

**SOLICITATION
Domestic Commodity Invitation**

Information
Description: 12-3J14-19-B-0055
Bid invitation number: 2000005713

Tendering Text:

Fortified, Ready To Eat Cereals (Corn Flake & Rice Crispy).

*****NEW*****NEW*****NEW*****NEW*****NEW*****NEW*****NEW*****NEW*****

**Please see 11. FAR and Agriculture Acquisition Regulation (AGAR) Provisions and Clauses, (F).
AGAR 470.103 (c) Commingled product.**

*****NEW*****NEW*****NEW*****NEW*****NEW*****NEW*****NEW*****NEW*****

Acquisition Method: Sealed Bids (IFB)
Opening Date: 10/30/2018 9:00 Central Time
Award Notification Date: 11/01/2018 1300 Central Time
Public Release of Award Date: 11/02/2018 17:00

1. Solicitation Information Contact:

Name: Cheryl Davis
Telephone Number: 816-926-3377
E-mail:

cheryla.davis@ams.usda.gov

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

3. This Acquisition is:

- /X/ 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

4. NAICS Codes/Size Standards: See Master Solicitation for Commodity Procurements at:

<https://www.ams.usda.gov/sites/default/files/media/MSCP.pdf>

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

6. WBSCM Help Desk Information

A. WBSCM Service 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

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-email: WBSCM.servicedesk@CACI.com
24/7 Self-Service support available via [WBSCM Service Desk Portal](#) 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.

B. WBSCM Offer Information

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

C. However, if Contractor's production capacity is limited per Product type, the same bid price should be entered for all items within the delivery periods for a given month.

In this case, not all items for a product type may be awarded to one contractor. A bid price must be entered for each item within a product type and the constrained delivery month, or the offer will be deemed non-responsive for that product type.

D. Plant Location Requirement.

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.

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	Trucks	Minimum Qty	Trucks	Maximum Qty
Corn Flakes	12/18 OZ	123	1,793,340	133	1,939,140
Rice Krispy	16/12 OZ	50	606,528	60	727,488
		Total Pounds	2,399,868		2,666,628

Only submit a bid for the Standard pack size that you are able to manufacture or subcontract for.

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The number of trucks shown above is provided for informational purposes only. Any contract resulting from this solicitation shall be based on the quantity in pounds for the commodity awarded.

8. Invoices:

The contractor shall use the Invoicing function in WBSCM. All Invoice documents shall reference the WBSCM Purchase Order (PO) Number and PO Item Number, the Sales Order (SO) Number and SO Item Number or Purchase Requisition Number (PR) and PR Item Number.

A separate invoice should be submitted for each item number.

The system for Award Management at the website www.SAM.gov is used for payment purposes. The contractor is responsible for controlling the accuracy of its business information.

9. Shipment/Delivery Schedule:

October 1 – December 31, 2018

See Schedule of Supplies for period of performance. A WBSCM Purchase Order will be available at least seven calendar days prior to the first day of each period of performance scheduled in the contract. Contractor shall comply with the instructions in the WBSCM Purchase Order. If a WBSCM Purchase Order is available less than seven 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 WBSCM 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.

10. Other Requirements:

A. Bidders shall meet the Qualification Requirements for Prospective Contractors Selling Commodities to USDA provision in the Master Solicitation for Commodity Procurements (MSCP).

<https://www.ams.usda.gov/sites/default/files/media/MSCP.pdf>

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

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 AMS 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.)

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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).

(a) Minimum order. When the Government requires supplies or services covered by this Contract in an amount of less than **2,666,628** 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 **14,580 pounds** (equivalent to one truckload);

(2) Any order for a combination of items in excess **2,666,628** 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 **March 31, 2019**.

(End of clause.)

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(F) AGAR 470.103 (c) Commingled Product

- (1) **Except as provided in paragraph (c)(2) of this section, a commingled product shall be considered to be a product of the United States if the offeror can establish that the offeror has in inventory at the time the contract for the commodity or product is awarded to the offeror, or obtains during the contract performance period specified in the solicitation, or a combination thereof, a sufficient quantity of the commodity or product that was produced in the United States to fulfill the contract being awarded, and all unfulfilled contracts that the offeror entered into to provide such commingled product to the United States.**

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/Jeffrey Jackson
Senior Contracting Officer
October 18, 2018