

# 1452.237-71 Utilization of Woody Biomass.

As prescribed in 1437.7202, insert the following clause:

## Utilization of Woody Biomass (MAY 2005)

- (a) The contractor may remove and utilize woody biomass, if:
  - (1) Project work is progressing as scheduled; and
  - (2) Removal is completed before contract expiration.
- (b) To execute this option, the contractor must submit a written request to the Government.
- (c) Following receipt of the written request, and if appropriate, the Government and the contractor will negotiate and execute a separate timber/vegetative sales contract. Payment under the timber/vegetative sales contract must be at a price equal to or greater than the appraised value of the woody biomass. The contractor must make any appropriate payment specified in the related timber/vegetative sales contract before removal may be authorized.
- (d) If required by law, regulation or Bureau policy, the Government will prepare a timber/vegetative sales notice and/or prospectus, including volume estimates, appraised value and any appropriate special provisions.
- (e) The contractor must treat any woody biomass not removed in accordance with the specifications in the service contract.
- (f) The sales contract and service contract are severable; default or termination under either contract does not remove the contractor from payment or performance obligations under the other contract.
- (g) Definitions:

*Timber/vegetative sales contract and/or notice* means the agency-specific authorized contract instrument for the sale, barter, exchange, billing or other compensation for the payment, removal, and/or transportation of woody biomass material.

*Woody biomass* means the trees and woody plants, including limbs, tops, needles, leaves, and other woody parts, grown in a forest, woodland, or rangeland environment, that are the by-products of management, restoration and/or hazardous fuel reduction treatment.

**Parent topic:** [Subpart 1452.2 - Text of Provisions and Clauses](#)