

**SOLICITATION
Domestic Commodity Invitation**

Information
Description: **AG-DFCD-S-16-0147**
Bid invitation number: 2000004228

Tendering Text:

Fortified, Ready-To-Eat Cereal (Wheat Bran Flakes, Corn Squares, Corn & Rice Biscuits and Oat Circles & WG Shredded Wheat).

Acquisition Method: Sealed Bids (IFB)

Opening Date: August 9, 2016 9:00 Central Time

Award Notification Date: August 11, 2016 1300 Central Time

Public Release of Award Date: August 12, 2016

1. Solicitation Information Contact:

Name: Carol Givens-Verser

Telephone Number: 816-823-1153

E-mail: Carol.Givens-Verser@ams.usda.gov

2. Internet Address: <http://www.ams.usda.gov/selling-food>

3. This Acquisition is:

Unrestricted

// Set-Aside for:

// 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 it did not itself manufacture must furnish the product of a small business manufacturer (lbs).

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

// Service-Disabled Veteran-Owned Small Business SDVOSB (lbs) noncompetitive, letter RFP only

Offers will be evaluated in the following order of precedence: 1. Bids. 2. Proposals.

NOTICE OF 8(a) ACQUISITION

If specified in the solicitation, the Government may reserve up to five (5) 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 nonmanufacturer, 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 at:

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

SOLICITATION
Domestic Commodity Invitation

Information
Description: **AG-DFCD-S-16-0147**
Bid invitation number: 2000004228

Tendering Text:

If specified in the solicitation, the Government may reserve up to three (3) percent of the solicitation quantity for Service-Disabled Veteran-Owned (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/sites/default/files/media/Group_B_Master_Solicitation - Dairy and Other Products%5B1%5D.pdf](http://www.ams.usda.gov/sites/default/files/media/Group_B_Master_Solicitation_-_Dairy_and_Other_Products%5B1%5D.pdf)

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

6. 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/sites/default/files/media/System%20-%20Recommended%20Configuration.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/sites/default/files/media/Vendor%20Registration%20Form.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

SOLICITATION
Domestic Commodity Invitation

Information
Description: **AG-DFCD-S-16-0147**
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company.

For directions on this process see instructions provided at:

<http://www.ams.usda.gov/sites/default/files/media/Corporate%20Vendor%20Admin%20Roles.pdf>

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: WBSCM.servicedesk@CACI.com

24/7 Self-Service support available via [WBSCM Service Desk Portal](https://cacifedramp.service-now.com/wbscm/) or <https://cacifedramp.service-now.com/wbscm/>

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 FSA.

-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.fsa.usda.gov/Internet/FSA_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.

SOLICITATION
Domestic Commodity Invitation

Information
Description: **AG-DFCD-S-16-0147**
Bid invitation number: 2000004228

Tendering Text:

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 WBSM 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.

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

G. The same price shall be entered for all items within the same product type. If all items for that product type are not entered when submitting the bids, then bids will be deemed non-responsive for that product type. Subject to Part 2, Section A.4, Evaluation of Bids, in the Master Solicitation for Commodity Procurements, the Government shall award contracts resulting from this solicitation to the responsive, Responsible bidder(s) whose bids will be most advantageous to the Government in terms of the lowest overall cost for a product type.

H. 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

SOLICITATION
Domestic Commodity Invitation

Information
Description: **AG-DFCD-S-16-0147**
Bid invitation number: 2000004228

Tendering Text:

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.

I. 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 responsibility of the subcontractor. The Contracting Officer may directly determine a prospective responsibility of the subcontractor.

J. //Applicable if Checked. WBSCM Business Size/Type Designation for Subcontracting.
Applicable if this solicitation contains a partial small business set-aside.

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.

7. Schedule of Supplies. The quantity awarded may be less than the quantity advertised due to program changes. Commodity requirements are available at:

<https://www.ams.usda.gov/sites/default/files/media/CRD%20Fortified%20R-T-E%20Cereal%20Products%20FC10%201-19-16.pdf>

Product Type	Pack Size (OZ)	Trucks	Minimum Qty	Trucks	Maximum Qty
Corn (Squares)	14/12	40	663,264	50	823,200
Corn & Rice (Biscuit)	14/12	30	340,200	40	453,600
Wheat Bran Flake	14/17.3	34	691,700	44	895,142
Oat Circles	12/14	102	1,467,648	112	1,608,768
Wht Squares (Shredded)	various	50	<u>1,112,184</u>	60	<u>1,487,820</u>

SOLICITATION
Domestic Commodity Invitation

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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.

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.

Conditions of Container Inspections arrangements are available by accessing the AMS website at <http://www.ams.usda.gov/services/sci-contacts>

The Contractor is responsible for payment of all fees incurred as a result of a Condition of Container Inspection.

C. 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.

D. 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.

E. Required Information for Bill of Lading,

SOLICITATION
Domestic Commodity Invitation

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Bid invitation number: 2000004228

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1. Shipper Name, and Shipment Origin Address
2. USDA Contractor Name, if different than shipper
3. WBSCM Purchase Order Number and Item Number (formerly Contract Number, N/D Number)
4. When provided, Sales Order Number and Item Number (formerly Disposition 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
12. Recipient Signature and Date

Note: When multiple WBSCM Purchase Order Items are shipped in one conveyance, show the applicable information for each WBSCM Purchase Order Item. 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 when provided, the Sales Order (SO) Number and SO item Number that a particular appointment is being made for.

11. 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.

B. The FAR Provision 52.216-1, Type of Contract, in the MSCP is deleted and Replaced with the following: FAR Provision 52.216-1, Type of Contract (Apr 1984). The Government contemplates award of a fixed-price, indefinite delivery contract resulting from this solicitation. (End of provision.)

C. FAR Clause 52.216-18, Ordering (Oct 1995).

(a) Any supplies and services to be furnished under this contract shall be ordered by issuance of delivery orders or task orders by the individuals or activities designated in the Schedule. Such orders may be issued anytime after contracts are awarded.

(b) All delivery orders or task orders are subject to the terms and condition of this contract. In the event of conflict between a delivery order or task order and this contract, the contract shall control.

(c) If mailed, a delivery order or task order is considered "issued" when the Government deposits the order in the mail. Orders may be issued orally, by facsimile, or by electronic commerce methods only if authorized in the Schedule. (End of clause.)

D. FAR Clause 52.216-19, Order Limitation (Oct 1995).

**SOLICITATION
Domestic Commodity Invitation**

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(a) Minimum order. When the Government requires supplies or services covered by this contract in an amount of less than 4,274,996 pounds the Government is not obligated to purchase, nor is the Contractor obligated to furnish, those supplies or services under the contract.

(b) Maximum order. The Contractor is not obligated to honor:

- (1) Any order for a single item in excess of 24,797 pounds (equivalent to one truckload);
- (2) Any order for a combination of items in excess 5,268,530 pounds; or
- (3) A series of orders from the same ordering office within 90 days that together call for quantities exceeding the limitation in subparagraph (b)(1) or (2) of this section.

(c) Notwithstanding paragraphs (b) of this section, the Contractor shall honor any Order exceeding the maximum order limitations in paragraph (b), unless that order (or orders) is returned to the ordering office within seven (7) days of issuance, with written notice stating the Contractor's intent not to ship the item (or items) called for and the reasons. Upon receiving this notice, the Government may acquire the supplies or services from another source. (End of clause.)

E. FAR Clause 52.216-22, Indefinite Quantity (Oct 1995).

(a) This is an indefinite-quantity contract for the supplies or services specified and effective for the period stated in the Schedule. The quantities of supplies and services specified in the Schedule are estimates only and are not purchased by this contract.

(b) Delivery or performance shall be made only as authorized by orders issued in accordance with the Ordering Clause. The Contractor shall furnish to the Government when and if ordered, the supplies or services specified in the Schedule up to and including the quantity designed in the Schedule as the "maximum." The Government shall order at least the quantity of supplies or services designated in the Schedule as the "minimum."

(c) Except for any limitations on quantities in the Order Limitations clause or in the Schedule, there is no limit on the number of orders that may be issued. The Government may issue orders requiring delivery to multiple destinations or performance at multiple locations.

(d) Any order issued during the effective period of this contract and not completed within that period shall be completed by the Contractor within the time specified in the order. The contract shall govern the Contractor's and Government's rights and obligations with respect to that order to the same extent as if the order were completed during the contract's effective period, provided, that the contractor shall not be required to make any deliveries under this contract after December 31, 2016.

(End of clause.)

F // 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
Ray Boyd
Senior Contracting Officer
July 28, 2016