

**USDA Forest Service**  
**Description of non-substantive changes to OMB no. 0596-0085 exp. 04/2015**  
**April, 2013**

On 4/9/2012 OMB approved Forest Service form FS-2400-004 (V. 04-2012) as a part of OMB 0596-0085. Concurrent with the approval process the debarment and suspension regulations referenced in General Condition 17 of the form were moved from 7 CFR 3017 to 2 CFR 180 and 2 CFR 417. The Forest Service is now seeking approval for a non-substantive change to the form to address the changes in the debarment and suspension regulations as follows:

The text in General Condition 17 will be changed from:

“The Purchaser shall obtain certifications from its lower tier participants regarding debarment, suspension, ineligibility, and voluntary exclusion (7 CFR 3017.510). The Purchaser shall provide a copy of such certifications to the Contracting Officer at the Contracting Officer's written request.”

To the following:

“Prior to entering into a covered transaction with another person at the next lower tier, Purchaser must verify that the person with whom Purchaser intends to do business is not excluded or disqualified. Purchaser must do this by: (a) Checking the System for Award Management (SAM) web site; (b) Collecting a certification from that person; or (c) Adding a clause or condition to the covered transaction with that person (2 CFR 180.300). Purchaser must include a term or condition in lower tier covered transactions requiring lower tier participants to comply with guidance in 2 CFR part 180 (2 CFR 417.332). The Purchaser shall provide a copy of such verifications or certifications to the Contracting Officer at the Contracting Officer's written request. The Purchaser shall have 30 calendar days within which to supply such verifications or certifications and may continue timber removal operations in the interim.”

In addition to the above change, the version of the form shown in the upper right hand corner of the header will be changed from (V. 04/2012) to (V. 04/2013).

The changes do not affect the type or amount of information collected under the approved FS-2400-004 form. A copy of the revised form with track changes is attached for reference.

The Code of Federal Regulations, Title 36, Part 223, Section 223.12 authorizes the sale of forest products on National Forest System lands without advertisement when necessary for the occupancy of a right-of-way or other authorized use of National Forest System land. These “settlement” sales are often made using contract form FS-2400-004. Oil and gas exploration and development on the Allegheny National Forest in Pennsylvania has resulted 126 settlement sales during the past three years as follows:

Fiscal Year	Sales	Purchasers
2011	56	27
2012	47	19
2013	23	17

The standard FS-2400-004 contract template contains General Conditions that do not apply to settlement sales for O&G development on the Allegheny NF and the O&G industry requested changes to the general conditions. The Forest Service has developed a revised FS-2400-004 contract to address the

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concerns raised by the O&G industry. The Forest Service is now seeking approval for a non-substantive change to the FS-2400-004 form to address those changes. Those changes include making General Conditions 2, 10, 15 and 19 not applicable, and changes to the wording of General Conditions 1, 9, 11, 12, 17 (as addressed above), and 20. In addition the form number in the upper right hand corner of the header will be changed to FS-2400-004ANF and the date will be changed to (V. 03/2013).

The changes do not affect the type or amount of information collected under the approved FS-2400-004 form.