Jones certify that I am the 🔽 Secretary 🔲 Assistant Security	cretary of the Corporation named as Purchaser herein, that ertification was the President of ed for and in behalf of said Corporation by authority of its e powers.
If Purchaser is a Corporation, the following certificate I. James Jones certify that I am the 🔽 Secretary Assistant See who signed the ce said corporation, that said certification was duly signed	cretary of the Corporation named as Purchaser herein, that ertification was the President of ed for and in behalf of said Corporation by authority of its e powers.
If Purchaser is a Corporation, the following certificate I. James Jones certify that I am the 🔽 Secretary Assistant See who signed the ce said corporation, that said certification was duly signed	cretary of the Corporation named as Purchaser herein, that ertification was the President of ed for and in behalf of said Corporation by authority of its
If Purchaser is a Corporation, the following certificate I. James Jones certify that I am the Secretary Assistant Se who signed the cr said corporation, that said certification was duly signed governing body, and is within the scope of its corporation.	cretary of the Corporation named as Purchaser herein, that ertification was the President of ed for and in behalf of said Corporation by authority of its e powers.
If Purchaser is a Corporation, the following certificate I. James Jones certify that I am the Secretary Assistant Se who signed the ce said corporation, that said certification was duly signe governing body, and is within the scope of its corporat NC The Privacy Act of 1974 and the regulation in CFR 2.48(d) provide that	cretary of the Corporation named as Purchaser herein, that ertification was the President of ed for and in behalf of said Corporation by authority of its e powers. [Corporate Seal]
If Purchaser is a Corporation, the following certificate I. James Jones certify that I am the Secretary Assistant Secretify that I am the Secretary Assistant Secreta	cretary of the Corporation named as Purchaser herein, that sertification was the President of said Corporation by authority of its e powers. [Corporate Seal] OTICE you be furnished the following information in connection with information nistration Act of 1979 (50 U.S.C. 2401 et. seq.), the Morse Amendment to the
If Purchaser is a Corporation, the following certificate I. James Jones certify that I am the Secretary Assistant Secretary Assistant Secretary John Does said corporation, that said certification was duly signed governing body, and is within the scope of its corporation. NOTICE Privacy Act of 1974 and the regulation in CFR 2.48(d) provide that sequence by this application. UTHORITY: The Act of April 12, 1926 (77.5tat 272), the Export Admitted The Act of 1968, the annual Interior Department Approvided Assistance Act of 1968.	cretary of the Corporation named as Purchaser herein, that entification was the President of set for and in behalf of said Corporation by authority of its e powers. [Corporate Seal] OTICE you be furnished the following information in connection with information instration: Act of 1979 (30 U.S.C. 2401 et. seq.), the Morse Amendment to the printions Act, and the Small Business Act of July 18, 1958 (72 Stat 384), export trade are not exporting Bureau of Land Management timber and to
If Purchaser is a Corporation, the following certificate I. James Jones certify that I am the Secretary Assistant Secretify that I am the Secretary Assistant Secretary John Doe said corporation, that said certification was duly signed governing body, and is within the scope of its corporation between the Privacy Act of 1974 and the regulation in CFR 2.48(d) provide that equired by this application. UTHORITY: The Act of April 12, 1926/77 Stat 272), the Export Admiriting Assistance Act of 1968, the annual Interior Department Appround Purpose: The information is to be used to determine that firms in the etermine volume of timber purchased by small business and sold to lar	cretary of the Corporation named as Purchaser herein, that entification was the President of set for and in behalf of said Corporation by authority of its e powers. [Corporate Seal] OTICE you be furnished the following information in connection with information nistration: Act of 1979 (30 U.S.C. 240) et. seq.), the Morse Amendment to the printions Act, and the Small Business Act of July 18, 1958 (72 Stat 384), export trade are not exporting Bureau of Land Management timber and to ge business.
If Purchaser is a Corporation, the following certificate I, James Jones certify that I am the Secretary Assistant Secretify that I am the Secretary Assistant Secretary John Doe said corporation, that said certification was duly signed governing body, and is within the scope of its corporate governing body, and is within the scope of its corporate the Privacy Act of 1974 and the regulation in CFR 2.48(d) provide that equired by this application. UITHORITY: The Act of April 12, 1926 (77 Stat 272), the Export Admit foreign Assistance Act of 1968, the annual interior Department ApproxIUAPOSE: The information is to be used to determine that firms in the termine volume of timber purchased by small business and sold to lar IOUTINE USE. Analysis of timber sales to determine if BLM timber.	cretary of the Corporation named as Purchaser herein, that striffication was the President of said Corporation by authority of its e powers. [Corporate Seal] OTICE you be furnished the following information in connection with information nistration: Act of 1979 (30 U.S.C. 2401 et. seq.), the Morse Amendment to the printions Act, and the Small Business Act of July 18, 1958 (72 Stat 384), export trade are not exporting Bureau of Land Management timber and to ge business.
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Example of Road Use Fees Paid Report

TONTE TONES	UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT ROAD USE FEES PAID REPORT		WSTRUCTONS: Timber sale purcheser completes in duplicate and returns originals in district office upon completion of imber sale.		District Salem Contract Number OR 08 08 0-752 - 000	FORB OMB Espire Due	FORM APPROVED OMB NO. 1004-0102 Expires: June 30, 1991 Lity 27, 1984
ROAD OWNERS NAME	K/W AGRITMENI ALMER	ROAD SUMBER AND SEGMENT	VOLUME REMOVED* (ARRS)	ROAD IISP (Per N)	ا ا	P.F.E MAINT. (Per M)	TOTAL PAID
vvv iumber Co.	S-301	011340	1,000	.10	\$100.00	,	
Att Tumber Co.	S-36	0113AB	1,000	.05	\$ 50.00	20.	\$50.00
Name of Firm	IF INDIVIDUAL OR PARTNERSHIP, SIGN NEME		Name of Corporation John Authorized Corporate Officer	John Do	John Doe Lumber Company	, ku	
Name Address finchede zip evide)		C	Tile	- ',]	President		

Example of Contract Termination Inspection Report

UNITED STA	ATES		Purchaser		
DEPARTMENT OF TH	HE INTERIOR		John Doe	Lumber	Co.
BUREAU OF LAND M	ANAGEMENT		Contract Number OR120-	men 000	
CONTRACT TERMINATION II	NCPECTION E	EPOPT	OR120-	152-000	
				TE	
structions: Contract Inspector prepares one co- Prepare in ink or type.	py and places w	ith contract file.	Approved 5/24/82	Expired 5/24	/84
	I – LC	GGING			
. Name of Contractor same				ATE	
Date of final cutting report 8/12/84			6/15/92	Completed 5/12/8	
Date of final cutting report 8/12/84	II – PA	YMENTS	0/15/02	3/12/6	•
Contract		771,61	7 05		
a. Total amount received for	or timber	\$ 7/1,51	7.95		
b. Total deposits for (5.31		
 c. Total deposits for (d. Road use and maintenant 	ce fees) \$		_	
ERTIFY That the above figures represent		1,00	3 02		
That me apple referen telegent	and or the mor	nes une unite ti	to to the contract		
			0 .0 0 .7	-0	
			Sally Smit	Zjash)	
111	- EIMAL INC	PECTION ITEM		Lera)	
by Inspector(s) Jerry Evans Explain if all purchased timber was not chaser left about 20 MBF of m were pointed out to compan	end removed arked salva y represena	ige along ear	st line of Unit #1. 5/84, but represent	These	e e g
by Inspector(s) Jerry Evans Explain if all purchased timber was not surchaser left about 20 MBF of movere pointed out to compandicated they were not economic explain if any environmental protection is	end removed arked salva y represena al to yard. measures were	age along eautive on 4/1	5/84, but represent	done)	
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Example of Contract Termination Inspection Report

16. Is termination recommended? 🔀 Yes	∏ No
6/15/94 (Date)	Scindier (Signature of Contract Inspector)
I concur:	
6/98/94 (Date)	Segnotus (Signature of Area Manager)
Remarks	
Culvert problem at Sta. 5+00. Item 14c. One bearing tree adj	been forwarded to the Area Engineer to correct the acent to the N 1/4 corner, Sec 5 was uprocted by bearing tree are undisturbed and in good condition.

Example of Certificate Terminating Contract Rights

Form 5480-4 (March 1986) DEPARTMENT OF THE INTE: BUREAU OF LAND MANAGEY	RIOR	May	nation date , 9, 1984	2. Contract number OR090~TS2~000
CERTIFICATE TERMINATING CONTR			2,197.00	4. Total amount paid* \$128,648.00
NOTE: Form not required when terminating either of the Cash Sale of Vegetative Resources (Form elative or Mineral Material Negotiated Cash 5450-5).	there is a contract	- In It	\$16,451.00	ouved above amount shown
6. Name of Purchaser John Doe Lumber Company	7. Add		t Address	Code
8. Contract approved by			9. DATE	
J. M. Jones	Jan.	21, 1982	Extended to	Expires Jan. 21, 1984
Rights of the above-named purchaser under the c has performed all requirements of the contract are Liability under the performance bond is terminate of Land Management.	nd is hereby release	ed from any	further obligation	on thereunder.
Surety give name and bond number, if surety		rety Comp 0-12148	any	
Cash bond balance to be refunded				
Cash bond balance to be refunded Negotible securities to be returned				
		THE UNI	TED STATES C	F AMERICA
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	By	Distr P. O. Eugene	Authorized Official Control of Manager (Tule) Box 10226	97440
Negotible securities to be returned		Distr P. O. Eugene	Authorized Official Manager (Tale)	97440
	incitation action	Distr P. O. Eugene	Authorized Official Control of Manager (Tule) Box 10226	97440