

## Pasta Products

Acquisition Method: Invitation for Bid 2000003690  
Description: AG-DPAD-S-16-0008  
Number:  
Issued date: November 5, 2015 1300 Central Time  
Offers due: November 17, 2015 0900 Central time  
Award Notification: November 19, 2015 1600 Central Time  
Public Release of Award: November 20, 2015

### 1. Solicitation Information Contact:

David C. Jackson, Contracting Officer's Representative  
Telephone: 816 823-1142  
Fax: 816 448 - 5862  
E-mail: [davidc.jackson@ams.usda.gov](mailto:davidc.jackson@ams.usda.gov)

### Alternate Contacts:

Ray Boyd, Contracting Officer  
Telephone: 816 926 2612  
Fax: 816 823 4195  
E-mail: [roy.boyd@ams.usda.gov](mailto:roy.boyd@ams.usda.gov)

### 2. Commodity Operations Internet Address:

<http://www.ams.usda.gov/ams/webapp?area=home&subject=coop&topic=pas-do>

### 3. This Acquisition is:

Unrestricted

Set-Aside for:

101035, 12/2 Whole Grain Spaghetti PKG (693,600.000 lbs.) and  
110511, 20/1 Marconi Plain Elbow Box (1,491,840 lbs.)  
110450, Box-20-1 LB Pasta Spaghetti (2, 392,000 lb.)

Small Business Set-Aside in accordance with FAR 19.502-2. Any  
Concern proposing to furnish a product that it did not itself manufacture  
Must furnish the product of a small business manufacturer.

// 8(a) Program (0 lbs.) noncompetitive letter RFP only

Service-Disabled Veteran-Owned Small Business SDVOSB (371,660.40 lbs.)  
Noncompetitive, letter RFP only

Offers will be evaluated in the following order of precedence:

1. Bids. 2. Proposals.

### NOTICE OF SMALL BUSINESS SET-ASIDE

If specified in the solicitation, certain quantities are set aside exclusively for small business firms under the Small Business Act (15 U.S.C. 631, et seq.).

Bids received for these set-aside quantities from firms who are not small business concerns will not be considered. In the event the Government is unsuccessful in contracting with an eligible small business concern(s) for the set-aside quantities, the Government may award the quantities to other than small business concerns.

Farmer-owned cooperatives are eligible for award of set-aside quantities as provided in 7 U.S.C. Chapter 55 Department of Agriculture Section 2209f. See

[http://caselaw.lp.findlaw.com/cascode/uscodes/7/chapters/55/sections/section\\_2209f.html](http://caselaw.lp.findlaw.com/cascode/uscodes/7/chapters/55/sections/section_2209f.html) or <http://uscode.house.gov/download/pls/07C55.txt>

#### NOTICE OF 8(a) ACQUISITION

If specified in the solicitation, the Government may reserve up to ten (10) percent of the solicitation quantity for 8(a) firms certified by the Small Business Administration in accordance with the Federal Acquisition Regulation (FAR), Part 19. The Government may increase the reserve to adjust quantities in the event of multiple awards to eligible 8(a) firms.

In no event shall the Government offer for award a quantity in excess of an eligible 8(a) firm maximum quantity, if so established by the Government.

If the 8(a) small business firm is a non-manufacturer, it shall meet the definition and requirements outlined in FAR Part 19. In the event the Government is unsuccessful in contracting with an eligible 8(a) firm for the reserved quantity, the Government may award the quantities to other than 8(a) firms.

#### HUBZONE PRICE EVALUATION PREFERENCE

The Government will award contracts to eligible HUBZone bidders as provided in Part 2, Section A.4 of the Master Solicitation for Commodity Procurements (MSCP) at: [http://www.fsa.usda.gov/Internet/FSA\\_File/master\\_solicitation.pdf](http://www.fsa.usda.gov/Internet/FSA_File/master_solicitation.pdf) If the bidder elects to waive the preference, it shall so indicate in its bid.

#### NOTICE OF SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS

ACQUISITION Service-Disabled veteran-owned (SDVO) small business set-aside procedures are specified in the Federal Acquisition Regulation (FAR) Clause 19.1405.

If specified in the solicitation, the Government may reserve up to three (3) percent of the solicitation quantity for SDVO Small Business concerns as specified in FAR Clause 52.219.27. In the event the Government is unsuccessful in contracting with an eligible SDVO concern for the reserve quantity, the Government may award the quantities to other than SDVO concerns. If the SDVO concern is a nonmanufacturer, it shall meet the definition and requirements outlined in FAR Part 19.

4. NAICS Codes/Size Standards: See Master Solicitation for Commodity Procurements at: [http://www.ams.usda.gov/Internet/AMS\\_File/master\\_solicitation.pdf](http://www.ams.usda.gov/Internet/AMS_File/master_solicitation.pdf)

5. Delivery Type: F.O.B. Destination

6. Submission of offers:

#### **4K52.214-0001 Electronic Submission of Bids**

A. Offers, modifications, and withdrawals shall be submitted electronically via the Web Based Supply Chain Management Computer System (WBSCM). Submission of the aforementioned by any means other than WBSCM will be deemed nonresponsive. WBSCM is available online at: <https://portal.wbscm.usda.gov/>.

B. Prerequisites for creating and submitting a domestic bid response:

-Computer minimum requirements and settings:

[http://www.ams.usda.gov/Internet/AMS\\_File/wbscm\\_requirements\\_settings.pdf](http://www.ams.usda.gov/Internet/AMS_File/wbscm_requirements_settings.pdf)

-WBSCM Vendor Registration – If you are unsure if your company is properly registered, contact the WBSCM help desk, as provided in Section C below. If your company is not registered in WBSCM, fill out and submit the vendor registration form at the following URL: [http://www.ams.usda.gov/Internet/AMS\\_File/wbscm\\_vendor\\_registration\\_form.pdf](http://www.ams.usda.gov/Internet/AMS_File/wbscm_vendor_registration_form.pdf)

Vendors will be notified via email when vendor registration is complete.

- WBSCM Corporate Administrator Registration - Vendors shall authorize a corporate administrator by submitting a signed copy of the SCM2 form. A person with proper legal authority for the company shall authorize individuals who will serve as:

- 1) Primary Corporate Administrator
- 2) Secondary Corporate Administrator

The corporate administrator(s) shall follow all the instructions in the WBSCM-generated email.

-The corporate administrator will be responsible to

- 1) Register plants
- 2) Create users - with appropriate roles e.g. Commodity Offer
- 3) Assign Users to a plant
- 4) Update user roles, assignments, and plant registration as appropriate, e.g. delete user as they leave the company.

For directions on this process see instructions provided at: <http://www.ams.usda.gov/ams/>

### C. WBSCM Help Desk Information

To obtain assistance using WBSCM, please contact the WBSCM Level 1 Help desk at any of the following:

- telephone: 877-WBSCM-4U or 877-927-2648
- email: [WBSCMhelp@ams.usda.gov](mailto:WBSCMhelp@ams.usda.gov)
- Web form link on WBSCM Portal: (<https://srai.service-now.com>)

You need to have the following information available when contacting the WBSCM Level 1 Help Desk:

- Company's Business Partner (BP) number: (if available)
- Company Name:
- Contact Name:
- Phone Number:
- E-mail Address:
- Identify that you are a Domestic Vendor
- Identify that you do business with AMS.
- Identify the deadline; date and time, for the Solicitation you need assistance with from the help desk.

Level 1 Help desk hours are Monday through Friday from 7:00 a.m. to 5:00 p.m. central time.

The WBSCM system is off-line Sunday evenings from 4:00 PM to Midnight central time. Unplanned outages will be communicated through the WBSCM system.

### D. WBSCM Offer Information

Work Instruction for Domestic Commodity Bidding offer submission may be found at: [http://www.ams.usda.gov/Internet/AMS\\_File/wbscm\\_work\\_instructions.pdf](http://www.ams.usda.gov/Internet/AMS_File/wbscm_work_instructions.pdf) under "WI and Follow on Activities."

Prospective contractors are responsible for starting the applicable processes early in the offering period and completing the applicable processes soon enough to ensure that their offer, modification, or withdrawal is received by the exact time specified herein for receipt of offers. Offer submission may include processes, such as: register vendor, authorize user access and roles, create eAuthentication account, accept WBSCM rules of behavior, register plants, assign users to plants, save plant responses and submit vendor response (offer).

Quantities will be awarded in increments of USDA standard truckload quantities, subject also to the offer's quantity constraints. Quantity constraints shall be entered in pounds.

An offer requires timely submission of all plant responses AND a vendor response.

Plant response consists of:

- 1) PRICE for applicable items shown herein on the schedule of supplies in the Bid Invitation Item Details Section, see below and
- 2) CERTIFICATION ANSWERS in the Questions section of the RFx Information tab.

Important: Submission of the plant response just saves the data entered – the vendor response must also be submitted.

Vendor response consists of:

- 1) Marking that NO CONSTRAINTS apply if vendor can supply the cumulative item quantity offered OR entering quantity CONSTRAINTS to limit the offer to a quantity to less than the cumulative item quantity offered, and
- 2) Plant responses – submission of vendor response before the Offer Due Date and Time also physically submits all previously submitted/saved plant responses. Failure to timely submit the vendor response will result in no offer for the applicable solicitation.

It is imperative that the offeror verify the accuracy of their offer/quote. The offer/quote may be printed from the WBSCM portal path Supplier>Bid Management>Vendor Response Log.

E. Bid invitation Item details section:

Hierarchy of Item Numbers (Item) is indicated by progressive indentation:

- Level 1 Material Group,
- Level 2 Material type and pack size,
- Level 3 Destination single or multiple stops,
- Level 4 Details; Material type and pack size, date range product required by, postal zip code, quantity, and unit of measure. Railroad information is not available unless shown. Item Offered price is entered at level 4 only. Items will be awarded in increments of truckload sizes.

Multiple stop Items:

- 1) Are identified by LOT: number, city state/city state in the Tendering text at level 3 of an applicable Item;
- 2) Have up to three stop-offs and a final destination.

Offshore Items:

Items for delivery to offshore locations require the contractor to arrange and pay for ocean transportation in addition to the land transportation.

Offshore examples are Hawaii, Puerto Rico, and the Virgin Islands. Offshore locations are identified by the cities and postal abbreviations shown at the level 3 Item data.

E. Only one bid price may be submitted for an item number.

F. Kosher Requirement.

The kosher only commodity requirements have changed (see the Schedule of Supplies for web link) and offerors for kosher will be required to certify

Capability to meet requirements.

E. Plant Location Requirement.

Offers shall accurately represent the plant location(s). Plant location is defined as the place where an end product is assembled from components, packaged, or otherwise made or processed from raw materials into the finished product that is to be provided to the Government. Upon acceptance of an offer, the combination of plant location and item becomes a contract term.

Offerors are directed to submit offers from only plant locations. Offers for locations representing non-plant locations, such as, company headquarters or Shippers Option may be deemed non-responsive.

Prospective contractors need to verify, early in the offering period that The appropriate plant locations for the company are shown in the WBSCM Offer Form Page dropdown box. Plant locations that are not included on the list cannot have an offer submitted in association with that plant. Therefore, any plant locations not included on the list, from which offeror intends to use in performance of the contract, should be added.

Plant location and the Place of Performance in Federal Acquisition Regulations provisions **52.214-14 (Apr 1985)** and **52.215-6 (Oct 1997)** shall match. Representations and Certifications are available online at the System for Award Management at website [www.SAM.gov](http://www.SAM.gov).

G. Supplier Agreement Requirement.

If the offer is for product the offeror will not itself manufacture, offeror shall, by the offer due date/local time, submit the corresponding supplier agreement to, Attention: Contracting Officer at the solicitation information contact address shown in this solicitation. The supplier agreement shall be in effect between the offeror and the product manufacturer for the period of contract performance; certify compliance with the applicable KCCO solicitation requirements, contain the DUNS number for the product manufacturer be on the product manufacturer's company letterhead, and be signed by both parties.

A prospective contractor may be required to provide written evidence of a proposed subcontractor's responsibility. The Contracting Officer may directly determine a prospective subcontractor's responsibility.

G. Business Size/Type Designation for Subcontracting.

An offer from a small business to supply manufactured products of small and large businesses shall be divided and submitted separately using separate WBSCM logon IDs. An offer from a farmer-owned cooperative large business to supply manufactured products of both a small business and other than small (i.e., farmer-owned cooperative large business or large businesses) shall be divided and submitted separately using separate WBSCM logon IDs. See information below.

Examples:

If offeror business size is small business and the manufactured product is subcontracted to a small business then the WBSM size designation is small business.

If offeror business size is small business and manufactured product is subcontracted to a Farmer-owned Cooperative large business or a large business then the WBSM designation is large business.

If offeror business size is large business and manufactured product is subcontracted to a small or a large business than the WBSM designation is large business

#### 7. Invoices:

The contractor shall use the invoicing function in WBSM. All invoice documents shall reference the WBSM Purchase Order (PO) Number and Item Number, the Sales Order (SO) Number and SO Item Number or Purchase

Requisition (PR) and PR Item number. The Central Contractor Registration (CCR) at is used for payment purposes. The contractor is responsible for controlling the accuracy of its business information. More information can be found in the MSCP.

#### 8. Shipment/Delivery Schedule

January 1, 2016 – March 31, 2016

See Schedule of Supplies for period of performance. A WBSM Purchase Order will be available at least seven (7) calendar days prior to the first day of each period of performance scheduled in the contract. Contractor shall comply with the instructions in the WBSM Purchase Order. If a WBSM Purchase Order is available less than seven (7) calendar days prior to the first day of the contracted period of performance, the performance period shall be extended by the number of days the WBSM Purchase Order is available. Contractor shall not be entitled to any extension of the performance period unless it furnishes evidence satisfactory to the Government that it was prepared to perform during the contracted period of performance.

#### 9. Other Requirements:

A. Bidders shall meet the Qualification Requirements for Prospective Contractors Selling Commodities to USDA provision at Part 2, Section A.1 (b) in the Master Solicitation for Commodity Procurements (MSCP).

#### B. Seals on Transportation Conveyances

Suppliers of commodities, products and/or services shall be responsible for placing a seal(s) on all cargo doors of each transportation conveyance upon completion of loading, partial unloading, inspection, or servicing.

Seals must meet the American Society for Testing and Materials (ASTM) Standards. ASTM Standards may be found at <http://www.astm.org>.

Seals shall be 1/8-inch diameter cable, high security bolt, barrier-type, or equivalent device which can only be removed by bolt cutter type tools. Seals shall be sequentially numbered. The contractor or its agent shall provide a sufficient number of barrier-type seals to ensure security of the load while in route through final destination.

The seal numbers shall be documented on the Bill of Lading, which must be Signed or acknowledged by the carrier or its agent.

Deliveries will be rejected, in which seals have not been used to secure all cargo doors, if:

- the seal listed on the Bill of Lading does not match the seal number recorded on the Bill of Lading;
- the seal is broken;
- the seal is missing, or
- the seal has been removed prior to the transportation conveyance reaching its unloading point.

A rejected conveyance will only be accepted after a Condition of Container Inspection has been performed by Agricultural Marketing Services (AMS) or Federal Grain Inspection Service (FGIS). AMS or FGIS must subsequently issue a Certificate of Quality and Condition that documents that the Condition of Container meets the applicable U.S. Standards for Condition of Food Containers. If this inspection is performed at a location other than the contracted delivery point all cargo doors must be sealed and the seal numbers documented by the Federal Inspection Agency on the Certificate.

B. Contractor Past Performance Evaluation applicable for contracts exceeding the simplified acquisition threshold of \$150,000.

The Government will prepare a past performance evaluation at the time the work under the contract or delivery order is completed. Evaluation will rate performance areas such as, quality of product or service, cost control, timeliness of performance, business relations, and when applicable, performance against, and efforts to achieve the goals identified in the small business subcontracting plan. The evaluation will be entered into the Contractor Performance Assessment Reporting System (CPARS). Contractor will have an opportunity to comment on the Government evaluation. Details on access and use of CPARS will be provided to the Contractor at a future date. The past performance evaluation may be used by the Government to support future award decisions.



C. Advance Shipping Notice, ASN: The Contractor shall provide an ASN to the Goods Recipient identified on the WBSCM Purchase Order Item on the day of shipment for each conveyance. Contractors may upload multiple ASNs to the WBSCM system using an Excel template in a comma separated CSV format. Contractor must submit one invoice for each ASN. Each ASN must have a unique Bill of Lading number.

D. Required Information for Bill of Lading,

1. Shipper Name and Shipment Origin Address
2. USDA Contractor Name, if different than shipper
3. WBSCM Purchase Order Number and Item Number.
4. Sales Order (SO) Number and SO Item Number or Purchase Requisition

(PR) and PR Item number.

5. Consignee: WBSCM Purchase Order Item's Goods Recipient Name  
C/o WBSCM Purchase Order Item's Ship-to Name and Address
6. Number and Type of Units, Net Weight, and Material Description
7. Statement: "For USDA FOOD DISTRIBUTION PROGRAMS"
8. Manufacturer's Lot Code/Lot Identification Number
9. Serial Number of Barrier-Type Seals Applied
10. Carrier's Signature and Date
11. Date of Shipment

Note: When multiple WBSCM Purchase Order Items are shipped in one conveyance, show the applicable information for each WBSCM Purchase Order (PO) to include the WBSCM PO number, PO Item number and the applicable Sales Order (SO) and SO Item or Purchase Requisition (PR) Item and PR Item number. Also, load and brace the conveyance for accurate and economical unloading, e.g. load and brace truck trailers in reverse order of delivery.

TRUCK UNLOAD APPOINTMENT – At least 24-hours in advance of delivery, contact a responsible representative at the applicable WBSCM Purchase Order Item's Ship-to-Address for an unload appointment. Reference the WBSCM Purchase Order (PO) Number, PO Item Number, and the applicable Sales Order (SO) Number and SO Item Number or Purchase Requisition (PR) and PR Item Number For which the appointment is being scheduled.

E. Shipment and Delivery

(a) For Domestic Programs:

(ii) For purchase orders issued under the WBSCM system:

a. The receiving warehouse, "Ship To" party shown on WBSCM Purchase order, shall be called at least 24 hours in advance to schedule an unloading appointment. This is not required for rail shipments.

b. The contractor shall submit Advance Shipping Notifications (ASNs) for each conveyance (railcar, truck, or ocean containers) shipped under the purchase order. ASN's must be created in WBSCM (through data entry or upload). Contractors shall notify the contracting officer in advance if the delivery will not be completed by the last day of the delivery period for the Specific item under the contract.

All deliveries to Puerto Rico must cite on the Bill of Lading and Ocean Transportation manifest the applicable Recipient Agency Tax Identification Number (TIN) and Merchant Registration Number. Successful awardee will be responsible for contacting the contracting officer's representative to obtain the appropriate tax identification number.

(b) Liquidated Damages

If the contractor fails to deliver the supplies or perform the services within the delivery period specified in the contract the contractor shall pay to the government as fixed, agreed, and liquidated damages for each calendar day of delay the sum of 0.30ct per CWT.

10. FAR and Agriculture Acquisition Regulation (AGAR) Provisions and Clauses:

In the event of a conflict between WBSCM and Federal Acquisition Regulation (FAR) terminology, FAR terminology shall take precedence.

A. This solicitation shall be subject to the terms and conditions of KCCO's Master Solicitation for Commodity Procurements (MSCP) in effect as of the date of this solicitation. See attached MSCP. The FAR and AGAR provisions and clauses applicable to this solicitation are contained in the MSCP and this solicitation.

**B. Additional FAR Clauses**

**52.204-4 Printed Copy or Double Sided on Recycled Paper (May 2011)**  
(Applicable for contracts exceeding the Simplified Acquisition Threshold of \$150,000.)

**52.204-10 Reporting Executive Compensation and First Tier Subcontracting Awards (Jul 2015)**

**52-209-2 Prohibition on Contracting with Inverted Domestic Corporations-Representation (Nov 2015)**  
By submission of its offer, the offer represents that it is not an inverted domestic Corporation and is not a subsidiary of one.

**52-212-4 CONTRACT TERMS AND CONDITIONS- COMMERCIAL ITEMS (May2015)**

- 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items. (Nov 2015)**
- 52.214-34 Submission of Offers in the English Language (Apr 1991)**  
Offers submitted in response to this solicitation shall be in the English language. Offers received in other than English shall be rejected.
- 52.215-2 Audit and Records-Negotiations (Oct 2010)**
- 52.215-14 Integrity of Unit Prices (Oct 2010)**
- 52.246-1 Contractor Inspection Requirements (Apr 1984)**
- 52.246-2 Inspection of Supplies – Fixed-Price (Aug 1996)**

C. // Applicable if checked. FAR Clause 52.232-18, Availability of Funds (Apr 1984). Funds are not presently available for this contract. The Government obligation under this contract is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the contracting officer for this contract and until the contractor receives notice of such availability, to be confirmed in writing by the contracting officer.

/s/

Ray Boyd  
Contracting Officer  
November 5, 2015