



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.



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@odf.oregon.gov.

# BIDDERS CORNER

# \*\* BIDDER ALERT / BIDDER INFORMATION \*\* June 2023

Purchasers are invited to attend a meeting for ODF's timber sale program.

Date: Thursday, June 29, 2023

Time: 9:00am - 12:30 pm

**Location: ODF Salem Office** 

Tillamook Room, Building C

2600 State Street Salem, OR 97310

Agenda will be sent out closer to the meeting date. Please let Pam Young or Kevin Boyd know if you have any questions, concerns, or topics regarding the purchasers meeting.

POTENTIAL ENDANGERED SPECIES ACT LAWSUIT: The complaint filed by the Center for Biological Diversity and others against the Department of Forestry alleging violations of the Endangered Species Act pertaining to Coho salmon on the Tillamook and Clatsop State Forests has been dismissed. Until issuance of an Incidental Take Permit by NOAA Fisheries, Timber sales identified in the FY 2024 Annual Operations Plans (AOP) and through FY 2028 AOPs will be subject to the Settlement reached in that case that led to its dismissal. Upon issuance of an Incidental Take Permit, the Department and timber sale bidders (and subcontractors) will become subject to terms and conditions of that federal authorization, including any required minimization and mitigation measures proposed in the applicable Habitat Conservation Plan.

Information related the draft Habitat Conservation Plan may be found at <a href="https://www.oregon.gov/odf/aboutodf/pages/hcp-initiative.aspx">https://www.oregon.gov/odf/aboutodf/pages/hcp-initiative.aspx</a>.

# 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 <u>not</u> 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.

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See SUMMARY REPORT next page.

CONTACT INFORMATION: Pam Young: 503-945-7372

Fax 503-945-7376

Email: Pam.YOUNG@odf.oregon.gov



# **SUMMARY REPORT OF ALL SALES**

# **FOR THE MONTH OF JUNE 2023**

District	Sale #	Sale Name	Area	County	Volume (MBF)	Value	Sale Date
Western Lane	GF9219	Bits GNA	SOA	Linn	1,521	\$287,227.29	6/22
West Oregon	W01000	Thin Men	NWOA	Lincoln/Polk	936	\$229,114.08	6/22
North Cascade	W00527	Captain Kirk	NWOA	Marion	3,558	\$1,795,610.07	6/22
Forest Grove	W00883	Double Parked	NWOA	Washington	6,038	\$2,937,176.76	6/23
					12,053		

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.

#### **Timber Sales Available at Minimum Price**

District	Sale #	Sale Name	Area	County	Volume (MBF)	Value	Sale Date
Coos	GF8518	North Lobster GNA	SOA	Curry	17,582 Tons	\$333,869.96	N/A



# 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.



# 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 <u>must</u> 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.



#### 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 (503-945-7372).

#### OREGON DEPARTMENT OF FORESTRY DISTRICT OFFICES

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

North Cascade District Santiam Unit 930 Washington St. Suite 20 Stayton, OR 97383 (503) 859-2151 Contact Person: Kyle Kaupp

West Oregon District 24533 Alsea Hwy. Philomath, OR 97370 (541) 929-3266 Contact Person: Cody Valencia Forest Grove District 801 Gales Creek Road Forest Grove, OR 97116 (503) 357-2191 Contact Person: Jeff Peck

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

Western Lane District 87950 Territorial Road Veneta, OR 97487 (971) 707-8999 Contact Person: Jason Hayzlett Klamath-Lake District 3200 DeLap Road Klamath Falls, OR 97601 (541) 883-5681 ext 246 Contact Person: Matt Flock

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



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.



#### **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.



#### 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 <u>bid of the sale being offered</u> 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.



# **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.



# "SAMPLE" FOR RECOVERY SALES

Form 341-210.1 (R) Page 1 of 2

	FOR RECOVERY SALES		Page 1 of 2 Rev. 05/06
	Т	IMBER SALE NAME:	
		TIMBER SA	ALE NO.: <b>341</b>
		OPENING DATE:	
			(month/day/year)
	FORM OF PROPOS	SAL	
The undersigned agrees to accept and pritimber sale, and bids, and will pay:	erform all of the above terms and conditio	ons as state the form of contra	act for the above-cited
Bid Species:			
	, sawmill grade or better,		
TOTAL PRICE).		Dollars \	) (per MBF)
,			
	, sawmill grade or better,	Qollars (\$	) (per MBF)
(TOTAL PRICE).			
Minimum grades and volumes for bid spe	ecies are stated in the imber sale aspec		
NO-BID SPECIES: THE CONTRACT PI	RICE FOR	(NO-BID SPECIE	ES) SHALL BE
DETERMINED BY MULTIPLYING THE	MINIMUM PRICE PE MB. OR	(NO-B	SID SPECIES) BY THE
BID-UP FACTOR OF THE BID SPECIES	S. FIVE DECIMAL PL. ES S. L. BE I	US TO CALCULATE THE BID	O-UP FACTOR.
No-bid species will remain as shown:			
		\$	per MBF.
		• <u>\$</u>	
		·	<del></del> -
		\$	·
		\$	TOTAL PRICE.
Enclosed is a be eposit as required, o		in the ar	mount of
\$	e to the Oregon Department of Fo	prestry.	
The undersigned with the wind of thirty (30) days of the wind of t	delite the contract, initial payment, require otice antent to award; and that any cash	· '	•
The undersigned understands that the bithirty-day period, the bid deposit shall fails to qualify within the thirty-day period.	irrevocable and further agrees that if the me the property of the Oregon Department od, STATE may disqualify the undersign	ent of Forestry as liquidated dama	ages. If the undersigned
BIDDER			
	(Name of Individual or Company and	Authorized Official)	
TAX ID NO. ADDRESS			
PHONE			
ВҮ	(Signature of Authorized C	Official & Title)	
	Giunalure di Aumorized C	AHICIAI & TILIET	

COMPLETE PURCHASER'S STATUS ON PAGE 2



Form 341-210.1 Page 2 of 2 Rev. 5/03

# **PURCHASER'S STATUS**

Purchaser is a corporation ( )	Incorporated in the State of
President's Name	_
Secretary's Name	_
Purchaser is: ( ) a partnership ( ) an assumed (business) ( ) an individual name	( ) company
List names of all persons doing business under the partnership o	or assumed name:
If assumed name is subsidiary to a corporation, fill in data requested of co	orporation also and write in corporation name here:



Rev. 05/11

Dated

629: Form 301-020

# CERTIFICATION OF ELIGIBILITY TO BID ON STATE TIMBER

	hereby certifies that they:
EXPC	PRT
(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, <b>or if bidding only on STATE hardwood timber or logs, HAVE</b> exported unprocessed timber originating from private lands in Oregon in the last 24 months, but <b>HAVE NOT</b> exported unprocessed <b>hardwood</b> timber originating from private lands in Oregon in the last 24 months <b>and</b> meet the requirements of OAR 629-031-0010(2).
DEFA	ULT, 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	

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



Resident Agent

Address: \_\_\_

# 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 pr	rincipal, and
	, a corporation organized and existin	ng under the law	s of the state of
	, hereinafter called the surety, are	held and firmly	bound unto the
State of Oregon, hereinafter called the obligee, in the su	um of		
Dollars, lawful money of the Unite binds itself, its heirs, executors, administrators, succes jointly and severally, firmly by these presents.	ed States of America, for the payment whosors, and assigns, and the surety binds it		•
Signed, sealed and dated this da	y of, 20		
WHEREAS, ORS 530.059 authorizes the obli	gee to determine an amount to assure fai	ithful performand	ce by principal of
the term of:	BID IDENTIFICATION		
Sale Name(s):		Sale I	Number(s):
			( )
Date of Bid:		_	
which public bid sale(s) is (are) hereby referred to and rewhich amount represents the agreed liquidated damage bidder but does not comply with said terms.			
NOW, THEREFORE, the condition of the fore all loss that the obligee may sustain by reason of the pr this obligation shall be void; otherwise, it shall remain in	incipal's failure to comply with any of the to		
IN WITNESS WHEREOF, the principal and hereinabove mentioned.	the surety have caused these presents	to be executed	on the date first
	PRINCIPAL: (above named)		(SEAL)
	,		
	Signature:		_
	Address:		_
	SURETY: (above named)		
Firm Name:			(SEAL)
	Ву		( — — <i>)</i>
	Attorney in Fact		<u> </u>
By	Address:		

(See instructions on reverse side)



#### **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.

Timber Auctions Information.doc/sam