

reviewing instructions, searching existing data sources, collecting and maintaining the data needed, and completing and reviewing the information collection request. Send comments regarding this burden estimate or any other aspect of this information collection request, including suggestions for reducing the burden, to USDA Forest Service Information Collections Officer, SM.FS.InfoCollect@usda.gov, with OMB control number 0596-0066 in the subject line.

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Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit the completed form or letter to USDA by (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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PRIVACY ACT STATEMENT

Pursuant to 5 U.S.C. § 552a(e)(3), this Privacy Act statement serves to inform you of the following concerning the collection of the information on this form.

Purpose: The Privacy Act of 1974 requires that the Office of the Assistant Secretary for Civil Rights (OASCR) provide the following statements to individuals from whom it requests information.

Authority: Collection of this information solicited on this form is authorized by the regulations of the Equal Employment Opportunity Commission (EEOC), 29 C.F.R. Part 1614.

Routine Uses: The information collected will be used to determine whether your complaint is acceptable for investigation and in connection with any subsequent investigation and processing of your complaint. A copy of this complaint will be provided to the Civil Rights office of the agency against whom it is filed. This form may be shown to any individual who may be required by regulations, policies or procedures of the EEOC or OASCR to provide information in connection with this complaint. Other disclosures may be (a) to respond to a request from a Member of Congress regarding the status of the complaint or appeal; (b) to respond to a court subpoena or refer to a district court in connection with a civil suit; (c) to disclose information to authorized officials or personnel to adjudicate a complaint or appeal; or (d) to disclose information to another Federal agency or to a court or third party in litigation when the Government is party to a suit before court. A complete list of the routine uses can be found in the system of records notice associated with this form, USDA/OCFO-3, Administrative, Billings, and Collections -62 FR 47622 September 10, 1997.

Disclosure: The submission of this information is voluntary, but the failure to do so may hamper the investigation of a claim and could also lead to dismissal of the complaint.

**INSTRUCTIONS FOR:
Certification Regarding Debarment, Suspension,
And Other Responsibility Matters – Timber Sale Transactions**

- 1) By signing and submitting this proposal, the prospective timber sale purchaser (primary participant) certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded under 48 CFR 9.4, from timber sales (covered transactions) by any Federal department or agency;
 - b) Have not within a 3-year period preceding this bid been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d) Have not within a 3-year period preceding this bid had one or more public transactions (Federal, State, or local) terminated for breach or default of a timber sale or forest product contract.

Where the prospective timber sale purchaser is unable to certify to any of the statements in this certification, such prospective timber sale purchaser shall attach an explanation to this bid.

The Bidder further agrees by submitting this bid that Form AD-1047 *Certification Regarding Debarment, Suspension and Other Responsibility Matters Primary Covered Transactions* shall be completed by the Purchaser and provided to the Contracting Officer upon request.

2. The inability of a person to provide the certification will not necessarily result in denial of participation in this timber sale (covered transaction). The prospective timber sale purchaser shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Forest Service's determination whether to enter into this timber sale. However, failure of the prospective timber sale purchaser to furnish a certification or an explanation shall disqualify such person from participation in this timber sale.

3. The certification is a material representation of fact upon which reliance was placed when the Forest Service determined to enter into this timber sale. If it is later determined that the prospective timber sale purchaser knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Forest Service may terminate this timber sale for cause or default.

4. The prospective timber sale purchaser shall provide immediate written notice to the Forest Service, to whom this proposal is submitted, if at any time the prospective timber sale purchaser learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms 'covered transaction,' 'debarred,' 'suspended,' 'ineligible,' 'lower tier covered transaction,' 'participant,' 'person,' 'primary covered transaction,' 'principal,' 'proposal,' and 'voluntarily excluded,' as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the Forest Service for assistance in obtaining a copy of those regulations.

6. The prospective timber sale purchaser agrees by submitting this proposal that, should the proposed timber sale transaction be entered into, it shall not knowingly enter into any subcontractor transaction (lower tier covered transaction) with a person who is proposed for debarment under 48 CFR 9.4, or who is debarred, suspended, declared ineligible, or voluntarily excluded under 48 CFR 9.4 from participation in this timber sale, unless authorized by the Forest Service's non-procurement Debarment and Suspending Official.

7. The prospective timber sale purchaser further agrees by submitting this bid that it will provide the Form AD-1048 *Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions* shall be completed by the Purchaser and provided to the Contracting Officer upon request for each subcontractor.

8. A participant in a timber sale may rely upon a certification of a prospective subcontractor that it is not proposed for debarment under 48 CFR 9.4, or is not debarred, suspended, ineligible, or voluntarily excluded from the timber sale, unless it knows that the certification is erroneous. A timber sale purchaser may decide the method and frequency by which it determines the eligibility of its principals. Each timber sale purchaser may, but is not required to check for those listed as Excluded in the System for Award Management.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this provision. The knowledge and information of a timber sale purchaser is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of the instructions for certification, if a contractor knowingly enters into a subcontractor transaction with a person who is proposed for debarment under 48 CFR 9.4, or who is suspended, debarred, ineligible, or voluntarily excluded under 48 CFR 9.4, from participation in this contract, in addition to other remedies available to the Federal Government, the Forest Service may terminate this contract for cause or default and/or pursue suspension and/or debarment.