§ 9-0505. Sale of products from reforestation areas.

1. The commissioner, upon such terms as may be deemed by him to be for the best interests of the state and subject to the following rules and regulations, may sell the trees, timber and other products on any areas outside of the forest preserve counties heretofore or hereafter acquired by gift, purchase or appropriation and on any lands within the forest preserve counties, but outside of the Adirondack and Catskill parks as now fixed, or hereafter extended by law, heretofore or hereafter acquired pursuant to this section by the department. For the purposes of this section, the term "other products" shall also include, but not be limited to, the sap from maple trees.

2. All trees, timber or other products to be sold shall be plainly marked or otherwise designated prior to selling and no such material shall be removed from said land until paid for.

3. No such material shall be sold at less than the fair market value in the county or counties in which it is located. Fair market value shall be the value fixed by a department forester or other competent appraiser in a report made after an examination of the materials to be sold, provided such appraisal is approved by the commissioner. The commissioner shall have authority to sell such materials at not less than the value thus fixed and under such conditions as he may prescribe.

4. a. No sale of such materials appraised at ten thousand dollars or more shall be made without public notice of sale, and after receipt of sealed bids which shall be opened only at the time and place specified in the notice of sale. Award shall be made only to the highest bidder.

b. The public notice of the sale of such materials shall be a notice describing the materials and location thereof, the date when and place where bids will be opened and the address at which said forms and specific details of the sale may be obtained. Such notice shall be printed in the Procurement Opportunity Newsletter, and in such other newspapers as will be most likely to give adequate notice of the sale of such materials, for such time and in such manner as shall be determined

by the commissioner.

c. The state may reject all bids submitted if the highest bid is below the fair market value as determined above. No bids shall be withdrawn or cancelled until after the award shall have been made, but the state may reject any bids which do not conform to rules and regulations and may reject all bids and again advertise for bids in the manner herein provided if the interests of the state shall be promoted thereby. Each bidder with his bid shall deposit with the commissioner a certified check drawn upon some legally incorporated bank in this state or money for five per centum of the amount of his bid as a guarantee that he will enter into the contract of sale if it be awarded to him. Notice of the requirement of such deposit with the bid shall be embodied in the public notice for such letting and such notice shall also require the giving of a bond in such amount as the commissioner may prescribe for the faithful performance of the contract and for the indemnification of the state for any unnecessary injury to property of the state, forest growth or other materials not marked or otherwise designated for removal under such contract, which may result from the removal of the materials sold. In lieu of such bond the bidder may deposit cash or a certified check with the commissioner. The contract when awarded shall be executed in triplicate, one triplicate original shall be forthwith filed in the office of the commissioner, one together with the bond accompanying such contract in the office of the State Comptroller and one furnished to the contractor. The contractor shall present to the commissioner evidence that he is insured against all claims for workmen's compensation and public liability.

d. For sales appraised at more than five hundred dollars and less than ten thousand dollars the commissioner, at a minimum, shall develop a local bid procedure to ensure that the public is aware of such sales and that such sales be awarded to the highest responsible bidder.

5. Notwithstanding any rule or regulation to the contrary, the commissioner shall be authorized to enter into contracts for the lease or use of state lands for the purpose of tree tapping and sap production for a term of up to, but not to exceed, ten years. For the purposes of

this section, the terms "tree tapping" and "sap production" shall include trees and sap from species of trees including, but not limited to, maple.