

INSTANT NONFAT DRY MILK for TRADE MITIGATION

Direct Order Request to:
Transylvania Vocational Services, Inc.
doing business as TVS
11 Mountain Industrial Drive
Brevard, North Carolina 28712-6723

*******IMPORTANT TRADE MITIGATION SOLICITATION DETAILS*******

• **This Direct Order/Invitation for Bid (Acquisition/Solicitation) is part of the Food Purchase and Distribution Program under the authority of the Commodity Credit Corporation (CCC), the purpose of which is to assist Farmers in response to Trade damage from unjustified retaliation. Funding for this purchase is under Section 5 of the CCC Charter Act.**

• **In accordance with Federal Acquisition Regulation (FAR) 52.203-2 Certificate of Independent Price Determination (Apr 1985) (as found in the System for Award Management (www.SAM.gov) Representations and Certifications) offerors have certified that the prices in their offer have been arrived at “independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor.”**

In accordance with procedures outlined in FAR Subpart 3.3-Reports of Suspected Antitrust Violations, 3.301 General, 3.301, suspicion of collusive activities shall result in a rejection of the offeror(s) by the Contracting Officer. USDA/Agricultural Marketing Service (AMS) is required by 41 U.S.C. 3707: Antitrust Violations and 10 U.S.C. 2305(b)(9)-Contracts: planning, solicitation, evaluation and award procedures to report “a bid or proposal evidences a violation of the antitrust laws, he shall refer the bid or proposal to the Attorney General for appropriate action.”

• **Contract Clauses and Solicitation Provisions are addressed in the Master Solicitation for Commodity Procurements-Domestic Programs (MSCP-D).**

• **Seals on Transportation Conveyances are addressed in the MSCP-D at 4A52.247-1 Seals on Transportation Conveyances.**

• **Liquidated Damages are addressed in the MSCP-D at 52.211-11 Liquidated Damages—Supplies, Services, or Research and Development (Sep 2000)**

• **Variation in Quantity is addressed in the MSCP-D at 52.211-16 Variation in Quantity (Apr 1984).**

• **Instant Nonfat Dry Milk (INDM) Commodity Specifications and Packaging are addressed in the INDM (IMD4) Commodity Requirements Document (CRD) effective August 8, 2013. The INDM CRD is available at <https://www.ams.usda.gov/selling-food/product-specs#Dairy>.**

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Direct Order to TVS

Solicitation Description: 12-3J14-20-B-0084

Solicitation Number: 2000006567

Tendering Text

*****IMPORTANT TRADE MITIGATION SOLICITATION DETAILS*****

1. Direct Order number and date

Acquisition Method: Direct Order
Solicitation Description: 12-3J14-20-B-0084
Solicitation Number: 2000006567
Issue Date: November 13, 2019, by 1300 Central time
Offers Due: November 26, 2019, 0900 Central time
Award Notification: November 29, 2019, by 1500 Central time
Public Release of Award: December 2, 2019, by 1500 Central time

2. Name, address and telephone number of the Contract/Marketing Specialist

Monday through Friday, except Federal Holidays, 8:00 a.m. to 4:00 p.m. CST.

United States Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)
Commodity Procurement Program (CPP)
Domestic Commodity Procurement Division (DCPD)
Dairy, Grains, & Oilseeds Branch (DGO)
Mail Stop 8718
PO Box 419205
Kansas City, MO 64141-6205

Mara Whitaker, Marketing Specialist
Contracting Officer's Representative
Telephone: 816 926 6063
Email: Mara.Whitaker@ams.usda.gov

Alternate Contact:
Jeffrey F. Jackson, Senior Contracting Officer
Telephone: 816 926 2530
Email: JeffreyF.Jackson@ams.usda.gov

Note: If the matter is urgent contact USDA/AMS/CPP/DCPD/DGO at 816 926 6124.

3. Type of contract contemplated

52.216-1 Type of Contract (Apr 1984)

The Government intends to award a fixed price contract based on the following schedule of supplies. Contract(s) will be awarded on f.o.b. destination delivery basis.

(End of provision)

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It is the intent of the Government to award without discussions, however; the Government reserves the right to hold discussions, when determined necessary.

This Acquisition is pursuant to the Federal Acquisition Regulations Subpart 8.7. This is a required source Procurement List Direct Order to the AbilityOne Program (Javits, Wagner, O'Day Act 41 U.S.C. 46-48c). One-hundred percent of the USDA Instant Nonfat Dry Milk is reserved for the AbilityOne Program allocated by Source America (formerly NISH) under Project No. 042274, Allocation No. A-12748, dated May 22, 2018) to Transylvania Vocational Services, Inc., Brevard, North Carolina.

The Government waives the following requirement stated in the Instant Nonfat Dry Milk (IMD4) Commodity Requirements Document:

Section 1.1 Paragraph D (1) Contractor Furnished Nonfat Dry Milk

The base price for the Instant Nonfat Dry Milk shall be in accordance with Notice of Changes to Procurement List–Product Price Changes effective June 6, 2019.

All prices entered in the Web Based Supply Chain Management System (WBSCM) need to include transportation. In the event that the submitted transportation quotes exceed those considered reasonable by the Government, the Government may arrange and pay for transportation. In this case, the price awarded by the Government shall be the F.O.B. Origin price in accordance with the Notice of Changes to Procurement List– Product Price Changes in effect on the date of the contract.

4. Commodity requirements

AMS procures staple foods for use in Nutrition Assistance Programs administered by USDA/Food and Nutrition Service. The purpose of this solicitation is to purchase Instant Nonfat Dry Milk for TRADE Mitigation. The Commodity Requirements Document (CRD) for the commodity being procured can be accessed at the AMS website <https://www.ams.usda.gov/selling-food/product-specs#Dairy>.

5. NAICS Codes/Size Standards: The North American Industry Classification System (NAICS) code for this solicitation is 311514 Nonfat dry milk manufacturing. See <http://www.census.gov/eos/www/naics/>.

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

7. Submission of offers:

A. WBSCM Service Desk Information

To obtain assistance using WBSCM, please contact the WBSCM Level 1 Service Desk at any

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of the following:

-telephone: 877-WBSCM-4U or 877-927-2648

-email: WBSCM.servicedesk@CACI.com

-Web form link on WBSCM Portal: <https://cacifedramp.service-now.com/wbscm/>

You need to have the following information available when contacting the WBSCM Level 1 Service 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 Service Desk.

Level 1 Service Desk hours are Monday through Friday from 7:00 a.m. to 5:00 p.m. Central time. The WBSCM system is offline Sunday evenings from 4:00 p.m. until 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. Kosher Requirement.

“Kosher Only” products will be identified in the solicitation. Kosher only products shall comply with applicable dietary (kosher) laws as established by the “613 Council of Kashruth.”

Manufacturing plants shall be certified for compliance with the aforementioned requirement by contacting the Board of Jewish Education of Greater New York (BJENY) at 646-472-5366. A rabbinic supervisor will be sent to certify compliance of the manufacturing plant with the dietary (kosher) laws.

Offeror shall certify that their manufacturing plant is capable of meeting applicable dietary (kosher) laws as established by the “613 Council of Kashruth” and certification by BJENY.

Kosher Items (if applicable):

Item Material Descriptions which begin with “K” (K space) are “Kosher Only.” Kosher commodity requirements can be found in the attached commodity requirements document.

D. Plant Location Requirement.

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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 <https://www.sam.gov/SAM/>.

8. Invoices:

The contractor shall submit invoices and attachments in the Web-Based Supply Chain Management (WBSCM) system.

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 (PR) and PR Item number.

9. Shipment/Delivery Schedule:

January 1, 2020 – March 31, 2020

See Schedule of Supplies for period of performance. A WBSCM 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 WBSCM Purchase Order. If a WBSCM 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 WBSCM Purchase Order was not 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 in the Master Solicitation for Commodity Procurements-Domestic Programs (MSCP-D).

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

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

A. This solicitation shall be subject to the terms and conditions of the Master Solicitation for Commodity Procurements-Domestic Programs (MSCP-D) in effect as of the date of this solicitation. The FAR and AGAR provisions and clauses applicable to this solicitation are contained in the MSCP-D.

B. // 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

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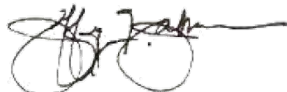
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can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the contracting officer for this contract and until the contractor receives notice of such availability, to be confirmed in writing by the contracting officer.

12. Bid Invitation Item details:

Bid invitation item details, attachments, and attributes are available at:

<https://portal.wbscm.usda.gov/>.



Jeffrey F. Jackson,

Senior Contracting Officer