<table>
<thead>
<tr>
<th>Number</th>
<th>Comment Number</th>
<th>Reference</th>
<th>Comment</th>
<th>Decision</th>
<th>Rationale</th>
<th>FSM Updates Date/By</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>13-2</td>
<td>60.2</td>
<td>Objectives - We recommend replacing “objectives” with “goals” in the first sentence to be consistent with the authorizing legislation.</td>
<td>No Change</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>13-3</td>
<td>60.3</td>
<td>I disagree with new sections concerning Stewardship. NEPA should include whether the project is ‘part of a stewardship contract.’ The public has a right to know who will be in charge and how projects will be funded using their tax dollars and who will receive the proceeds.</td>
<td>No Change</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>13-38</td>
<td>60.2.2</td>
<td>60.2.2 - Objectives - We recommend replacing “objectives” with “goals” in the first sentence to be consistent with the authorizing legislation.</td>
<td>No/changes</td>
<td>Synchronous. Although the subsection title within the text uses the term “goal”, it uses the term “objective” interchangeably. Recommend retaining current language.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>16-4</td>
<td>60.3.1</td>
<td>60.3.1 - Stewardship Contracts and Agreements are used to accomplish resource land management goals objectives with a focus on restoration.</td>
<td>No/changes</td>
<td>Recomendation was as stated but receive “goals” since it would be redundant with the term “objective”. See response to comment 13-38.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>13-40</td>
<td>60.3.2</td>
<td>60.3.2 - Policy - #1 - we recommend editing this sentence as follows: “Stewardship Contracts and Agreements are used to accomplish resource land management goals objectives with a focus on restoration.”</td>
<td>Accept exchanges</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>13-41</td>
<td>60.3</td>
<td>60.41 - Objectives - 60.41c - Regional Foresters - #1 - we recommend making “approve the use of Stewardship Contracts and Agreements” a Forest Supervisor responsibility with exception for contracts longer than 10 years or contracts of unusual complexity or size.</td>
<td>No/changes</td>
<td>No/changes</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>13-65</td>
<td>60.42</td>
<td>60.42 - District Rangers - #1 - we recommend changing “must receive bids” to “weren’t not awarded”.</td>
<td>No/changes</td>
<td>Knowledge and skill levels pertaining to stewardship contracts and agreements vary between Forests. The Regional Foresters have a better understanding of which ForestSupervisors have the appropriate ability to perform the duties and responsibilities associated with stewardship contracting. Recommend retaining current language.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>13-41</td>
<td>60.43</td>
<td>60.43 - District Rangers - #1 - we recommend changing “must receive bids” to “weren’t not awarded”.</td>
<td>No/changes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>13-42</td>
<td>60.43</td>
<td>60.43 - Contracting Officers for Procurement of Services and Sale of Property (Stewardship Contracts) - #1 - we recommend adding a reference to 60.42 to clarify respective responsibilities of Timber Sale Contracting Officers and Procurement Contracting Officers for Stewardship Contracting.</td>
<td>Accept</td>
<td>Provides clarity.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>02-01</td>
<td>69.5</td>
<td>Excess/Offifer Value - should be retained receipts. See definition for residual receipts.</td>
<td>No Change</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>02-02</td>
<td>69.5</td>
<td>Excess/Offifer Credit - add sentence “Added timber must be consistent with land management plans and be within sale area.”</td>
<td>No Change</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>02-03</td>
<td>69.5</td>
<td>Required Deposits - add “Commonly referred to as associated charges”</td>
<td>Accept exchanges</td>
<td></td>
<td></td>
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<tr>
<td>Page</td>
<td>Date</td>
<td>Line</td>
<td>Description</td>
<td>Recommendation</td>
<td>Comment</td>
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<tr>
<td>13</td>
<td>02-04</td>
<td>66.S</td>
<td>Stewardship Agreement - change or add that agreement is in a type of Partnership agreement.</td>
<td>No Change</td>
<td>Recommend revising as “…cooperative partnership agreement.”</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>02-05</td>
<td>66.S</td>
<td>Stewardship Credits - Strike word “above”: All stumpage value is above base value as there can be no requirement to collect. Base and Above Base do not apply in RICs and Agreement. Strike sentence: &quot;Stewardship credits occur…” and “and ‘rolled timber’.” Excess stewardship is defined separately.</td>
<td>Accept changes</td>
<td>In “…sentence, recommend revising as “…agreement of stumpage value…”.” Recommend removing “…sentences including ‘excess credits’” and “…stewardship credits occurring…” and “…definition of excess stewardship.” (See comment 2-2.)</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>02-06</td>
<td>66.S</td>
<td>Stewardship Projects - change sentence as follows: Projects may be accomplished using either an IRC, IRSC, service contract, or stewardship agreement in accordance with the FAR (FAR 35.602-32 - Federal Acquisition Regulations) or Forest Service regulations at 20 CFR part 201, subpart I. The FAR do not apply to IRTC.</td>
<td>Accept changes</td>
<td>Recommend only changing the “and” in “between regulations.”</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>02-07</td>
<td>66.S</td>
<td>TIM - replace timber sale accounting with financial systems</td>
<td>Accept</td>
<td>Recommend revising as suggested.</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>02-08</td>
<td>66.S</td>
<td>Add definition for Approving Official referred to at 62 1st Stewardship Agreements involving Product Removal.</td>
<td>No Change</td>
<td>This term is used for various actions, so it might be confusing to define. Needs to be within context with usage. Recommend revising as suggested.</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>13-43</td>
<td>66.S</td>
<td>60.5 - Definitions: Best value basis - we recommend adding “Highest Price Technically Acceptable and Lowest Price Technically Acceptable” to the requirements of both Alternative 1 and Alternative 2 respectively.</td>
<td>Accept</td>
<td>Recommends retaining current language.</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>13-44</td>
<td>66.S</td>
<td>Indian Forest Land or Rangeland: we recommend adding the following three sentences to the definition: “Indian Forest Land will include only land within the present-day boundaries of a Tribal Reservation or individual allotment. Indian Rangeland will include only land within the present-day boundaries of a Tribal Reservation or individual allotment.”</td>
<td>No validation</td>
<td>This definition accurately and appropriately describes the term. Definitions should not incorporate every aspect of what the term does and not include required in comment 1-1 row 62.</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>13-45</td>
<td>66.S</td>
<td>Optional Stewardship Projects or Work items - we recommend editing the first sentence to “Service work identified as optional in the RFP and Contract or Agreement.”</td>
<td>Accept</td>
<td>Recommend deleting “…stakeholder” involvement 9 times and “stakeholder” involvement 9 times and “stakeholder” involvement 9 times and “stakeholder” involvement 9 times and “stakeholder” involvement 9 times.</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>08-11</td>
<td>61</td>
<td>Encourage public input on stewardship projects from all sources, not just the collaborative groups. Unless “Other Key Elements” to consider for stewardship projects. Public input from a collaborative group, partners, and other stakeholders shall be used to assist the agency in determining specific trade and types of restoration work allowed to be conducted. Section 61.14. This implies that only public input from the collaborative group, partners, and other stakeholders shall be used to assist the agency in determining specific trade and types of restoration work allowed to be conducted. Section 61.14.</td>
<td>No w/changes</td>
<td>The statement begins with the word “public” and term “stakeholder” includes the public. Therefore, it would be redundant terminology to make as suggested. The chapter might be confusing to define. Recommend rewording as suggested.</td>
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</tr>
<tr>
<td>23</td>
<td>08-12</td>
<td>61</td>
<td>Similar language should also be added to section 61.11. Stewardship and NEPA. The possibility of using stewardship contracting should be considered in NEPA and decision documents. The proposed language discourages this. Stewardship contracts and agreements are tools for meeting resource objectives and should not be included in the NEPA document and decision notice or memo as a requirement of the project.</td>
<td>No Change</td>
<td>See response to comment 9-11 (row 22) for this part of comment. (See response to 6-6 comment 2.) Recommend retaining current language.</td>
<td></td>
</tr>
</tbody>
</table>
Allow and encourage small businesses to bid on stewardship projects. We believe that small businesses should participate in the stewardship program and where appropriate and feasible, some such projects should be designed for smaller businesses. This gives the agency greater flexibility in designing projects. We recommend inserting new language to assist small business to participate. To ensure there is opportunity for use of local small business enterprises, we recommend that the request for proposals for stewardship contracts requires consideration of evaluation criteria that give weight for use of local small businesses, including small business set-aside. Section 60.5. However, this appears to be contradicted in the very next paragraph, “Do not include stewardship contracts and agreements in the timber sale set-aside program.” See 30 CFR 610.5(b) which states that stewardship contracts must be conducted through a Stewardship Contract or Stewardship Agreement and references Section 64: we don’t see anything in Sec. 64 to answer that question. Additionally, the statement could be rewritten as “…achieved restoration land management objectives…”

No Change

The chapter incorporates small business preference in stewardship contracting (60.3, 610.3, and 610.4). As noted in 610.3, technical evaluation criteria “…give weight for use of local small businesses…” as the commentor suggests. The SBA set-aside program only applies to property contracts, such as timber sales. Stewardship contracts, which only address activities that are specified in the contract, would not be included. Thus excluding stewardship contracts from the set aside program removes assurance that small businesses will have opportunities to bid on such projects. This apparent contradiction must be resolved.

No Change

We recommend replacing “restoration” with “land management” in the 1st sentence under “Other Key Elements to consider”. Accept exchange

The land management objectives are to focus on restoration as 60.3, para. 1. As currently written, the statement provides clarity that the line officer is to focus on restoration. Recommend retaining current language. Alternatively, the statement could be rewritten as “…achieved restoration land management objectives…”, as the commentor confirms. The SBA set-aside program only applies to property contracts, such as timber sales. In summary, small business has preferential treatment through technical evaluation criteria. The SBA set-aside program, depends in upon the type of tribal mechanism involved. Participants with contracting rights (610.3 and 610.4) or contracting rights (610.3 and 610.4) or contracting rights (610.3 and 610.4) or contracting rights (610.3 and 610.4).

No Change

We recommend replacing “collaborative group” with “collaborators” in 1b. No Change

We recommend replacing “restoration” with “land management” in the 1st sentence under “Other Key Elements to consider”.

No Change

In summary, the three categories are all “collaboration”. The regulation provides the necessary clarity. Recommend retaining current language.

We recommend adding “All under “Other Key Elements to consider” as follows: “Knutson-Vandenburg (K-V) Act of 1930 (16 USC 576, 576a-576b), timber sale set-aside program.” Note: timber sales are not conducted through a Stewardship Contract or Stewardship Agreement and references Section 64: we don’t see anything in Sec. 64 to answer that question. Additionally, the statement could be rewritten as “…achieved restoration land management objectives…”

No Change

Recommend rewriting as “…stewardship agreement, distribution of receipts to CWKV would not be consistent with 9.3.5. In this case and recommend that you clarify that statement.

Not duplicative. 411, para. 1 relates to stewardship contracts, whereas 610, para. 1 relates to agreements. Recommend retaining current language.

Key elements #1 and 2 - these are duplicative, and should be combined into a single element.

No Change

The chapter incorporates small business preference in stewardship contracting (60.3, 610.3, and 610.4). As noted in 610.3, technical evaluation criteria “…give weight for use of local small businesses…” as the commentor suggests. The SBA set-aside program only applies to property contracts, such as timber sales. Stewardship contracts, which only address activities that are specified in the contract, would not be included. Thus excluding stewardship contracts from the set aside program removes assurance that small businesses will have opportunities to bid on such projects. This apparent contradiction must be resolved.

No Change

Exhibit 62 01 shows that set-asides for SBA sales and special salvage timber sales will not be required. For Stewardship Contracts or agreements that require environmental analysis, including NEPA analysis. Despite this former provision, a court upheld the North Fork Mill Creek A-to-Z project on the basis that it was conducted through a Stewardship Contract because the Forest Service Handbook “does not have the force and effect of law.” Note for the initial decision – Para. No. 29 in CV-294-RMP, 2018 WL 4760603, at *7 (E.D. Wash. Oct. 2, 2018). While this provision is helpful in setting environmental analysis to section 61 – Exhibit 62 would benefit future legal complications for a potentially powerful forest management tool.

See Footnote

Exhibit 32 - We appreciate the removal of former Section 61.21, which indicated that the Forest Service should not use Stewardship Contracts for environmental analysis, including NEPA analysis. Despite this former provision, a court upheld the North Fork Mill Creek A-to-Z project on the basis that it was conducted through a Stewardship Contract because the Forest Service Handbook “does not have the force and effect of law.” Note for the initial decision – Para. No. 29 in CV-294-RMP, 2018 WL 4760603, at *7 (E.D. Wash. Oct. 2, 2018). While this provision is helpful in setting environmental analysis to section 61 – Exhibit 62 would benefit future legal complications for a potentially powerful forest management tool.

See Footnote

Exhibit 62 - We appreciate the removal of former Section 61.21, which indicated that the Forest Service should not use Stewardship Contracts for environmental analysis, including NEPA analysis. Despite this former provision, a court upheld the North Fork Mill Creek A-to-Z project on the basis that it was conducted through a Stewardship Contract because the Forest Service Handbook “does not have the force and effect of law.” Note for the initial decision – Para. No. 29 in CV-294-RMP, 2018 WL 4760603, at *7 (E.D. Wash. Oct. 2, 2018). While this provision is helpful in setting environmental analysis to section 61 – Exhibit 62 would benefit future legal complications for a potentially powerful forest management tool.

See Footnote
<table>
<thead>
<tr>
<th>Section</th>
<th>Proposed Change</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>61.11</td>
<td>Accept exchanges</td>
<td>Rather than specifying a group, recommended adding language that all appropriate representatives should be involved in the collaborative group among these collaborators.</td>
</tr>
<tr>
<td>61.12</td>
<td>Accept</td>
<td>It is appropriately specified in 60.6 Responsibility at 60.6.2 – District Ranger. The chapter needs to be read as a whole and not segmented. Recommend retaining current language.</td>
</tr>
<tr>
<td>61.15</td>
<td>Eleminate</td>
<td>Recommend omitting the meaning of “hazard or adjacent to” in the TIPA and whether to retain language.</td>
</tr>
<tr>
<td>61.2</td>
<td>No Change</td>
<td>Any activity must be analyzed in an environmental document. Recommend changing these terms from the appropriate stewardship work level framework. Recommend retaining current language.</td>
</tr>
<tr>
<td>61.4</td>
<td>No Change</td>
<td>No change was made to 2432.32, so recommend not changing it in this direction.</td>
</tr>
<tr>
<td>61.6</td>
<td>No Change</td>
<td>The Forest Service does not have the authority to sell at less than fair market value. There isn’t a way to accurately quantify any of the considerations provided by the committee— it would be purely speculative. Therefore, the current directive is appropriate, and recommended retaining current language.</td>
</tr>
<tr>
<td>61.8</td>
<td>Elevate 61.8 New 38</td>
<td>Recommend moving the first paragraph to being reprogramed to address how downpayments are addressed in an RTO under 26 CFR 233.34(6).</td>
</tr>
</tbody>
</table>

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See Footnotes.
Page 46: 62-Exhibit 01-Continued Stewardship Contract and Agreement Use Matrix - Revise each matrix specifically the line item titled "SBA Set-Asides" and change the entry under the heading "Integrated Resource Timber Contract (IRT) FS-2400-13 Scaled and FS-2400-13T Tree Measurement" to "YES". No Change. See response to comments 6-15 (row 24) and 6-16 (row 25). Recommend revising current language.

Page 46: 62-Exhibit 01-Continued Stewardship Contract and Agreement Use Matrix - Revise each matrix specifically the line item titled "SBA Set-Asides" and change the entry under the heading "Integrated Resource Timber Contract (IRT) FS-2400-13 Scaled and FS-2400-13T Tree Measurement" to "YES". No Change. See response to comments 6-15 (row 24) and 6-16 (row 25). Recommend revising current language.

Page 46: 62-Exhibit 01-Continued Stewardship Contract and Agreement Use Matrix - Revise each matrix specifically the line item titled "SBA Set-Asides" and change the entry under the heading "Integrated Resource Timber Contract (IRT) FS-2400-13 Scaled and FS-2400-13T Tree Measurement" to "YES". No Change. See response to comments 6-15 (row 24) and 6-16 (row 25). Recommend revising current language.

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Page 46: 62-Exhibit 01-Continued Stewardship Contract and Agreement Use Matrix - Revise each matrix specifically the line item titled "SBA Set-Asides" and change the entry under the heading "Integrated Resource Timber Contract (IRT) FS-2400-13 Scaled and FS-2400-13T Tree Measurement" to "YES". No Change. See response to comments 6-15 (row 24) and 6-16 (row 25). Recommend revising current language.

Page 46: 62-Exhibit 01-Continued Stewardship Contract and Agreement Use Matrix - Revise each matrix specifically the line item titled "SBA Set-Asides" and change the entry under the heading "Integrated Resource Timber Contract (IRT) FS-2400-13 Scaled and FS-2400-13T Tree Measurement" to "YES". No Change. See response to comments 6-15 (row 24) and 6-16 (row 25). Recommend revising current language.

Page 46: 62-Exhibit 01-Continued Stewardship Contract and Agreement Use Matrix - Revise each matrix specifically the line item titled "SBA Set-Asides" and change the entry under the heading "Integrated Resource Timber Contract (IRT) FS-2400-13 Scaled and FS-2400-13T Tree Measurement" to "YES". No Change. See response to comments 6-15 (row 24) and 6-16 (row 25). Recommend revising current language.
46 14-6 62

62.106-17 elevate 62.1402-12 Accept 62.1302-02 Accept

62 - Elevate (IRTC/Fund Service Work with Retained Receipts) and 62.8 - Engineering Packages #5 - If retained receipts can be used to construct a specific task to a higher standard on an IRTC, why is the roll-on option for NEPA the same as a multiple or multi-year contract, as opposed to a single task order? Would NEPA be required if an existing task order is expanded to include one of the seven land management objectives of stewardship?

Elevate

The use of additional funds would in essence make the procurement separate the stewardship contracting authority. The purpose of stewardship contracting is to use actions that the Government (federal products) to pay for restoration services. This would include retained receipts from those actions. Additional retained receipts could be added to the task order. Recommend retaining current language.

See Footnote

47 06-17 62.1

62.106-17 elevate 62.1402-12 Accept 62.1302-02 Accept

Also, how would a contract be awarded on a best value basis, as required for stewardship contracts by section 61 (2)(a), if it only required service work? Wouldn't the agency award the contract to the lowest bidder? Generally, we question whether service-only contract work would ever be appropriate for stewardship projects.

No Change

General question. Both price and non-price criteria are considered in evaluation criteria as best value basis is defined in 62.1. Low price would be a factor, but there would be other technical criteria that help in determining the best value. Recommend retaining current language.

See Footnote

48 08-18 62.1

62.106-17 elevate 62.1402-12 Accept 62.1302-02 Accept

Task orders and NEPA. Activities done under an integrated resource service contract could be set out in task orders. Section 62.12. It also appears that activities done under a NEPA action could be done before a project was approved. NEPA for future orders does not have to be completed prior to task order award. But restoration treatment activities must be identified in a completed NEPA decision before they are implemented. Ibid. This should be changed to require that disclosure of biological impacts under NEPA be done on all activities proposed in a project. NEPA does not limit the activities would only be relying on a decision already made to perform the activities.

Elevate

NEPA has to be completed for all stewardship projects as shown in 60.1, 60.40, 60.51-1, the final element of 62.1, NEPA and stewardship. NEPA requires analysis of past, present, and future activities in relation to environmental effects. Therefore, the original task order would have NEPA completed under the original task order. This would be appropriate in the past, present, and future activities. Note that the NEPA focus is a function of the environmental effects of the area of concern, not a factor of the task order. Recommend retaining current language.

See Footnote

49 13-58 62.1

62.106-17 elevate 62.1402-12 Accept 62.1302-02 Accept

62.11 and 62.12 RISC and IRTC - We recommend deleting "restoration" in 62 of both sections as Stewardship work items encompasses much more than "restoration", as outlined in 62.12, Section 62.

No Change

No Change

62.12, as 62 is an expansion of restoration activities successfully identified in 62.1 at the beginning of 61. Restoration needs to be emphasized at the focus of stewardship contracting as currently shown in direction. Retained current language.

See Footnote

50 13-58 62.1

62.106-17 elevate 62.1402-12 Accept 62.1302-02 Accept

62.12a and 62.13b - Determining case of Multiple Year or Multi Year Stewardship Contracts. We recommend deleting the first sentence is to both sections for clarity.

No Change

No Change

The 1st sentence of 62.12a is critical in understanding the difference between multiple-year and multiyear contracts, so it should be retained. Recommend retaining the 1st sentence of 62.12b since the 2nd sentence reiterates the essence of the statement.

See Footnote

51 13-6 62.12

62.106-17 elevate 62.1402-12 Accept 62.1302-02 Accept

According to the last sentence in Section 62.12b, "The goal of options is to ensure the Government and the Contractor are aware of the future requirements and that the Contractor has enough information to provide a sound business plan and response to the proposal with little defer that reflect the understanding." We understand that options in Multiple Year IRSCs are different than optional work items; however, there are helpful concepts in IRSCs and IRTCs. We recommend adding direction in Chapter 60 to - 1) require that the use of optional items in a contract be clearly defined in the RFP that has optional items identified; 2) require full disclosure in the RFP that shows what optional items will be considered in the evaluation, including how much weight will be given to each optional item; and 3) assure all optional work will be authorized in year one with a price increase as outlined in 62.12a, Section 62.

No Change

No Change

See 61.1.2 identify the need for stewardship of stewardship projects that require a significant investment outside of Best Value and the bidder needs to put forth a best offer. The Contracting Officer or Agreements Specialist in consultation with the Approving Official determine how evaluation factors will be relatively weighted in compliance with FAR regulations. Candidate with response to comment 04-6. Recommend retaining current language.

See Footnote

52 02-02 62.13

62.13 Service Only Contracts: Change wording to be clearer. Service-only contract information is not entered in TIM or FPFS. Stewardship actions must be entered in Corporate Data Warehouse (CDW) for annual accomplishment reporting.

Accept

Recommend changing to Service-only contracts information must be entered in Corporate Data Warehouse (CDW) for annual reporting -.

See Footnote

53 02-12 62.14

62.14 Non-Stewardship Agreements Involving Product Removal (Remove or Restore condition #5). Stewardship agreements can be identified by the term. It is not necessary to include in the screening criterion which generally causes the side effect to have more characters than 13 (62.15) can occupy, so they must be abbreviated. Refer to section 62.15, Service Only Contracts: Change wording to be clearer. Service-only contract information is not entered in TIM or FPFS. Stewardship actions must be entered in Corporate Data Warehouse (CDW) for annual accomplishment reporting.

Elevate

Including screening requirements provide clarity at glance. Recommend retaining current language.

See response to comment 04-6 (page 17) relative to Approving Official.
<table>
<thead>
<tr>
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<th>Section</th>
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<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>54</td>
<td>13-65</td>
<td>62.14</td>
<td>Recommend retaining “restoration” for emphasis on the 1st and last sentences.</td>
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<td></td>
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<td>We recommend adding the 2nd paragraph as follows.</td>
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<td>“Agreements that include the sale of timber products must document consent of the Approving Official and the Cooperator that the best value approach is timber sales used in accordance with Project Agreement (FS 1500-21a) and Stewardship Agreement Supplemental Project Agreement (FS 1500-21c) as follows: a) amend Section III B. as approved bidder’s list. b) add “Designation for Stewardship Contracts and Agreements” (or something similar). Accept</td>
</tr>
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<td></td>
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<td>Recommend changing “posted and marked” to “designated” to provide flexibility for virtual boundaries that meet the requirements of 71.22. Accept</td>
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<td></td>
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<td></td>
<td>The section already states to remove any declarative language and not adding an additional language. No Change</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Recommend changing “should” to “must” in both sentences. This paragraph is more prescriptive than the general paragraph in 62.14. Recommend deleting current language. Accept</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Recommend changing “should” to “shall” in both sentences. This paragraph is more prescriptive than the general paragraph in 62.14. Recommend deleting current language. Accept</td>
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<td>The section already states to remove any declarative language and not adding an additional language. No Change</td>
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62 15-1 62.8

Fig. 62.7 Example 2 indicates that costs for opening/closing a road needed to access timber can be a service item. Fig. 62.8 illustrates how construction, recreation, or maintenance of roads necessary for product removal in a service work item in 62.18 (Stewardship Contracts) is considered maintenance costs as opposed to a service item. Fig. 62.11-1 Number 1: Work on both permanent and temporary (non-specified) roads is considered maintenance costs as opposed to a service work item.

Accept

62.1 13-67 63.11

We recommend adding the following sentence to 2a-Past Performance - Final performance as service contracts at States or other federal lands should be considered.

Accept

63 13-67 63.11

We recommend adding the following sentence to 2.1-Price Related Criteria - “Contracting Officers may give a procurement preference to a Contractor that would, in the context, promote an innovative use of forest products, including cross-laminated timber through the development of an evaluation factor…”

Accept

64 13-68 63.01

62.81 - Work items involving Road and Trail Construction and Maintenance should be considered in 2a-Past Performance - Final performance as service contracts at States or other federal lands should be considered.

Accept

65 13-67 63.11

We recommend adding the following sentence to 2.1-Price Related Criteria - Final performance as service contracts at States or other federal lands should be considered.

No Change

66 13-68 63.11

We recommend adding the following sentence to 2a-Past Performance - Final performance as service contracts at States or other federal lands should be considered.

Accept changes

There is currently no restriction, so the recommendation doesn’t add any anything.

Recommended retaining current language.

67 13-68 63.12

69 02-15 63.16

63.16 Contractor Selection - Paragraph two, sentence two - Are IRTC’s subject to FAR 80?

No Change

Accept

Recommended adding “and Agreements” to title and paragraph.

68 13-70 63.13

63.13 - Substitution of Proposals and Offers - The comments lack clarity regarding the relative importance of each factor and sub-factor as well as their relationship to price. For example, technical evaluation criteria may be listed in order of importance or described as approximately equal. To provide clarity, contracting officers should favor the use of definitive and quantifiable weights to each of the 3 factors. For example, assign specific percentages to each factor rather than solely stating, “price must be… all of the technical factors.”

No Change

Factors and sub-factors are typically not quantifiable, and therefore prescribing percentages to the factors would be improper. 6515.101 describes the “scored process” as the evaluation factors and sub-factors have a relative importance clearly stated in the solicitation. The relative importance of factors and sub-factors are specific. 6512-80 does not prescribe appropriate: Recommended retaining current language.

69 02-16 63.19

63.19 - Releasing Information Related to Awarded Contracts - Add “and Agreements” to title

Accept

Recommended adding “and Agreements” to this section and in section 6.8 title.

70 13-71 63.3

6.3.3 - Time Limits in Awarding Stewardship Contracts - In general, the Forest Service has been slowly reducing the length of time from bid date to award of Stewardship Contracts since the initial authorization of Stewardship Contracts. That said, it would be beneficial to have a time limit for awarding “awarded as promptly as possible” with “generally awarded within 14 days”.

Accept w/changes

The current language is 6515.906-Subcontractor Cost to contract is a shorter standard and 6.3.3 needs further discussion. Paragraph 6.3.3 adds the second paragraph 6.3.3 could be changed. See FAR 15.106-1.4 for authority.

Also see related comments 2-0-10 (row 40)

See Footnotes
64.1 - Residual Receipts - Fix SDNGSC reference throughout. Change paragraph to clarify deposits and fund references. "Cash receipts for timber removed when non-monetary stewardship credits are not available must be deposited in a timber account. SDNGSC will automatically deposit these credits to the Suspending account (SDSC). As service work is accepted and non-monetary stewardship credits earned, the credits are converted to cash. The cash is recorded on the Contractor’s account. When all non-monetary credits have been earned, any cash remaining in the timber account is transferred to the appropriate account which is generally a contract specific Cooperative Work (FW2) account."

Accept changes

Verify the correct fund code with commentor.

66 - Revenue from Stewardship Contracting - We recommend replacing "restoration" with "land management" in the 1st sentence.

Accept

Restoration is a subset of the broader land management term. The practice of stewardship contracting is also to focus on restoration. Recommend retaining current language.

66.2 - Annual Review of Residual Receipts Balance - Consider changing date to match fund annual review established in those chapters.

No Change

The directive shows the reporting requirement in accordance with the WO "year-end reporting schedule". Therefore, the comment does not pertain to the current language, as the language within the current paragraph is misaligned. Recommend retaining current language.

68.3 - Other Permanent and Trust Funds - Correct paragraph three where it states that IRTC’s may have cash deposits for required deposits. Funds must first be transferred to the appropriate account which is generally a contract specific Cooperative Work (FW2) account.

Accept

Recommend revising direction to add the transfer of funds to SDSC account in the 3rd paragraph.

68.4 - Forest Products Financial System - Change “line items” to “work items” for consistency with terms used in the directive.

Accept

Recommend changing “line items” to “work items”.

68.5 - Tracking Work Progress - We recommend editing the 2nd paragraph as follows: "Spreadsheets are set up… or delegated official. Monthly reports shall include volume and type of forest products removed. At completion of the contract, the Contracting Officer shall report on the total volume and type of forest products removed. Progress reports - reviews of reporting at end of FY.

No Change

The suggested language does not add any value to the directive, because the details of the reports are manipulation of the Contracting Officer’s discretion. Recommend retaining current language.

86.201 - Acquisition Management identifies qualified CIs to the Regional Forester for the purpose of selecting qualified CIs. The Regional Forester selects qualified CIs on the basis of unbiased discretion of appropriate criteria. In response to the final question, it seems appropriate that providing funds for high standards roads to a higher standard than needed for timber removal, or as specifically provided under the contract (sec. 60.3). Exceptions to this policy must be documented in the report generating the Forest Service.

Accept

The statement in this paragraph relates to portions of the contract. Recommended not providing an exception. Recommend removing the statement entirely and utilizing directive language for appropriate criteria as for timber sale contracts described in 36 CFR 251.8, ch. 20.

91 - Homeowners support and manages federal lands for the State when the FS has used federal funds to support a project. Nor does the FS occupy land within the states to benefit all members of the public who own those lands.

Accept

I am also concerned that Forest Service (FS) seems to be instructed to provide assistance and agreements is not part of the monies to revenue generated. Recommend retaining current language.

91 - Homeowners support and manages federal lands for the State when the FS has used federal funds to support a project. Nor does the FS occupy land within the states to benefit all members of the public who own those lands.

Accept

I am also concerned that Forest Service (FS) seems to be instructed to provide assistance and agreements is not part of the monies to revenue generated. Recommend retaining current language.

93 - Funding for Stewardship Contracts and Agreements - Fix SDNGSC reference throughout. The suggested language does not add any value to the directive, because the details of the reports are manipulation of the Contracting Officer’s discretion. Recommend retaining current language.

Accept changes

Commentator provides an example of an exception. Recommend not providing an exception. Recommend removing the statement entirely and utilizing directive language for appropriate criteria as for timber sale contracts described in 36 CFR 251.8, ch. 20.
The following 8 comments were elevated based on the need for more information before they could be reclassified into one of the other groups:

Row 30: 6-13

Comment: Row 30 - 6-13

Initial group response: Elevate. This is a new way of making stewardship contracting a requirement of any project. This section should do states that the NEPA and decision documents should say, when applicable, that stewardship contracting will be required whenever an IRTC includes post logging compliance work.

Decision needed: None. This comment was elevated in order to obtain clarifying information from OTR.

Row 36: 61.4: agreements

Comment: Row 61.4: agreements

Decision needed: Three decisions are needed as follows:

1. An opinion from OGC whether downpayments can be collected on an OTC with 36 CFR 223.34 stating that downpayments are not required in stewardship contracts unless CD determines a need. 36 CFR 223.34 made paragraph (b)(4) of 36 CFR 223.40 inapplicable.

2. If the answer from OGC is no, how should section 61.4 be reworded regarding the process for releasing a downpayment, or will the recommendation from the 7/14/2005 Stewardship Contracting Action Team final report be adopted eliminating periodic payments?

Row 40: 2-9 section 62: agreements

Comment: Page 40 Type of Use: FAR bonding; labor, materials, construction, or performance. Agreements has a question mark (?) Is that correct that we really do not know?

Initial group response: Elevate. Work with GBA and Financial Policy to construct appropriate wording regarding this topic.

Decision needed: None. Comment was elevated in order to obtain additional clarification.

Row 41: 2-10: agreements

Comment: Page 41 Type of Use: Fund Service Work with Retained Receipts. Service work items that are paid for, can be funded with sources other than SSCC, based on appropriate use.

Initial group response: Elevate. This is related to comment in row 41a regarding use of retained receipts. The group response was that retained receipts can be used as described but can’t be the planned basis for payment for Decision needed: Tightly. The term “retained receipts” appears 45 times in 2491, chapter 60. Eliminating the 4 times the term appears in the digest and the 5 times it appears in 16 CFR 223.176 is a broad change to a very basic NEPA issue. The decision needs to be considered in a way to eliminate any potential conflicts and implications and determine if additional policy or direction needs to be added. The term is also subject of 8 comments: 2-1, 2-10, 6-16, 14-16, rows 60a, 14-9, 2-19 and 2-20. The responses to the 8 comments need to be looked at as a whole to make sure they are consistent with the other responses and chapter text, and don’t include conflicting information. A decision may be needed whether to include a policy on use of retained receipts in the chapter.

Row 42: 2-11 section 62: agreements

Comment: Page 42 Type of Use: other than SDNG/SSCC on National Forest System Lands. Should be No for IRSC. There is no distribution to Service Contract Act (SCA) wages. That is not a stumpage revenue account. Appears to be an error in the matrix.

Initial group response: Elevate. Determine if any decision has needed to implement the change.

Decision needed: None. Comment was elevated in order to obtain additional clarification.

Row 45: 3-37 agreements

Comment: Page 37 Type of Use: Preparing Stewardship Contracts and Agreements. Exhibit 01 - We recommend adding “Fire Liability Limit” with a “Yes” on all 4 columns.

Initial group response: Elevate. Recommend clarifying what is intended by commentor and display appropriately in 62, ex 01. See row 43 regarding funding.

Decision needed: None. Comment was elevated in order to obtain additional clarification.

Row 46: 14-6 agreements

Comment: Page 46 Type of Use: Distributions other than SDNG/SSCC on National Forest System Lands. Should be No for IRSC. There is no distribution to Service Contract Act (SCA) wages. That is not a stumpage revenue account. Appears to be an error in the matrix.

Initial group response: Elevate. This is related to comments on other sections pertaining to retained receipts. A consolidate response is needed. Refer to comment 2-10, row 40.

Decision needed: None. Comment was elevated in order to obtain additional clarification.

Row 50: 02-02 agreements

Comment: Page 50 - Stewardship Agreements Involving Product Removal. Remove condition #5. Stewardship agreements can be identified by the form type. It is not necessary to include in the nomination conversion which products have been removed. This need not be marked. If not included in 011 Definitions, early to who is an Approving Official.

Initial group response: Elevate. Need more information about naming limitations in TBM and FBS. Confirm valid name for naming convention with Dave and TFM.

Decision needed: None. Comment was elevated in order to obtain additional information and clarification.

The following 7 comments were elevated for management decision:

Row 54: 13-60 agreements

Comment: Propose appropriate project tracking — product removals and treated areas. When product removal included in an agreement is being counted as a component of the Forest’s assigned target outputs, the volume cut and initial group response: None. This was one of the 13 issues addressed in that letter. Need to track down what requirements, if any, for tracking volume removed is included in the stewardship agreement template.

Decision needed: Whether to make this a requirement. If it isn’t already included in the stewardship agreement template.

Row 59a: New comment not in CARA
Decision needed:
Whether to accept the comment which will also require changes to the chapter or no change.

Initial group response: Elevate. The group probably needed to spend more time evaluating this comment. The recommended direction presumes clairvoyance on the part of the Contracting Officer. Until the offers are submitted, the Contracting Officer doesn’t know how much, if any, residual receipts might result. Recommend retaining current language. Coordinate with response to comment 13-6.

Decision needed:
Whether to accept the comment which will also require changes to the chapter or no change.

Comment: 63.12 - Price-Related Criteria. We recommend adding the following paragraph to this section - “Optional items that the contracting officer has determined are reasonably likely to be ordered must be identified in
Initial group response: Elevate. The group probably needed to spend more time evaluating this comment. The recommended direction presumes clairvoyance on the part of the Contracting Officer. Until the offers are submitted, the Contracting Officer doesn’t know how much, if any, residual receipts might result. Recommend retaining current language. Coordinate with response to comment 13-6.

Decision needed:
Whether to accept the comment which will also require changes to the chapter or no change.

Comment: 62.7 An independent Government cost estimate for service work must be computed using a standard procurement practice. Government estimates for service work must not be publicized or discussed with potential contractors (FAR 5.4), including the timber value appraisal for the IRSC. What is the basis for prohibiting publishing the government estimate for service work on an IRTC? Not having a published basis is an impediment to performing rate redetermination appraisals.

Initial group response: Elevate – seek OGC opinion.

Decision needed: 

To obtain OGC opinion regarding whether there is a rule prohibiting publishing the government estimate for service work on an IRTC. If yes, incorporate that in chapter 60. If no, a decision is needed whether to change current direction and include procedures for including the government estimate in the solicitation and IRTC.