



File Code: 2450
Route To:

Date: April 14, 2020

Subject: Substantial Overriding Public Interest Extensions

To: Regional Foresters

On April 10, 2020, the Under Secretary for Natural Resources and Environment, Department of Agriculture determined there is Substantial Overriding Public Interest (SOPI) in extending all National Forest System timber sale contracts awarded and timber product permits issued before April 1, 2020, and sales with bid opening dates prior to April 1, 2020, upon award, for up to two years and contracts in Alaska up to three years if requested by the purchaser(s). Contract length may exceed 10 years as a result of this extension. Extensions under the SOPI are subject to the following conditions:

- 1) Contracts or portions of contracts that are in breach must be remedied prior to being extended.
- 2) Contracts are not determined by the Contracting Officer to contain wood products that are in urgent need of removal due to forest health conditions or to mitigate a significant wildfire threat to a community, municipal watershed or other critical public resource.
- 3) Purchasers must make a written request to the appropriate Contracting Officer to receive an extension.
- 4) Purchasers must agree to release the Forest Service from all claims and liability, if a contract extended pursuant to the SOPI is suspended, modified, or terminated in the future.
- 5) When requested by the Purchaser, all contracts on Forms FS-2400: 6/6T, 13/13T, 2, 3(P,S,T), and 4(all) may be extended under the SOPI for an additional two years or three years in Alaska Region 10, in combination with Market Related Contract Term Addition (MRCTA) time that may have been received during the life of the contract. Contracts to be eligible, must meet all of the conditions listed in the Federal Register notice for the SOPI.
- 6) Periodic Payments applicable to forms FS-2400-6/6T with determination dates that have not been reached as of the date the Contracting Officer receives a request for a SOPI extension shall be adjusted one day for each additional day of contract time granted. Also, periodic payment determination dates from March 1, 2020, to the SOPI publication date, shall be adjusted one day for each additional day of contract time granted when SOPI extension is requested within 30 days of the SOPI publication date. Bills generated for these payments prior to the publication of the SOPI, and for Periodic Payments billed for contracts where requests for extension are received before periodic payment



determination date has been reached, for contracts eligible for extension, should be cancelled. Seek advice from Washington Office-Forest Management for payments made for Periodic Payments that would otherwise have been extended under the terms of the SOPI.

- 7) Timber product Permits on forms FS-2400-1 and FS-2400-8, upon request by the permit holder, may also be extended for up to 2 years when quantity removal limits shown on the permit have not been met.
- 8) This SOPI does not apply to Integrated Resource Service contracts, stewardship agreements or Good Neighbor Agreements.

Implementation is effective following publication in the Federal Register. Contracting Officers should promptly notify all purchasers utilizing the enclosed template.

Enclosed is a copy of the federal register notice. Implementation instructions for Contracting Officers, a letter template Contracting Officers can use to notify eligible purchasers/contractors, and a release from liability that purchasers must sign before a contract is extended pursuant to this finding may be found at the following link: <http://fsweb.wo.fs.fed.us/fm/timber-sale-administration/index.shtml>. Contracting Officers should process extensions using form FS-2400-10 *Agreement to Extend and Modify Timber Sale Contract*. Please contact Carl Maass at (970) 295-5961 or carl.maass@usda.gov, if you have any questions about the finding of SOPI or the extension procedures.

X 

Signed by: CHRISTOPHER FRENCH
CHRISTOPHER B. FRENCH
Deputy Chief, National Forest System

Enclosure

cc: fs-pdl wo nfs f&rge fm regional program managers; fs-pdl wo nfs f&rge regional directors