



Effective Date: December 21, 2022

Vendor Qualification Requirements for Prospective Contractors Selling Commodities to USDA's Agricultural Marketing Service (AMS)

I. Introduction

The USDA's Agricultural Marketing Service (AMS), Commodity Procurement Program (CPP), procures U.S. origin agricultural commodities and products for use in domestic and international food distribution, nutrition assistance programs. Products procured are delivered to schools, food banks, Indian Reservations and other outlets under domestic programs, and are distributed internationally under various programs administered by U.S. Agency for International Development and USDA's Foreign Agricultural Service. In addition to providing nutrition assistance, these procurements support American agriculture by the exclusive purchase of domestically produced products, per law and regulation.

These qualification requirements, as authorized under the Federal Acquisition Regulation (FAR), Subpart 9.2, Qualifications Requirements, are necessary for AMS to carry out its mission. A prospective contractor must be determined to be qualified by the Contracting Officer prior to submitting offers for AMS solicitations.

An interested prospective contractor may submit a qualification package at any time. Small businesses that do not meet this qualification requirement, will be referred to the Small Business Administration (SBA) for possible issuance of a Certificate of Competency (COC), in accordance with FAR subpart 19.6.

Prospective contractors shall complete and provide all materials requested herein. The Contracting Officer will review the package, determine if a prospective contractor is qualified, including for which products, and add approved vendors to the Qualified Bidders List/Qualified Products List (QBL/QPL). A prospective contractor will be notified whether requirements have been satisfied and when the qualification package has been approved. Offers will not be accepted from a prospective contractor that has failed to comply with these requirements. Access to the Web-Based Supply Chain Management (WBSCM) system for submission of offers shall be granted only to Qualified Bidders after the qualification process has been completed and approved by the Contracting Officer.

Procurement information, including the AMS Master Solicitations for Commodity Procurements, commodity specifications, procurement schedules, information on WBSCM, current solicitations, and historical contract award information, is located on the AMS website at: <https://www.ams.usda.gov/selling-food/solicitations>.

II. Qualification Requirements

The following are required of each prospective contractor to complete the qualification requirements process:

A. Administrative Requirements

1. System for Award Management (SAM).

In accordance with FAR Part 4.1102, prospective contractors shall be registered in the System for Award Management (SAM). The contractor is responsible for the accuracy and completeness of the data within the SAM database, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain active in SAM, after the initial registration, the contractor is required to review and update their company information on an annual basis, from the date of initial registration or subsequent updates. Annually, companies need to assure that all information in the SAM database is current, accurate and complete. The SAM website is located at: <https://www.sam.gov>. There is no fee to register in SAM.
2. Registrations and Licenses (if applicable).
 - (a) FDA Food Facility Registration Number. In accordance with the Food Safety Modernization Act of 2011 (FSMA), domestic facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States are required to register with the FDA and renew such registrations. If applicable, provide your FDA food facility registration number. FDA guidance is available at: <http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/ucm2006831.htm>
 - (b) USDA Establishment Number. Contractors who supply meat, poultry and eggs are required to obtain a USDA Establishment Number. For additional information, please go to the following link: <https://www.fsis.usda.gov/inspection/establishments/meat-poultry-and-egg-product-inspection-directory>
 - (c) Perishable Agricultural Commodities Act (PACA) license. Contractors who supply fresh and frozen fruits and vegetables must have for a PACA license. For additional information, please go to the following link: <https://www.ams.usda.gov/rules-regulations/paca/licensing>
3. SBA Certifications (if applicable).

Submit a copy of the applicable SBA certificate if the firm is a certified 8(a), HUBZone, Women Owned Small Business (WOSB), etc.
4. Veteran's Administration (VA) Certification (if applicable).

If required by the contracting officer, submit a copy of the applicable certification as a Service-Disabled Veteran-Owned Small Business (SDVOSB).
5. Web-Based Supply Chain Management (WBSCM) Registration Form.

USDA-AMS commodity procurements are conducted electronically through WBSCM computer system. Prospective contractors must complete the WBSCM Vendor Registration Form available at: <https://www.ams.usda.gov/resources/wscm-vendor-registration-form>

B. Capability Requirements (Responsible prospective contractor's documentation from FAR 9.104-1 and 9.104-3)

1. Prospective contractors shall provide a written capabilities statement on company letterhead with a signature, providing the firm's exact legal name, and include the following:
 - A description of historical business experiences including the number of years it has sold these or similar products in the commercial marketplace or

to governmental entities.

- A list including the product category (e.g., fruit, grain, meat, food box, etc.) and specific products that it is interested in providing including the pack sizes and capacity (a copy of the WBSCM vendor registration form may be used). If the application is approved, the approval will only apply to the specific product(s) provided. In order to sell additional product to AMS, then vendor will have to seek a separate approval prior to submitting a bid.
 - Any additional pertinent information regarding a prospective contractor's capabilities, such as, but not limited to, news articles, company websites, brochures, etc., and evidence of a satisfactory record of integrity and business ethics, and verification that it is otherwise qualified and eligible to receive an award under applicable laws and regulations.
2. Three reference letters from customers that demonstrate the prospective contractor's past performance. These letters must be from the customer's company letterhead and signed by the customer's officers or authorized representative.
 3. For Non-manufacturers and Food Box suppliers.
To demonstrate its capability to supply the products it wishes to bid on, non-manufacturers and food box suppliers must provide a copy of the written agreement in effect between itself and an approved supplier, and identify the product the subcontractor is to supply. The agreement must be on company letterhead and must be signed by both parties. If the non-manufacturer has to change its supplier, a new written agreement between itself and the new supplier must be submitted for approval. Non-manufacturers must also submit a complaint and dispute resolution proposal which details how the non-manufacturer will resolve any potential complaints or hindrances that may arise.

If a non-manufacturer represents itself as a small business concern, it must comply with 13 CFR 121.406(b):

(a) **Non-manufacturers.** (1) *A firm may qualify as a small business concern for a requirement to provide manufactured products or other supply items as a non-manufacturer if it:*

- (i) *Does not exceed 500 employees;*
- (ii) *Is primarily engaged in the retail or wholesale trade and normally sells the type of item being supplied;*
- (iii) *Takes ownership or possession of the item(s) with its personnel, equipment or facilities in a manner consistent with industry practice;*
and
- (iv) *Will supply the end item of a small business manufacturer, processor or producer made in the United States, or obtains a waiver of such requirement pursuant to paragraph (b)(5) of this section.*

C. Determination of Contractor's Responsibility (FAR 9.104-1 and 9.104-3)

1. The Procurement Policy and Service Contracts Division (PPSCD) will obtain a Contractor Responsibility Assessment (CRA) report from FedDataCheck.net to determine the responsibility of each prospective contractor for inclusion in the QBL.
2. Prior to contract award, the CPP contracting officer will obtain a copy of the CRA report to determine the responsibility of each contractor.

D. Quality Assurance

1. Food Defense Audit. All qualified contractors, and for nonmanufacturers their subcontractors, must have a documented and operational food defense plan that provides for the security of a plant's production processes and includes the storage and transportation of pre-production raw materials, other ingredients and post-production finished products. The food defense plan must be included in the application package, and it will be audited by an AMS representative. Any nonconformance identified must be addressed in writing to both the Contracting Officer and Auditor. The plan shall address the following areas, where applicable: (1) food defense plan management; (2) outside and inside security of the production and storage facilities; (3) slaughter and processing, including all raw material sources; (4) controlled access to production and storage areas; (5) storage; (6) water and ice supply; (7) mail handling; (8) personnel security; and (9) transportation, shipping, and receiving (includes the sealing of any transport conveyance for truck lot and less-than-truck lot quantities of finished product).

The frequency of any follow-up food defense audits will be determined by the Contracting Officer. Approved food defense audit is valid for twelve (12) months from the date of approval.

Contact the appropriate AMS Audit and Accreditation Program for information on food defense audit services. Contacts for each commodity area are found below and are also available on the AMS website at <https://www.ams.usda.gov/services/auditing/apply>.

2. Plant Survey or Plant Systems Audit (PSA). All qualified contractors, and for nonmanufacturers their subcontractors, are required to undergo and pass an annual plant survey or PSA. The primary purpose of a plant survey or PSA is to ensure the vendor has the capability and capacity to perform on USDA contracts, and that products are produced in a clean, sanitary environment. Records will be reviewed by AMS audit personnel to ensure various Federal requirements are met including that prospective contractor:
 - Maintain sufficiently detailed documentation of process operations,
 - Have documented loading procedures,
 - Have an adequate domestic origin segregation plan, or adequate documentation of domestic commodity on hand for commingled commodities, as applicable, and
 - Have documented traceability of the product from farm/raw material source through the supply chain.

Commodity Procurement Program will contact the survey/audit personnel that conduct plant surveys/systems audit to initiate these surveys/audits for potential contractors that have met all other qualification requirements. AMS representatives from the respective program areas will conduct the surveys/audits, including Livestock and Poultry Program, Dairy Program, Specialty Crops Inspection, and the Federal Grain Inspection Service.

Note: Contractors who have a Specialty Crops Inspection Division (SCID) in-plant contract service agreement will be considered as having met the plant survey/PSA requirement, since a plant survey/PSA is a prerequisite to a contract service agreement. Similarly, Contractors who have completed a SCID plant survey/PSA for any other purpose within one year of award will also be deemed to have satisfied this requirement. Offerors who submit a bid with a processing plant and/or shipping

point that are not in compliance with this requirement will be deemed non-responsive for that processing plant and/or shipping point.

The frequency of any follow-up plant survey audit/PSA will be determined by the Contracting Officer. Approved plant survey audit/PSA is valid for twelve (12) months from the date of approval.

3. Good Manufacturing Practices

All dairy, grains, oilseeds, dry beans, peas and lentils, and specialty crops must be produced in accordance with the Food and Drug Administration's Current Good Manufacturing Practices (21 C.F.R., Part 110 and/or Part 117), whichever is applicable at the time of manufacture.

4. Commodity Specific Requirements

- a. Livestock
 - i. Technical Proposal/Production Plan/Quality Control Program Approval
 - ii. Animal Welfare
- b. Fresh Cut Produce
 - i. Hazard Analysis Critical Control Point (HACCP) Plan
- c. Fresh Fruit and Vegetables
 - i. USDA Good Handling Practices (GHP)/Good Agricultural Practices (GAP)
 - ii. USDA GAP or Desk Audit of GFSI Certified Audits
- d. Fluid Milk Suppliers must be on inter-state milk shippers domestic list.

E. Submitting a Vendor Qualification Package

A prospective contractor is encouraged to submit the qualification package as soon as possible to allow ample time for the processes and approval, and subsequent WBSCM registration prior to the closing date of the targeted solicitation. A checklist (Exhibit 1) is provided to assist the applicant with submission of a complete package.

Submit the qualification packages to—

For domestic program products: Dairy, grain, oilseed, livestock, poultry, and fish
For international program packaged commodities:

Ms. Andrea Lang
Small Business/New Vendor Coordinator
Email address: NewVendor@ams.usda.gov
Telephone No.: 202-720-4237

For domestic program products: Fruits, vegetables, and tree nuts
For international bulk commodities:

Ms. Diana Dau David
Small Business/New Vendor Coordinator
Email address: NewVendor@ams.usda.gov
Telephone No.: 202-378-1075

F. Applying to Supply Additional Products

Vendors will be approved and added to a QBL for specific products. For a previously approved vendor listed on a QBL that wishes to supply additional products, contact the Small Business/New Vendor Coordinator at NewVendor@ams.usda.gov. Offers

submitted in response to a solicitation for products a vendor has not been approved for will not be considered.

NOTICE

Except as provided in FAR Part 24.2 (the "Freedom of Information Act"), qualification information, including the pre-award survey reports, accumulated for purposes of determining the responsibility of a prospective contractor, shall not be released or disclosed outside the government. All information provided will be kept confidential to the extent permitted by law.

Under penalty of perjury, each qualification package must be submitted and signed by an individual who has the legal authority to contractually bind a prospective contractor on whose behalf that information package is submitted. If any information provided by a prospective contractor becomes inaccurate, a prospective contractor must immediately notify the Contracting Officer and provide updated and accurate information in writing. AMS reserves the right to waive minor irregularities and omissions in the information obtained in the qualification package submitted.

EXHIBIT 1

| [\[Insert updated checklist\]](#)