

**United States Department of Agriculture**  
**1400 Independence Avenue,**  
S.W. - Room 3522  
1400 Independence Avenue, S.W.  
Room 3522-S, STOP 0239  
Washington, DC 20036

#### Information

Description: **12-3J14-23-B-0216**  
Bid invitation number: **2000009090**  
Purchasing Group: **AMS-Fruit and Veg**

### SOLICITATION Domestic Commodity Invitation

#### Bid invitation Overview

Bid Timezone: Central Time  
Start Date: 01/27/2023 15:30:00  
Offer Due Date : 02/10/2023 13:00:00  
  
Opening date: 02/10/2023 13:00:00  
  
Invitation Type : Definite Delivery

#### Additional requested information:

#### Tendering text - Header :

Fresh Fruit, SOLICITATION NO: 2000009090

The U.S. Department of Agriculture (USDA) invites offers to sell fresh apples and pears pursuant to the AMS Master Solicitation for use in the National School Lunch Program and other Federal Food and Nutrition Assistance Programs. Acceptances will be announced by midnight, February 24, 2023. Deliveries are to be made between April 3, 2023 and June 28, 2023.

The Contract Specialist handling this purchase will be Nick Wiber at [nick.wiber@usda.gov](mailto:nick.wiber@usda.gov). The Contact Officer handling this purchase will be Kyla Stoufer at [Kyla.Stoufer@usda.gov](mailto:Kyla.Stoufer@usda.gov). Please contact the specialist first.

Small Business Set Asides for NAICS code 311991 with a size standard of 500 employees or less are as follows:

100514- APPLES RED DELICIOUS FRESH CTN-40 LB- 100% Small Business Set Aside  
100521- APPLES GALA FRESH G CARTON-40 LB- 100% Small Business Set Aside  
100522- APPLES FUJI FRESH F CARTON-40 LB- 100% Small Business Set Aside  
110543- APPLES GRANNY SMITH FRESH CTN-40 LB- 100% Small Business Set Aside  
100517 - APPLES EMPIRE FRESH CTN-40 LB- 100% Small Business Set Aside  
110561- APPLES FRESH PKG-12/3 LB- 100% Small Business Set Aside  
111424 - PEARS BARTLETT FRESH CTN#40 LB- 100% Small Business Set Aside  
110560 - PEARS FRESH PKG-12/3 LB- 100% Small Business Set Aside

This purchase must meet all relevant requirements such as packing, packaging, labeling, inspection and shipping temperatures of the Commodity Specification for Fresh Fruit July 2019.

(110561)- APPLES FRESH PKG-12/3 LB-

1. Grade - U.S. Fancy. (State grades will be acceptable provided the apples meet the requirements of the U.S. Fancy Grade).

2. Types of Pack and Size Requirement:

- a. Tray pack - minimum size 150; maximum size- 100
- b. Cell pack - minimum size 140; maximum size # 96
- c. Consumer units packed within master containers - minimum size 2 1/8 inches in diameter, maximum size 3 inches in diameter. Consumer units shall be 12/3-pound poly film bags.
- d. Apples, when Tray or Cell packed, in each offer unit ordered delivered by USDA shall contain

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product of not more than three (3) adjacent sizes nor be in more than three locations at the time of inspection. Each size shall be segregated in the shipment with a minimum of intermingling of the sizes. If shipment is by truck, the location and count of each size in the truck (front, center, and tail) shall be noted on the shipping manifest by the contractor.

3. Apples shall also meet the United States Condition Standards for Export.
4. Tenderness and Maturity # not more than an average of five percent in any lot and ten percent in individual containers may be further advanced in maturity than firm ripe.
5. Intermingling of the varieties in the truckload is permitted but not on the pallet.
6. Must be loaded into a refrigerated trailer capable of holding air temperature not to exceed 40° F.
7. Refrigerated shipment at 32° to 38° F air temperature.
8. Varieties: Empire, Fuji, Gala, Red Delicious and Granny Smith.

(110560)- PEARS FRESH PKG-12/3 LB-

1. Grade # U.S. No. 1. Provided that the pears do not contain more than five percent condition defects. State Grades will be acceptable provided that the pears meet the minimum requirements of the U.S. No. 1 Grade (i.e., Oregon/Washington Extra Fancy). Varieties: Anjou and Bartlett.
2. Tenderness and Maturity - not more than an average of 10 percent of the pears in any lot or more than 15 percent in any container, may be further advanced in stages of ripeness than firm.
3. Pack and Size Requirement:
  - a. Pack - Consumer units packed within master containers # 12/3 lb. poly film bags and master containers meeting the specification. Consumer units packed within master containers 12/3 lb. poly film bags (which may include gusseted bags) and master containers meeting the specification.
  - b. Size - Pears should be packed to a minimum size of 2 1/8 inches in diameter and a maximum size of 2 3/4 inches in diameter.
4. The grade, quality, condition, count, size pack, and the stage of firmness requirements referred to herein are defined in United States Standards for Grades of Summer and Fall Pears, and the United States Standards for

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Grades of Winter Pears.

5. Intermingling of the varieties in the truckload is permitted but not on the pallet or in the bag.
6. Must be loaded into a refrigerated trailer capable of holding air temperature not to exceed 40° F.
7. Refrigerated shipment at 34° to 40° F air temperature.

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.

For a new-to-USDA contractor and existing contractors who are bidding on new products, a probationary period may be implemented in which awards are limited to 10 truckloads per product. Contractor must demonstrate successful delivery of at least five (5) truckloads of product in order to be removed from probationary status on future solicitations. For the purposes of this rule, successful delivery is defined as product delivered on-time and in acceptable condition according to the terms and conditions of the contract. Any delivery problems directly attributable to the Government will not be held against the contractor.

Vendors or subcontractors who are supplying fresh fruit crops 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 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

All these requirements shall be met PRIOR to the bid opening date.

Brokers are exempt from the USDA GAP/GHP requirements themselves, HOWEVER suppliers/subcontractors performing 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. In order to be found responsive the contractor and/or its subcontractors/suppliers must be in compliance with USDA GAP/GHP certification. Offerors must include in their bid the GAP and GHP Audit Verification attachment, which is found in the attachments section of this solicitation. Offerors who do not complete this form in its entirety, do not include the form as an attachment to their bid, or are missing the required USDA GAP/GHP scopes listed above shall be deemed nonresponsive.

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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](mailto:scaudits@usda.gov).

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:

1. 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.
2. If the contractor ships noncompliant product after the date of the cure notice:
  - a. USDA/AMS will deduct a 50% discount from the invoice for all noncompliant deliveries;
  - b. The contract will be terminated for cause; and
  - c. 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.

This solicitation may show multiple stops on some line items; however, the number of stops will be limited to a maximum of three. To determine the number of destinations, review the "Tendering Text" for the lot, which will indicate the City and State for each stop. Bidders may submit different prices for each stop. However, a price is required on all line items within the lot.

For offshore destinations (Puerto Rico, Hawaii, etc.), offerors have the option to choose to enter their bids direct to the offshore destination or to the port. Purchases will be made on an f.o.b. destination basis to cities on this solicitation. Destination quantities listed are estimates and subject to adjustment based on offerings, changes in recipient needs, market conditions, and program operations.

All prime vendors are reminded that they are prohibited from subcontracting with companies or individuals that have been suspended or debarred.

Offers must be submitted electronically via the Web-Based Supply Chain Management System (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.

Offerors are cautioned to bid only quantities they can reasonably expect to produce and deliver. Inquiries about the Master Solicitation dated March 2022; The Commodity Specification for Fresh Fruit; or this solicitation should be directed to the Contracting Officer; USDA, AMS, Room 3522-South; 1400 Independence Avenue, S.W.; Washington, D.C. 20250-0239. Telephone: (202) 720-4517. FAX: (202) 720-2782.

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

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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).

**See attached documents:**

- 1 . CommoditySpecificationforFreshFruitJuly2019
- 2 . USDA GAP and GHP Audit Verification Document
- 3 . Templates for Supplier Agreement Letter
- 4 . Master Solicitation March 1, 2022

**Attributes :**

OFFEROR CERTIFIES THAT THE OFFER IS MADE SUBJECT TO THE MASTER SOLICITATION; COMMODITY SUPPLEMENT AND/OR SPECIFICATION(S); THIS SOLICITATION; THE AGRICULTURE ACQUISITION REGULATIONS (AGAR) AND THE FEDERAL ACQUISITION REGULATIONS (FAR).  
 Timely performance: Offeror and any subcontractor have completed required performance of any USDA contract prior to this bid opening.

- Permitted values:
- Have been delivered
  - Have not been delivered
  - Have not been delivered, but the Offeror has notified the Contracting Officer
  - There are no existing contracts/purchase orders

OFFEROR REQUESTS HUBZONE SMALL BUSINESS PRICE EVALUATION PREFERENCE. APPLIES ONLY TO FIRMS CERTIFIED IN THE SMALL BUSINESS ADMINISTRATION'S HUBZONE PROGRAM (FAR SUBPART 19.13).MUST BE THE MANUFACTURER/PRODUCER OF THE PRODUCT TO RECEIVE A PRICE PREFERENCE

Furnish name, title, phone number, fax number, and e-mail address of person submitting this bid (must be an officer of the company or a person authorized to execute contracts/purchase orders on behalf of the bidder).

IS THE OFFEROR AN ENTITY THAT HAS FILED ARTICLES OF INCORPORATION IN ONE OF THE FIFTY STATES, THE DISTRICT OF COLUMBIA, OR THE VARIOUS TERRITORIES OF THE UNITED STATES? YOU MUST ANSWER THE NEXT 3 QUESTIONS IF THE ANSWER FOR THIS QUESTION IS

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YES.

HAS THE OFFEROR BEEN CONVICTED OF A FELONY CRIMINAL VIOLATION UNDER FEDERAL OR STATE LAW IN THE 24 MONTHS PRECEDING THE DATE OF OFFER?

HAS THE OFFEROR HAD ANY OFFICER OR AGENT OF OFFEROR CONVICTED OF A FELONY CRIMINAL VIOLATION FOR ACTIONS TAKEN ON BEHALF OF OFFEROR UNDER FEDERAL OR STATE LAW IN THE 24 MONTHS PRECEDING THE DATE OF OFFER?

DOES THE OFFEROR HAVE ANY UNPAID FEDERAL TAX LIABILITY ASSESSED, WHICH ALL JUDICIAL AND ADMINISTRATIVE REMEDIES HAVE BEEN EXHAUSTED/LAPSED, THAT IS NOT BEING PAID IN A TIMELY MANNER PURSUANT TO AGREEMENT WITH THE AUTHORITY RESPONSIBLE FOR COLLECTING IT?

Offeror attached the required Supplier Agreement Letter for every supplier they intend to subcontract

**Bid invitation Item details**

Item	Material	Description	Required by	ZipCode	Quantity	
<b>10 FRUIT, FRESH</b>						
<b>20 APPLES EMPIRE FRESH CTN-40 LB</b>						
<b>30 EAST POINT GA</b>						
40	100517	APPLES EMPIRE FRESH CTN-40 LB	04/03/2023-04/05/2023	30344	924.000	CS
50	100517	APPLES EMPIRE FRESH CTN-40 LB	06/26/2023-06/28/2023	30344	924.000	CS
<b>60 NEWARK NJ</b>						
70	100517	APPLES EMPIRE FRESH CTN-40 LB	04/24/2023-04/26/2023	07114	924.000	CS
<b>80 LAS VEGAS NV</b>						
90	100517	APPLES EMPIRE FRESH CTN-40 LB	05/29/2023-05/31/2023	89030	924.000	CS
<b>100 LOT: 217048776 SARASOTA FL / TAMPA FL /</b>						
110	100517	APPLES EMPIRE FRESH CTN-40 LB	06/05/2023-06/07/2023	34240	462.000	CS
120	100517	APPLES EMPIRE FRESH CTN-40 LB	06/05/2023-06/07/2023	33605	462.000	CS
<b>Total Quantity for APPLES EMPIRE FRESH CTN-40 LB</b>					<b>4,620.000</b>	<b>CS</b>
<b>130 APPLES FRESH PKG-12/3 LB</b>						
<b>140 GARDEN GROVE CA</b>						
150	110561	APPLES FRESH PKG-12/3 LB	04/10/2023-04/12/2023	92841	980.000	CS
<b>160 SAN DIEGO CA</b>						

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<b>Item</b>	<b>Material</b>	<b>Description</b>	<b>Required by</b>	<b>ZipCode</b>	<b>Quantity</b>	
170	110561	APPLES FRESH PKG-12/3 LB	04/03/2023-04/05/2023	92121	980.000	CS
180	110561	APPLES FRESH PKG-12/3 LB	05/01/2023-05/03/2023	92121	980.000	CS
190	110561	APPLES FRESH PKG-12/3 LB	06/05/2023-06/07/2023	92121	980.000	CS
200	110561	APPLES FRESH PKG-12/3 LB	06/12/2023-06/14/2023	92121	980.000	CS
<b>210 HOMESTEAD FL</b>						
220	110561	APPLES FRESH PKG-12/3 LB	04/17/2023-04/19/2023	33033	980.000	CS
<b>230 ORLANDO FL</b>						
240	110561	APPLES FRESH PKG-12/3 LB	04/03/2023-04/05/2023	32805	980.000	CS
250	110561	APPLES FRESH PKG-12/3 LB	04/24/2023-04/26/2023	32805	980.000	CS
260	110561	APPLES FRESH PKG-12/3 LB	05/08/2023-05/10/2023	32805	980.000	CS
<b>270 SAVANNAH GA</b>						
280	110561	APPLES FRESH PKG-12/3 LB	06/05/2023-06/07/2023	31404	980.000	CS
<b>290 BATON ROUGE LA</b>						
300	110561	APPLES FRESH PKG-12/3 LB	06/05/2023-06/07/2023	70815	980.000	CS
310	110561	APPLES FRESH PKG-12/3 LB	06/26/2023-06/28/2023	70815	980.000	CS
<b>320 MONROE LA</b>						
330	110561	APPLES FRESH PKG-12/3 LB	04/10/2023-04/12/2023	71203	980.000	CS
<b>340 NEW ORLEANS LA</b>						
350	110561	APPLES FRESH PKG-12/3 LB	06/26/2023-06/28/2023	70123	980.000	CS
<b>360 TAYLOR MI</b>						
370	110561	APPLES FRESH PKG-12/3 LB	04/03/2023-04/05/2023	48180	980.000	CS
<b>380 AKRON OH</b>						
390	110561	APPLES FRESH PKG-12/3 LB	05/15/2023-05/17/2023	44307	980.000	CS

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Item	Material	Description	Required by	ZipCode	Quantity	
400	110561	APPLES FRESH PKG-12/3 LB	06/19/2023-06/21/2023	44307	980.000	CS
<b>410 CLEVELAND OH</b>						
420	110561	APPLES FRESH PKG-12/3 LB	05/15/2023-05/17/2023	44110	980.000	CS
430	110561	APPLES FRESH PKG-12/3 LB	06/05/2023-06/07/2023	44110	980.000	CS
<b>440 HOUSTON TX</b>						
450	110561	APPLES FRESH PKG-12/3 LB	04/03/2023-04/05/2023	77029	980.000	CS
460	110561	APPLES FRESH PKG-12/3 LB	04/17/2023-04/19/2023	77029	980.000	CS
470	110561	APPLES FRESH PKG-12/3 LB	05/01/2023-05/03/2023	77029	980.000	CS
480	110561	APPLES FRESH PKG-12/3 LB	05/15/2023-05/17/2023	77029	980.000	CS
490	110561	APPLES FRESH PKG-12/3 LB	05/29/2023-05/31/2023	77029	980.000	CS
500	110561	APPLES FRESH PKG-12/3 LB	06/12/2023-06/14/2023	77029	980.000	CS
510	110561	APPLES FRESH PKG-12/3 LB	06/26/2023-06/28/2023	77029	980.000	CS
<b>520 WEST MILWAUKEE WI</b>						
530	110561	APPLES FRESH PKG-12/3 LB	04/03/2023-04/05/2023	53219	980.000	CS
<b>540 LOT: 418175405 OKLAHOMA CITY OK / TUL..</b>						
Tendering text - Item : LOT: 418175405 OKLAHOMA CITY OK / TULSA OK /						
550	110561	APPLES FRESH PKG-12/3 LB	05/01/2023-05/03/2023	73179	588.000	CS
560	110561	APPLES FRESH PKG-12/3 LB	05/01/2023-05/03/2023	74106	392.000	CS
<b>570 LOT: 577509532 OKLAHOMA CITY OK / TUL..</b>						
Tendering text - Item : LOT: 577509532 OKLAHOMA CITY OK / TULSA OK /						
580	110561	APPLES FRESH PKG-12/3 LB	06/05/2023-06/07/2023	73179	588.000	CS
590	110561	APPLES FRESH PKG-12/3 LB	06/05/2023-06/07/2023	74106	392.000	CS
<b>600 LOT: 982738200 OKLAHOMA CITY OK / TUL..</b>						



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Item	Material	Description	Required by	ZipCode	Quantity	
<b>Tendering text - Item : LOT: 982738200 OKLAHOMA CITY OK / TULSA OK /</b>						
610	110561	APPLES FRESH PKG-12/3 LB	04/03/2023-04/05/2023	73179	588.000	CS
620	110561	APPLES FRESH PKG-12/3 LB	04/03/2023-04/05/2023	74106	392.000	CS
<b>Total Quantity for APPLES FRESH PKG-12/3 LB</b>						<b>29,400.000</b>
<b>630 APPLES FUJI FRESH F CARTON-40 LB</b>						
<b>640 LORTON VA</b>						
650	100522	APPLES FUJI FRESH F CARTON-40 LB	04/03/2023-04/05/2023	22079	924.000	CS
<b>Total Quantity for APPLES FUJI FRESH F CARTON-40 LB</b>						<b>924.000</b>
<b>660 APPLES GALA FRESH G CARTON-40 LB</b>						
<b>670 SAN ANTONIO TX</b>						
680	100521	APPLES GALA FRESH G CARTON-40 LB	05/15/2023-05/17/2023	78227	924.000	CS
690	100521	APPLES GALA FRESH G CARTON-40 LB	06/19/2023-06/21/2023	78227	924.000	CS
<b>Total Quantity for APPLES GALA FRESH G CARTON-40 LB</b>						<b>1,848.000</b>
<b>700 APPLES GRANNY SMITH FRESH CTN-40 LB</b>						
<b>710 IRVINE CA</b>						
720	110543	APPLES GRANNY SMITH FRESH CTN-40 LB	05/22/2023-05/24/2023	92618	924.000	CS
<b>730 SAN JOSE CA</b>						
740	110543	APPLES GRANNY SMITH FRESH CTN-40 LB	05/08/2023-05/10/2023	95134	924.000	CS
750	110543	APPLES GRANNY SMITH FRESH CTN-40 LB	05/15/2023-05/17/2023	95134	924.000	CS
<b>760 LAS VEGAS NV</b>						
770	110543	APPLES GRANNY SMITH FRESH CTN-40 LB	06/26/2023-06/28/2023	89030	924.000	CS
<b>Total Quantity for APPLES GRANNY SMITH FRESH CTN-40 LB</b>						<b>3,696.000</b>
<b>780 APPLES RED DELICIOUS FRESH CTN-40 LB</b>						
<b>790 SAN BERNARDINO CA</b>						

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Item	Material	Description	Required by	ZipCode	Quantity	
800	100514	APPLES RED DELICIOUS FRESH CTN-40 LB	05/01/2023-05/03/2023	92415		CS
					924.000	
<b>810 VINELAND NJ</b>						
820	100514	APPLES RED DELICIOUS FRESH CTN-40 LB	04/24/2023-04/26/2023	08360		CS
					924.000	
<b>Total Quantity for APPLES RED DELICIOUS FRESH CTN-40 LB</b>						CS
						1,848.000
<b>830 PEARS BARTLETT FRESH CTN#40 LB</b>						
<b>840 LAS VEGAS NV</b>						
850	111424	PEARS BARTLETT FRESH CTN#40 LB	04/10/2023-04/12/2023	89030		CS
					980.000	
<b>Total Quantity for PEARS BARTLETT FRESH CTN#40 LB</b>						CS
						980.000
<b>860 PEARS FRESH PKG-12/3 LB</b>						
<b>870 IRVINE CA</b>						
880	110560	PEARS FRESH PKG-12/3 LB	04/17/2023-04/19/2023	92618		CS
					980.000	
<b>890 SAN JOSE CA</b>						
900	110560	PEARS FRESH PKG-12/3 LB	06/12/2023-06/14/2023	95134		CS
					980.000	
<b>910 LAS VEGAS NV</b>						
920	110560	PEARS FRESH PKG-12/3 LB	05/08/2023-05/10/2023	89030		CS
					980.000	
930	110560	PEARS FRESH PKG-12/3 LB	06/12/2023-06/14/2023	89030		CS
					980.000	
<b>940 HOUSTON TX</b>						
950	110560	PEARS FRESH PKG-12/3 LB	04/10/2023-04/12/2023	77029		CS
					980.000	
960	110560	PEARS FRESH PKG-12/3 LB	05/01/2023-05/03/2023	77029		CS
					980.000	
<b>970 LOT: 989052751 LAFAYETTE LA / NEW ORL...</b>						
Tendering text - Item : LOT: 989052751 LAFAYETTE LA / NEW ORLEANS LA /						
980	110560	PEARS FRESH PKG-12/3 LB	06/19/2023-06/21/2023	70505		CS
					490.000	
990	110560	PEARS FRESH PKG-12/3 LB	06/19/2023-06/21/2023	70123		CS
					490.000	
<b>Total Quantity for PEARS FRESH PKG-12/3 LB</b>						CS
						6,860.000

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<u>Item Material Description</u>	<u>Required by</u>	<u>ZipCode</u>	<u>Quantity</u>	
Total Quantity for Invitation			50,176.000	CS



Kyla Stoufer  
Contracting Officer  
Commodity Procurement Division