

USDA Agricultural Marketing Service

SOLICITATION FOR PURCHASE OF BULK APPLES FOR FURTHER
PROCESSING

Solicitation: 12-3J14-22-B-0397/2000008598

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30	1. REQUISITION NUMBER	PAGE 1 OF
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2. CONTRACT NO.	3. AWARD/EFFECTIVE DATE	4. ORDER NUMBER	5. SOLICITATION NUMBER	6. SOLICITATION ISSUE DATE
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7. FOR SOLICITATION INFORMATION CALL:	a. NAME	b. TELEPHONE NUMBER (No collect calls)	8. OFFER DUE DATE/ LOCAL TIME
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9. ISSUED BY	CODE		10. THIS ACQUISITION IS <input type="checkbox"/> UNRESTRICTED OR <input type="checkbox"/> SET ASIDE: _____ % FOR:
			<input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> WOMEN-OWNED SMALL BUSINESS _____ <input type="checkbox"/> HUBZONE SMALL BUSINESS <input type="checkbox"/> (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED SMALL BUSINESS PROGRAM NAICS: _____ <input type="checkbox"/> SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS <input type="checkbox"/> EDWOSB SIZE STANDARD: _____ <input type="checkbox"/> 8 (A)

11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE	12. DISCOUNT TERMS	13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700) <input type="checkbox"/>	13b. RATING
		14. METHOD OF SOLICITATION <input type="checkbox"/> RFQ <input type="checkbox"/> IFB <input type="checkbox"/> RFP	

15. DELIVER TO	CODE		16. ADMINISTERED BY	CODE	
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17a. CONTRACTOR/OFFEROR	CODE		FACILITY CODE		18a. PAYMENT WILL BE MADE BY	CODE					
TELEPHONE NO.				17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER <input type="checkbox"/>				18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED <input type="checkbox"/> SEE ADDENDUM			

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
(Use Reverse and/or Attach Additional Sheets as Necessary)					

25. ACCOUNTING AND APPROPRIATION DATA	26. TOTAL AWARD AMOUNT (For Govt. Use Only)
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<input type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4. FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA	<input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED
<input type="checkbox"/> 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA	<input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED

<input type="checkbox"/> 28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED	<input type="checkbox"/> 29. AWARD OF CONTRACT: REF. _____ OFFER DATED _____. YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:
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30a. SIGNATURE OF OFFEROR/CONTRACTOR	31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)		
30b. NAME AND TITLE OF SIGNER (Type or print)	30c. DATE SIGNED	31b. NAME OF CONTRACTING OFFICER (Type or print)	31c. DATE SIGNED

A) SOLICITATION DETAILS

BULK APPLES FOR FURTHER PROCESSING, SOLICITATION NO: 2000008598

The U.S. Department of Agriculture (USDA) invites offers to sell BULK APPLES FOR FURTHER PROCESSING pursuant to the AMS Master Solicitation for Commodity Procurements – Domestic Programs (MSCP-D) for use in various federal nutrition assistance programs.

BID DUE DATE: July 6, 2022 at 1:00 p.m. central time.

AWARD DATE: Acceptances will be announced by midnight, July 20, 2022.

PERIOD OF PERFORMANCE: Deliveries are to be made between October 1, 2022, and June 30, 2023.

CONTRACT TYPE: Firm Fixed Price, Requirements Contract (Solicitation header which reads ‘Definite Delivery’ is not applicable to this solicitation)

SOLICITATION PROCEDURES: Sealed Bidding

NAICS CODE: 311991 Perishable Prepared Food Manufacturing, size standard of 500 employees or less for a small business

SET ASIDE: See Schedule of Supplies for details

BID SUBMISSION CHECKLIST:

1. Prices submitted in WBSCM
2. GAP/GHP Audit Verification Form(s) completed and attached to bid in WBSCM
3. Supplier letter(s) completed and attached to bid in WBSCM
4. Any amendments acknowledged, if applicable
5. Signed SF1449

Note: bidders should not submit audit certificates, verification checklists, or any other documents that are not required. Purchases are made f.o.b. destination basis.

EXCEPTIONS/ADDITIONS TO THE SPECIFICATIONS –

1. Clarification - Commodities shipped to all destinations may be inspected at destination or en route within 24 hours of arrival at destination by Federal or Federal State Inspectors. It is the contractor’s responsibility to arrange for the inspection.
2. Requirements for Ludington, MI are as follows:
 - a) Varieties - Empire, Jonagold, Rome’s (Non-Law, Non-Bleeding), Ida Red, Golden Delicious, Gala, and Jonathan.
 - b) Sizing - Minimum size = 2.5 inches, no more than 10% undersize for Golden Delicious, Gala and Jonathan. 80% between 2.5 inches and 3.5 inches for Jonagold’s, Rome’s, and Ida Reds.
 - c) Total Defects - 8%.
 - d) Maturity/Condition - Representative samples for each lot will be collected and pressure tested at destination. Pressure per fruit will be no less than 12 pounds with a minimum average of 13 pounds in each sample.
 - e) Packaging - Standard (36” maximum height) industry bins in clean wood or plastic. Plastic bin liners cannot be used. Plywood bins will not be accepted. Acceptable bins will be available for return pickup within 180 days of delivery to destination.

B) SCHEDULE OF SUPPLIES

1. The table below shows an estimate of orders based on current and historical demand. These are only estimates and may fluctuate based on actual orders. The maximum quantity is not guaranteed to be purchased.

B) SCHEDULE OF SUPPLIES

Ivitation Item	Line Number	Material Desc.	Ship-To City	Ship-To State	Target Pounds	Maximum Pounds	Small Bus. Set Aside
20	1.01	APPLES FOR FURTHER PROCESSING – BULK	SHELBY	MI	26,115,428	28,814,091	0%
30	1.02	APPLES FOR FURTHER PROCESSING – BULK	HARTFORD	MI	7,394,269	8,133,696	100%
40	1.03	APPLES FOR FURTHER PROCESSING – BULK	GARDENA	CA	396,000	435,600	100%
50	1.04	APPLES FOR FURTHER PROCESSING – BULK	RICHLAND CENTER	WI	1,094,607	1,204,068	100%
60	1.05	APPLES FOR FURTHER PROCESSING – BULK	LUDINGTON	MI	336,670	370,337	100%
70	1.06	APPLES FOR FURTHER PROCESSING – BULK	STOCKTON	CA	3,863,100	4,249,410	100%

C) CLAUSES

1. This IFB Solicitation is governed by the AMS Master Solicitation for Commodity Procurements – Domestic Programs (MSCP-D) dated March 1, 2022. The Master Solicitation is attached to the solicitation in WBSCM. The MSCP is also located online at:
<https://www.ams.usda.gov/sites/default/files/media/MSCP.pdf>

2. Additional Addenda to 52.212-4 Contract Terms and Conditions – Commercial Products a) Inspection/Acceptance

Awardees may ship and supply from any location found here:

<https://apps.ams.usda.gov/GAPGHP/reportG01.aspx>

If USDA/AMS finds that suppliers used by the contractor are not in compliance with AMS GAP/GHP certification requirements after the product is delivered, the following courses of action will apply:

- a) A cure notice shall be issued informing the contractor of their failure to comply with the required elements of this solicitation. The USDA will then deduct a 50% discount from the invoice for all noncompliant deliveries shipped or invoiced prior to the date listed on the cure notice.
 - b) If the contractor ships noncompliant product after the date of the cure notice:
 - i. USDA/AMS will deduct a 50% discount from the invoice for all noncompliant deliveries;
 - ii. The contract will be terminated for cause; and
 - iii. The contractor will be suspended from participating in all future USDA/AMS fresh fruit and vegetable solicitations for a period of one year from the date of contract termination.
3. 52.211-16 Variation in Quantity (April 1984)
 - a) A variation in the quantity of any item called for by this contract will not be accepted unless the variation has been caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes, and then only to the extent, if any, specified in paragraph (b) of this clause.
 - b) The permissible variation shall be limited to:

5,000 pounds increase
5,000 pounds decrease; unless otherwise revised by the specifications.

This increase or decrease shall apply only to the total contract quantity.

4. 52.216-18 Ordering (Aug 2020)
 - 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 from date of award, through June 30, 2023.
 - b) All delivery orders or task orders are subject to the terms and conditions of this contract. In the event of conflict between a delivery order or task order and this contract, the contract shall control.
 - c) A delivery order or task order is considered "issued" when—
 - 1) If sent by mail (includes transmittal by U.S. mail or private delivery service), the Government deposits the order in the mail;
 - 2) If sent by fax, the Government transmits the order to the Contractor's fax number; or
 - 3) If sent electronically, the Government either—

- i. Posts a copy of the delivery order or task order to a Government document access system, and notice is sent to the Contractor; or
 - ii. Distributes the delivery order or task order via email to the Contractor's email address.
- 4) Orders may be issued by methods other than those enumerated in this clause only if authorized in the contract.

(End of clause)

5. 52.216-19 Order Limitations. (Oct 1995)

- a) Minimum order. When the Government requires supplies or services covered by this contract in an amount of less than 39,600 lb 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 material in excess of the maximum quantity listed on the schedule;
- c) If this is a requirements contract (i.e., includes the Requirements clause at subsection 52.216-21 of the Federal Acquisition Regulation (FAR)), the Government is not required to order a part of any one requirement from the Contractor if that requirement exceeds the maximum-order limitations in paragraph b) of this section.
- d) Notwithstanding paragraphs a) and 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 3 days after 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.

6. 52.216-21 Requirements.

- a) This is a requirements contract for the supplies or services specified, and effective for the period stated, in the Schedule. The quantities of supplies or services specified in the Schedule are estimates only and are not purchased by this contract. Except as this contract may otherwise provide, if the Government's requirements do not result in orders in the quantities described as "estimated" or "maximum" in the Schedule, that fact shall not constitute the basis for an equitable price adjustment.
- b) Delivery or performance shall be made only as authorized by orders issued in accordance with the Ordering clause. Subject to any limitations in the Order Limitations clause or elsewhere in this contract, the Contractor shall furnish to the Government all supplies or services specified in the Schedule and called for by orders issued in accordance with the Ordering clause. The Government may issue orders requiring delivery to multiple destinations or performance at multiple locations.
- c) Except as this contract otherwise provides, the Government shall order from the Contractor all the supplies or services specified in the Schedule that are required to be purchased by the Government activity or activities specified in the Schedule.
- d) The Government is not required to purchase from the Contractor requirements in excess of any limit on total orders under this contract.
- e) If the Government urgently requires delivery of any quantity of an item before the earliest date that delivery may be specified under this contract, and if the Contractor will not accept an order providing for the accelerated delivery, the Government may acquire the urgently required goods or services from another source.
- f) 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- N/A complete delivery is required.

D) CONTRACT DOCUMENTS, EXHIBITS, AND ATTACHMENTS

1. Master Solicitation for Commodity Procurements – March 1, 2022
2. Commodity Specification for Bulk Products for Further Processing – June 2022
3. Templates for Supplier Agreement Letter
4. USDA GAP&GHP Audit Verification Form

E) SOLICITATION PROVISIONS

1. Instructions to Offerors supplementing the MSCP-D solicitation provision 52.212-1 and it's addenda
 - a) **One contractor will be awarded per material/delivery location, and each material/delivery locations will be awarded in their entirety.**
 - b) **Offerors who submit pricing affirm that they will be able to fulfill 100% of maximum quantity by location per material for offers submitted. Offerors are cautioned to bid on requirements they can reasonably expect to produce and deliver.**
 - c) Offeror's price may not vary month to month. Offeror's price may vary by processor location.
 - d) Offerors may not enter constraints. It is the expectation that the successful offeror will be able to deliver 100% of the quantity the Government orders.
 - e) Delivery orders will be issued by AMS not later than 45 days prior to when deliveries are expected to begin, and for 3-6 months of deliveries. Delivery shall be within the period specified in each delivery order.
 - f) Vendors or subcontractors who are supplying fresh fruit to the United States Department of Agriculture (USDA) must ensure that each of their suppliers/subcontractors who grow, harvest, pack, hold, and handle product have approved and hold current food safety verification audits PRIOR to the bid opening date of this solicitation. Good Agricultural Practices (GAP) and Good Handling Practices (GHP) scopes which are necessary to meet the minimum requirement to be deemed responsive are as follows:

GAP - Farm Review AND Field Harvesting & Field Packing Activities

GHP - House Packing Facility AND Storage & Transportation

Brokers are exempt from the USDA GAP/GHP requirements themselves, HOWEVER suppliers/subcontractors supplying goods under the contract shall have the applicable USDA GAP/GHP certification(s).

Verification audits shall be performed by the USDA, AMS, SCP-SCID representatives only.

Offerors must include in their bid the completed GAP and GHP Audit Verification Document, which is found in the attachments section of this solicitation. **Offerors who do not complete this document in its entirety, do not include the document as an attachment to their bid, or are missing the required USDA GAP/GHP scopes listed above shall be deemed nonresponsive.**

All audits are valid for one year after the date the audit was conducted. More information on USDA GAP/GHP audits can be found here: <https://www.ams.usda.gov/services/auditing/gap-ghp> or by reaching out to scaudits@usda.gov

- g) **Every bidder must include a letter of support with their bid from all current and approved supplier(s). The templates for the letter of support are attached to the solicitation with the required elements. Each letter of support is only good for one solicitation. A new letter of support will be required for every solicitation, from every supplier. The supplier**

must include the quantity in cases they are committing to the bidder. USDA will not award a quantity that exceeds the sum of all supplier's committed quantities to a particular bidder.

- h) All prime vendors are reminded that they are prohibited from subcontracting with companies or individuals that have been suspended or debarred.
- i) Offers must be submitted electronically via WBSCM. Offers submitted by any means other than WBSCM will be deemed nonresponsive. Offerors must be active in WBSCM and have the required bidder roles in order to submit offers under this solicitation. Once connected, follow the online procedures. A "HELP" button provides detailed instructions or call (202) 720-4517 for assistance.
- j) Inquiries about the MSCP-D; Commodity Specification for Bulk Products for Further Processing; or this solicitation should be directed to the Contract Specialist, Nick Wiber. Nick.Wiber@usda.gov; USDA, AMS, Room 3522-South; 1400 Independence Avenue, S.W.; Washington, D.C. 20250-0239. Telephone: (202) 720- 4517. FAX: (202)720-2782
- k) The USDA prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) To file a complaint of discrimination, write: USDA, Office of the Assistant Secretary for Civil Rights, Office of Adjudication, 1400 Independence Ave., SW, Washington, DC 20250-9410 or call (866) 632-9992 (Toll-free Customer Service), (800) 877-8339 (Local or Federal relay), or (866) 377-8642 (Relay voice users)

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