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Randy Moore, Regional Forester  
U.S. Forest Service, Region 5  
1323 Club Drive  
Vallejo, CA 94592

RE: April 14 Advance Notice for the Federal Register outlining implementation of the substantial overriding public interest (SOPI) contract term extensions

Dear Randy,

California Forestry Association (CFA) is pleased to see the Under Secretary for Natural Resources and Environment determine that, in light of the ongoing Covid-19 pandemic, it is in the substantial overriding public interest (SOPI) to extend the contract term on certain timber sale and stewardship contracts for up to two years.

The Federal Register Advance Notice (<https://s3.amazonaws.com/public-inspection.federalregister.gov/2020-07973.pdf>) says, in part: “Impending contract termination dates on existing Forest Service timber sales can limit purchasers’ options in these turbulent and uncertain times;” and “this adversely affects stability in rural communities and future management of National Forests, as important opportunities for accomplishing forest management objectives are lost.” We fully agree that the stability of rural communities and future management of National Forests is dependent on a healthy timber products industry and are happy to see that the Forest Service understands this dynamic as well. We believe the final notice will be in the Federal Register today.

Unfortunately, the SOPI is only applicable to Timber Sales and Integrated Resource Timber Contracts (IRTCs) – not Integrated Resource Service Contracts (IRSCs). Existing IRSCs in R5 contain 67 million board feet (mmbf) plus substantial service work (Attachment #1). The “turbulent and uncertain times”, we are currently experiencing, adversely affect IRSCs as well.

CFA believes it is in the interest of the Contractor, the Forest Service, and local rural communities, to have Acquisition Management provide contract term extensions for IRSCs. We believe the Excusable Delay clause, which is a standard Federal

Acquisition Regulation (FAR) in IRSCs is the likely contract instrument. Clause 52.249-14 in the FAR states that the “delivery schedule shall be revised” when inabilities to perform are due to elements “beyond the control and without the fault or negligence of the Contractor.” Examples of such elements explicitly stated in the clause include “**epidemics.**” The Excusable Delay Clause is in the Washington Office “Templates” for IRSCs (Attachment #2).

Randy, we appreciate your assistance in working with your Acquisition Management staff to quickly provide appropriate and necessary contract relief to holders of IRSCs in these uncertain times in order to prevent unnecessary loss of infrastructure in some of the most vulnerable rural areas, and loss or disruption of restoration work on the National Forests.



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Enclosures

- 1) Existing R5 IRSCs by Forest, project name, and contract term date
- 2) The Washington Office Template for Excusable Delays for IRSCs

**Enclosure #1 – IRSCs in Region 5 by Forest, by Contract Name**

<b>Existing IRSC Contracts in Region 5</b>				
(Source: Tim Howard)				
<b>Project Name</b>	<b>National Forest</b>	<b>Contract Term</b>		
		<b>Date</b>	<b>CCF</b>	<b>MMBF</b>
Wimpcat Stewardship Service Contract	Plumas	7/30/2020	1,749	0.89
Swanson Stewardship	Sierra	3/31/2021	15,489	7.91
Fiberboard CTL IRSC	LTBMU	11/30/2020	2,613	1.33
Twain West IRSC	Plumas	12/31//2021	4,024	2.05
Osgood CTL IRSC	LTBMU	10/31/2021	4,027	2.06
Jerseydale_Admsite_Hazard Tree IRSC	Sequoia	5/18/2020	1,694	0.86
Butterfly East IRSC Reoffer	Plumas	12/31/2022	8,835	4.51
Baldwin CTL IRSC	LTBMU	10/15/2020	688	0.35
Challenge IRSC	Plumas	10/31/2021	7,389	3.77
South Rim Biomass Stewardship	Stanislaus	10/31/2020	15,372	7.85
South Rim Hazard Tree Stewardship	Stanislaus	10/31/2020	1,722	0.88
Little Truckee Biomass Stewardship	LTBMU	6/15/2020	8,796	4.49
Lake Valley CTL IRSC	LTBMU	11/30/2024	8,585	4.38
Watson CTL IRSC	LTBMU	12/31/2022	7,221	3.69
Bandit Stewardship IRSC	Klamath	3/31/2026	10,977	5.60
Exchequer	Sierra	5/1/2023	19,203	9.80
HUGGR Stewardship	Sierra	12/1/2021	1,715	0.88
McKinley Stewardship	Klamath	12/31/2021	12,293	6.27
<b>Regional Total</b>			<b>132,392</b>	<b>67.57</b>

## **Enclosure #2 – Washington Office IRSC Template for Excusable Delays**

FAR 52.217-9 (W.O. template IRSC, p. 89)

### **Option to Extend the Term of the Contract (MAR 2000) \*If applicable; see FAR 17.208(g)**

(a) The Government may extend the term of this contract by written notice to the Contractor within \*\_\_\_\_\_; provided, that the Government gives the Contractor a preliminary written notice of its intent to extend at least 60 days before the contract expires. The preliminary notice does not commit the Government to an extension. (b) If the Government exercises this option, the extended contract shall be considered to include this option clause. (c) The total duration of this contract, including the exercise of any options under this clause, shall not exceed \*\_\_\_\_\_.

(g) Insert a clause substantially the same as the clause at 52.217–9, Option to Extend the Term of the Contract, in solicitations and contracts when the inclusion of an option is appropriate (see 17.200 and 17.202) and it is necessary to include in the contract any or all of the following:

- (1) A requirement that the Government must give the contractor a preliminary written notice of its intent to extend the contract.
- (2) A statement that an extension of the contract includes an extension of the option.
- (3) A specified limitation on the total duration of the contract.

48 C.F.R. § 17.208