

## **Justification for a Non-Substantive Change Request**

0596-0066: Bid for Advertised Timber

### **Information Collection**

The USDA Forest Service is requesting a non-substantive change for information collection 0596-0066: Bid for Advertised Timber. This request is to update language and to be more in line with Forest Service policy and procedures on forms FS-2400-14WA and FS-2400-42a.

Pursuant to statutory requirements at 16 U.S.C. §472a, unless extraordinary conditions exist as defined by regulation, the Secretary of Agriculture must (1) advertise sales of all National Forest System timber or forest products exceeding \$10,000 in appraised value, (2) select bidding methods that ensure open and fair competition, (3) select bidding methods that ensure that the Federal Government receives not less than appraised value of the timber or forest product; and (4) monitor bidding patterns for evidence of unlawful bidding practices. Collections listed above facilitate the bidding on the sale of National Forest System timber. These collections are renewed on a 3-year frequency, and were last renewed on December 31, 2021

After review of the forms renewed on December 31, 2021, it was discovered that changes to the published version were required to ensure that the language in the form was in line with Agency policy and direction. The changes update or clarify processes as well as remove extraneous information. These changes are administrative in nature and do not modify the information collected or the burden on the parties which we are collecting it from. These changes are as follows.

#### **FS-2400-14wa:**

Block 10. Changes "Name of Newspaper" to "Advertisement Published".

Page 1 - Instructions to Sale Officer have been removed. Firm offer statement removes published in newspaper to publish as specified above.

Block 16. Bidder Responsibility Certification: Added statement, e. Bidder has not modified or altered any of the standard wording contained on this form and the only additions are in the blanks provided, or where explicitly authorized.

Block 19. Contract, Downpayment, and Bond: Changes failure to comply with this paragraph shall result in termination of this contract for breach under provisions of instructions 9 to, shall constitute repudiation of its bid pursuant to instructions 9.

Block 20. Downpayment: adds, "or is necessary to achieve the management objectives of the National Forest System" to when a downpayment may be other than ten percent of the advertised value, plus 20 percent of the total bid premium.

Instructions to Bidders:

3. Submission of Sealed Bids: Added, "At its options, bidder may provide a five digit alpha/numeric code created and held in confidence by the bidder that is placed on the outside of the bid envelope. The bidder created code will serve as bid identification if a bidder requests return of its bid prior to bid opening." Removes reference to FSH 2409.18 CH60 will govern acceptance of such bids.

9. Damages: Replaces contract will be terminated for breach with its bid will be considered repudiated.

12. Election of Road Options and Certification of Small Business Status: Removes, "except in rare instances, and then only when indicated in the advertisement". Now reads, Forest Service must rely upon independent contractors to construct the roads when you request Government construction.

2400-42a:

Page 2 6. Removed or 2 CFR 180 or 417

Page 2 10. Removed or 2 CFR 180 or 417

Page 2 Moved certification language to section 1a-d

Page 2 Removed text Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Timber Sales (replaced by AD-1047)

Page 2 Removed Sale Name

Page 2 Removed National Forest

Page 2 Removed Name of Timber Sale Purchaser

Page 2 Removed Business Address

Page 2 Removed Dateline

Page 2 Removed Signature block

Page 3 Removed Entirely (Replaced by form AD-1048)

In addition to these changes, it was discovered that AD-1047 and AD-1048 are being managed at the U.S. Department of Agriculture level under OMB #0505-0027. These are departmental forms, and it is requested that these forms be removed from this OMB number.