



Oregon Department of Forestry

Book 261 – March 2018

Oregon Department of Forestry Handbook Disclaimer

This Timber Sale Schedule handbook is provided solely for the convenience of bidders. It is not intended to create any legal right or obligation, or to supplement or replace any requirement for bidding on state timber sales described in the handbook. Legal rights and obligations described in the handbook are governed by OAR 629, Division 29, and the Notice of Timber Sale, Bidding Procedures, and Contract for each timber sale described in this handbook. This handbook is not a contract or an offer of sale, and does not supplement or replace any existing or future contract. ODF reserves the right to modify or delete any portion of this handbook for any reason, without notice.

ODF Affirmative Action Policy

Oregon Department of Forestry (ODF) will not knowingly do business with any bidder, contractor, subcontractor, or supplier of materials who discriminates against members of any protected class.



"STEWARDSHIP IN FORESTRY"

This Timber Sale Schedule handbook is available on the ODF web site, along with prospectuses for each upcoming sale, at:

<http://www.oregon.gov/ODF/Working/pages/TimberSales.aspx>

Click on "Upcoming Timber Sales" for timber sale prospectuses.

Click on "Schedule books" for Timber Sale Schedule handbooks.

If you have any questions about any of the timber sale information, contact Pam Young, Contracts Specialist, at 503-945-7372 or Pam.YOUNG@oregon.gov.



BIDDERS CORNER

**** BIDDER ALERT / BIDDER INFORMATION ****

November 2019

POTENTIAL ENDANGERED SPECIES ACT LAWSUIT: Be advised that the State of Oregon has received a Complaint for Declaratory and Injunctive Relief for alleged violations of Sections 4(d) and 9 of the federal Endangered Species Act pertaining to federally listed Oregon Coast Coho Salmon on the Tillamook and Clatsop State Forests.

WEB Address of Notice of Intent to Sue document:

<http://www.oregon.gov/ODF/Working/pages/TimberSales.aspx>

PAYMENTS FOR OREGON DEPARTMENT OF FORESTRY TIMBER SALES

Payments for invoices and charges for ODF timber sales need to be sent to:

**Oregon Department of Forestry
Unit 12
P.O. Box 4395
Portland, OR 97208-3295**

This location only accepts regular U.S. Postal mail. It does **not** accept Fed-Ex, UPS, or any other type of overnight or priority mail that requires someone to physically accept it.

All payments need to be accompanied by documentation that:

- Includes Sale Name and Sale Number, **or**
- Includes a copy of the invoice, **or**
- Provides a list of timber sales that are being paid.

See **SUMMARY REPORT** next page.

CONTACT INFORMATION:

Pam Young: 503-945-7372

Fax 503-945-7376

Email: Pam.YOUNG@oregon.gov





SUMMARY REPORT OF ALL SALES

FOR THE MONTH OF NOVEMBER 2019

| District | Sale # | Sale Name | Area | County | Volume (MBF) | Value | Sale Date |
|-----------------|------------|----------------------|------|-----------|--------------|----------------|-----------|
| North Cascade | 341-20-747 | Gawley Wanna Cracker | NWOA | Clackamas | 1,779 | \$828,724.89 | 11/21/19 |
| Forest Grove | 341-20-257 | Electric Horseman | NWOA | Tillamook | 3,039 | \$1,323,954.93 | 11/22/19 |
| STATEWIDE TOTAL | | | | | 4,818 | | |

NOTE: Exhibit “A” Maps and Cruise Reports are available 6 weeks prior to bid openings. All other timber sale information is available 4 weeks prior to the bid opening date. Timber sale information for the above sales can be accessed on the ODF Website at:

<http://www.oregon.gov/ODF/Working/pages/TimberSales.aspx>

Click on “Timber Sale Information – Upcoming Timber Sales”

NO PERSONAL OR COMPANY CHECKS WILL BE ACCEPTED FOR THE BID DEPOSIT.

Consult “Bidding Procedures for Timber Sales” in this schedule book before submitting a timber sale bid.

Also look on the ODF Website for:

ODF Timber Sales Available at Minimum Price

| District | Sale # | Sale Name | Area | County | Volume (MBF) | Value | Sale Date |
|--------------|--------------|-----------------|------|---------|--------------|--------------|-----------|
| Klamath-Lake | 341-19-501 | Ruffer | EOA | Klamath | 1,752 | \$289,990.26 | N/A |
| Klamath-Lake | 341-20-GF811 | Rhymno GNA | EOA | Klamath | 3,017 | \$701,804.98 | N/A |
| West Oregon | 341-19-775 | Little Elk Thin | NWOA | Lincoln | 1,047 | \$177,853.48 | N/A |



Oregon Department
of Forestry

IMPORTANT NOTICES FOR TIMBER SALES

The important notices that follow are applicable to all Timber Sales to be sold by the Oregon Department of Forestry (ODF).

EXPORT PROHIBITIONS

This is a sale of "State timber" as defined in OAR 629-31-005 and may not be exported. The Forest Resources Conservation Amendments Act of 1993 prohibits the export of unprocessed timber from public lands in Oregon and other western states. Bidders must comply with the provisions of the federal act and with OAR 629-31-005 through 629-31-045 in disposing of timber from this sale.

EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

A contractor who contracts with Oregon Department of Forestry shall not discriminate against minority, women, or emerging small business enterprises in the awarding of subcontracts. The contractor shall certify as part of the bid documents accompanying the bid on a public contract that the contractor has not discriminated against minority, women, or emerging small business enterprises in obtaining any required subcontracts.

Oregon Department of Forestry may disqualify any person as a bidder on a public contract if the agency finds that the person has violated provisions of the above in a contract between the person and the agency.

ENDANGERED SPECIES / OPERATIONAL DELAYS

This contract contains a clause allowing STATE to delay operations when required to survey for threatened or endangered species, and a clause allowing STATE to terminate the contract when STATE determines it is in their best interest. The clause may be used for, but is not limited to, the discovery of a species listed as threatened or endangered that would be impacted.

Prospective purchasers of State timber sales need to be aware that the Department of Forestry is engaged in an active threatened and endangered (T&E) species survey program. As part of that program, ODF surveys its lands on a continuing basis for land management, species protection, research, and other reasons. ODF does not guarantee that a threatened or endangered species will not be found as a result of those surveys, or the surveys of others. Prospective purchasers are reminded that ODF surveying efforts may take place during the life of any timber sale contract, and that the discovery of a threatened or endangered species in the vicinity of a timber sale may affect operations contemplated under the contract. This includes timber sales that have been determined to be unsuitable habitat or not detrimental to habitat. Please refer to Sections 1520, 1560, and 1570 of your contract prospectus, or contact our Staff Biological Specialists at (503) 945-7366 or (503) 945-7500 for further information.



Oregon Department
of Forestry

IMPORTANT NOTICES FOR TIMBER SALES

CERTIFICATION OF ELIGIBILITY TO BID ON STATE TIMBER

Any bidder who has within a 3 year period preceding a bid had one or more federal, state, or local timber sales terminated for cause or default must submit an explanation, in writing, with their bid for consideration by STATE. Any such explanations shall be submitted at the time of the bid on a separate piece of paper. STATE will consider the following when considering acceptance or rejection of a bid based on previous terminations, defaults, or other matters relating to timber sales:

- Have the underlying issues that were the cause of a default, termination, or other action by the State Forester or by a public agency been remedied?
- Is the past credit or payment history of the bidder with the public agency satisfactory?
- Can the bidder obtain surety bonding in amounts sufficient to meet the requirements contained in the contract(s) at issue?

The Forest Resources Conservation Amendments Act of 1993, ORS Ch. 526, and the State Forester's Administrative Rules implementing the federal act, require bidders to complete a "Certification of Eligibility to Bid on State Timber" and submit it with their bid.

BID DEPOSITS

Required bid deposits are listed on each Notice of Timber Sale. The bid deposit equals up to 10 percent of the total appraised value of the sale. The State Forester could accept as bid deposit: cash, cashier's or certified check, money order, surety bond, assignment of surety, irrevocable letters of credit, or other securities acceptable to the State Forester. **NO PERSONAL OR COMPANY CHECKS WILL BE ACCEPTED FOR THE BID DEPOSIT.** Surety bonds must be executed on a standard State form which is included. Make sure that cashier's checks or money orders for bid deposits are made payable to the "Oregon Department of Forestry." The deposits are considered as evidence of good faith. The State Forester reserves the right to hold the bid deposit of all bidders until written notice of intent to award is made to the successful bidder. The high bidder's cash deposit will be applied to the first sale payment. Bid deposits are retained as liquidated damages in case of failure to qualify under the terms of the contract within 30 days after notification of high bid. Other deposits are returned.

A bidder may furnish one surety bid bond to cover deposits for more than one timber sale bid to be opened on the same date. The surety bond must be in the total amount of all bid deposits for all timber sales for which bids are entered. Include the bond with one sealed bid proposal, and make note at the bottom of the Form of Proposal for other bids entered that the bond is included with the bid on another sale (give timber sale number of that sale).

PERFORMANCE AND PAYMENT BONDS

Performance bonds are required on all timber sales. The amount of the bond is generally 20 percent of the bid value, but may be more if the State Forester determines extra bonding is necessary to protect the interests of STATE. The State Forester could accept as performance bond: cash, cashier's or certified check, money order, surety bond, assignment of surety, irrevocable letters of credit, or other securities acceptable to the State Forester. A timber payment bond is required on all sales sold on a recovery basis. A blanket timber payment bond may be used if bidding on more than one sale.



Oregon Department
of Forestry

BIDDING PROCEDURES FOR TIMBER SALES

TO OBTAIN A PROSPECTUS AND BID FORMS

Contract provisions and the appropriate bid forms for timber sales are available, and copies may be obtained at the district office in the locality that the sale is offered, or from Oregon Department of Forestry headquarters in Salem (503-945-7361).

OREGON DEPARTMENT OF FORESTRY DISTRICT OFFICES

Astoria District
92219 Hwy. 202
Astoria, OR 97103
(503) 325-5451
Contact Person:
John Tillotson

Forest Grove District
801 Gales Creek Road
Forest Grove, OR 97116
(503) 357-2191
Contact Person:
Erik Marcy

Klamath-Lake District
3200 DeLap Road
Klamath Falls, OR 97601
(541) 883-5681
Contact Person:
John Pellissier

North Cascade District
Santiam Unit
22965 North Fork Rd. SE
Lyons, OR 97358
(503) 859-2151
Contact Person:
Shannon Loffelmacher

Southwest Oregon District
GNA Timber Sales
5375 Monument Drive
Grants Pass, OR 97526
(541) 474-3152
Contact Person:
Chris Rudd

Tillamook District
5005 Third Street
Tillamook, OR 97141
(503) 842-2545
Contact Person:
Joe Travers

West Oregon District
24533 Alsea Hwy.
Philomath, OR 97370
(541) 929-9161
Contact Person:
Evelyn Hukari

Western Lane District
87950 Territorial Road
Veneta, OR 97487
(541) 935-2283
Contact Person:
Ole Buch



Oregon Department
of Forestry

BIDDING PROCEDURES FOR TIMBER SALES

The general requirements that follow are applicable to all timber sales to be sold by the Oregon Department of Forestry (ODF).

GENERAL INFORMATION

The State Forester makes no guarantee as to the quantity, quality, or value of the timber to be sold; he also reserves the right to waive minor technicalities and the right to reject any or all bids.

If you are the successful bidder, the State Forester will send you a "Notice of Intent to Award" letter and the timber sale contract shortly after the opening. To qualify for the timber sale, you must return one copy of the contract with the proper signatures and the initial payment, and also submit an insurance certificate and performance bond as specified in the contract, all within 30 days of the Notice of Intent to Award. No operations are permitted on the areas of operations before the bond and insurance are accepted.

The definition of a Bidder is a person, business, corporation, or other entity recognized by the STATE that submits a bid to enter into a contract with the STATE to purchase forest products, and that certifies that the timber will be harvested.

BID OPENING TIME AND PLACE

Bid opening will start at the time, on the date, and at the location specified in each Notice of Timber Sale.



Oregon Department
of Forestry

BIDDING PROCEDURES FOR TIMBER SALES

BIDDING PROCESS

- All timber will be sold using the sealed bid method, unless otherwise specified in the Notice of Timber Sale.
- Bids submitted on the day of the sale must be in the bid box or bid envelope at the specified bid opening location before the specified bid opening time.
- Mailed bids must be received by the respective office by 5:00 p.m. on the last business day before the bid opening.
- All bids must include the completed Form of Proposal, Certificate of Eligibility to Bid, and bid deposit.
- Bids will be opened at the specified bid opening location in the order in which sales appear in the Timber Sale Schedule handbook.
- ODF will not accept bid forms that are filled out incorrectly. A bid deposit must be included in a sealed bid envelope.
- If a tie bid occurs, the apparent successful bidder will be determined by a drawing, among tied bidders, as determined by STATE.
- All bids may be rejected for good cause upon a finding by the STATE that it is in the public interest to do so.

BID PREPARATION

- Compliance. All bids must be sealed and presented to the Oregon Department of Forestry at the location specified prior to the stated bid opening date and time. Bids shall be typed or prepared in ink, and shall be signed in ink by the bidder, or an authorized representative of the bidder. Bids shall be made on the form(s) provided unless bidders are otherwise instructed in the Notice of Timber Sale. Bids shall contain a fully executed bid package, including all required documents.
 - Entering Bid Prices. Unless otherwise indicated, the price of each item must be clearly shown in the spaces provided in the Form of Proposal. Numbers shall be stated both in writing and in figures, and the written price shall prevail over the numerical price in case of differences. For recovery (scaled) sales, show both in writing and figures the price bid per MBF, or in an alternate unit of measurement specifically designated in the Notice of Timber Sale. For cash (lump sum) sales, show the total lump sum price bid both in writing and figures.
 - Examination of Contract, Timber Sale Area, Access Roads, and Required Work. It is understood that the bidders, before submitting their bids, have made a careful examination of the contract requirements; that they have fully informed themselves as to the quality and quantity of materials and the character of the operations required; and that they have made a careful examination of the location and quantity and quality of the timber to be sold. The STATE will in no case be responsible for any loss or unanticipated costs to purchasers as a result of their failure to fully inform themselves in advance as to all conditions pertaining to the timber or the operations.
 - Modification of Bids. No oral, telegraphic, or telephonic bids will be considered. Modifications to sealed bids may be made prior to the time specified for bid opening. Such modifications shall be made in writing, clearly explain the error and item to be corrected, be signed by the person entering the original bid, and be submitted in a sealed envelope. The sealed envelope shall on its outside identify the bidder, bid number, and that it is a modification to the previous bid. Modifications presented after the time specified for bid opening will not be considered.
 - Certification of Alteration or Erasure. A bid shall be rejected if it contains any material alteration or erasure unless, before the bid is submitted, each such alteration or erasure is initialed in ink or indelible pencil by the person signing the bid.
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Oregon Department
of Forestry

BIDDING PROCEDURES FOR TIMBER SALES

SUBMITTING BIDS

- Sealed bids must be in the bid box or bid envelope before the specified bid opening time on the day of the sale at the location specified in the Notice of Timber Sale.
- Mail-in or otherwise delivered bids will be accepted up to 5:00 p.m. the last business day before the bid opening at the location specified in the Notice of Timber Sale. **Hand-delivered bids only** must be in the bid box or bid envelope at the bid opening location before the specified bid opening time on the day of sale.
- **Sealed bids must be submitted in an envelope with the following information clearly printed or typed on the outside:**
 1. The bidder's name.
 2. The name of the sale.
 3. The number of the sale.
 4. The date and time of the bid opening.

One bid per envelope, please.

- Sealed bid envelopes must contain the following:
 - A completed bid form (Form of Proposal); including Purchaser's Status.
 - Bid deposit.
 - Certificate of Eligibility to Bid on State Timber.
- A bidder may withdraw their bid up until the first bid of the sale being offered is opened. For example, if three sales are scheduled for the same opening date and time, a bidder may enter a bid on all three, but if that bidder is the apparent high bidder on the first sale, bids on the other two sales may be withdrawn.

BID VALUATION

For cash sales (total lump sum or cash installment), where bids are submitted on the basis of total price for all timber designated for cutting, the high bid will be determined by the largest total price offered.

For recovery sales (paid for on log scale *), where bids are submitted on the basis of unit price per thousand board feet (MBF)*, the high bid will be determined by multiplying the price per MBF* for each bid species by the advertised cruised volume for each such species, to arrive at the largest total price offered for all bid species. The total contract price includes all species.

The State Forester reserves the right to waive minor technicalities and the right to reject any and all bids.

* or in an alternate unit of measurement specifically designated in the Notice of Timber Sale.



Oregon Department
of Forestry

BIDDING PROCEDURES FOR TIMBER SALES

BID READING

At the prescribed bid opening date, time and place, bids will be publicly opened and read, and bidders may be present to record results. Notice of Intent to Award will not be made at the bid opening.

PROTEST OF CONTRACT AWARD

Any qualified bidder who is adversely affected or aggrieved by the State's award of the contract to another bidder shall have 14 calendar days after issuance of the award documents to submit a written protest of the award. The written protest shall specify the grounds upon which the protest is based.

In order to be an adversely affected or aggrieved bidder with a right to submit a written protest, a bidder must itself claim to be eligible for award of the contract as the highest responsive, responsible bidder and must be next in line for award.



BIDDING PROCEDURES FOR TIMBER SALES

"SAMPLE" FOR RECOVERY SALES

Form 341-210.1 (R) Page 1 of 2 Rev. 05/06

TIMBER SALE NAME: _____

TIMBER SALE NO.: 341-_____-____

OPENING DATE: _____ (month/day/year)

FORM OF PROPOSAL

The undersigned agrees to accept and perform all of the above terms and conditions as stated in the form of contract for the above-cited timber sale, and bids, and will pay:

Bid Species:

_____, sawmill grade or better, _____ Dollars (\$ _____) (per MBF) (TOTAL PRICE).

_____, sawmill grade or better, _____ Dollars (\$ _____) (per MBF) (TOTAL PRICE).

Minimum grades and volumes for bid species are stated in _____ timber sale _____ species.

NO-BID SPECIES: THE CONTRACT PRICE FOR _____ (NO-BID SPECIES) SHALL BE DETERMINED BY MULTIPLYING THE MINIMUM PRICE PER MBF FOR _____ (NO-BID SPECIES) BY THE BID-UP FACTOR OF THE BID SPECIES. FIVE DECIMAL PLACES SHALL BE USED TO CALCULATE THE BID-UP FACTOR.

No-bid species will remain as shown:

Table with 2 columns: Species, Price per MBF. Includes a row for TOTAL PRICE.

Enclosed is a bid deposit as required, consisting of a _____ in the amount of \$ _____, payable to the Oregon Department of Forestry.

The undersigned agrees to accept and deliver the contract, initial payment, required certificates of insurance, and performance bond, within thirty (30) days of the date of the written notice of intent to award; and that any cash bid deposit may be applied to the first required timber sale payment.

The undersigned understands that the bid is irrevocable and further agrees that if they fail to qualify under the terms of the contract within the thirty-day period, the bid deposit shall become the property of the Oregon Department of Forestry as liquidated damages. If the undersigned fails to qualify within the thirty-day period, STATE may disqualify the undersigned from submitting another bid on this timber sale.

BIDDER (Name of Individual or Company and Authorized Official) TAX ID NO. ADDRESS PHONE BY (Signature of Authorized Official & Title)



PURCHASER'S STATUS

Purchaser is a corporation Check
() Incorporated in
the State of _____

President's Name _____

Secretary's Name _____

Purchaser is: a partnership an assumed (business) company
 an individual name

List names of all persons doing business under the partnership or assumed name:

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

If assumed name is subsidiary to a corporation, fill in data requested of corporation also and write in corporation name here:



CERTIFICATION OF ELIGIBILITY TO BID ON STATE TIMBER

_____ hereby certifies that they:

EXPORT

- (a) Will not directly or indirectly export the unprocessed State timber as defined in OAR 629-031-0020 which is the subject of this transaction.
(b) Shall not engage in export of unprocessed timber originating from private lands in Oregon until such time as all interests in contracts for State timber held by the above have terminated, per OAR 629-031-0010(1)(d).
(c) Will not sell, transfer, exchange, or otherwise convey the unprocessed timber as defined above which is the subject of this transaction to any other person without first obtaining a certification from that person which meets the requirements of OAR 629-031-0030.
(d) Are not prohibited by OAR's 629-031-0005 through 0045 from bidding for unprocessed State timber as defined above directly from the State Forester.
(e) Understand that falsely entering into this certification is a violation of the Forest Resources Conservation Amendments Act of 1993 and OAR Chapter 629, Division 31, and is subject to any and all penalties contained therein.
(f) Have not directly or indirectly exported unprocessed timber originating from private lands in Oregon in the last 24 months, or if bidding only on STATE hardwood timber or logs, HAVE exported unprocessed timber originating from private lands in Oregon in the last 24 months, but HAVE NOT exported unprocessed hardwood timber originating from private lands in Oregon in the last 24 months and meet the requirements of OAR 629-031-0010(2).

DEFAULT, TERMINATION, AND OTHER RELATED MATTERS

- (a) Are not currently in default status under any timber sale contract sold by the State Forester.
(b) Has not, within a 3-year period preceding this bid, had one or more Federal, State, or local timber sales terminated for cause or default.
(c) If (b) above is Yes, has submitted an explanation, in writing, with this bid for consideration by STATE. Any such explanation shall be submitted at the time of bid on a separate piece of paper.

Signed _____

Title _____

Dated _____

[NOTE: For the purpose of this form, the definition of unprocessed timber is the same as in OAR 629-031-0005.]



Oregon Department of Forestry

BIDDING PROCEDURES FOR TIMBER SALES

OREGON DEPARTMENT OF FORESTRY 629: FORM 301-103

STATE TIMBER SALE BID BOND

No.

KNOW ALL MEN BY THESE PRESENTS:

That _____ of _____ hereinafter called principal, and _____ a corporation organized and existing under the laws of the state of _____ hereinafter called the surety, are held and firmly bound unto the State of Oregon, hereinafter called the obligee, in the sum of _____ Dollars, lawful money of the United States of America, for the payment whereof to the obligee the principal binds itself, its heirs, executors, administrators, successors, and assigns, and the surety binds itself, its successor, and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this _____ day of _____, 20

WHEREAS, ORS 530.059 authorizes the obligee to determine an amount to assure faithful performance by principal of the term of:

BID IDENTIFICATION

Table with 2 columns: Sale Name(s), Sale Number(s). Includes a row for Date of Bid.

which public bid sale(s) is (are) hereby referred to and made a part hereof; that said amount for said sale(s) is as aforementioned, which amount represents the agreed liquidated damages which will be sustained by obligee in the event principal is successful bidder but does not comply with said terms.

NOW, THEREFORE, the condition of the foregoing obligation is such that if the principal shall indemnify the obligee for all loss that the obligee may sustain by reason of the principal's failure to comply with any of the terms of said public bid sale, then this obligation shall be void; otherwise, it shall remain in force.

IN WITNESS WHEREOF, the principal and the surety have caused these presents to be executed on the date first hereinabove mentioned.

PRINCIPAL: (above named) (SEAL) Signature: _____ Address: _____

Countersigned: (requested by obligee) Firm Name: _____ (SEAL) SURETY: (above named) By _____ Attorney in Fact

Address: _____ Resident Agent Address: _____



Oregon Department
of Forestry

BIDDING PROCEDURES FOR TIMBER SALES

INSTRUCTIONS

1. This form is authorized for use as bid guaranty to qualify for bidding on Oregon State Department of Forestry timber sales.
2. The full legal name and business address of the principal shall be inserted where indicated, and must be the same as will appear on the bidding record and timber sale contract. The bond shall be signed by an authorized person, and title must be shown for officers of a firm or corporation. If principal is a corporation, a second officer shall attest in the space to left of signature of officer executing for principal.
3. Corporations executing the bond, as principal or surety, shall affix their corporate seals.
4. Bid Identification: One bond may be used as bid guaranty on more than one timber sale bid held the same date, **provided** that the sale name and number of each sale to be bid upon is entered where indicated, **and also provided** that the total amount of the bond is at least equal to the total amount of bid deposit requirements for all sales to be bid upon.
5. It is requested that this form be countersigned by a resident agent for the surety and his complete Oregon address shown.