

RAW SHELLED PEANUTS

I. Solicitation for Commercial Items

1. Solicitation Description: 12-3J14-21-B-0323
Solicitation Number: 2000007752

2. Solicitation Issue Date: April 29, 2021

3. Issued and Administered by:

USDA/Agricultural Marketing Service (AMS)
Commodity Procurement Program (CPP)
Proteins, Grains, and Oilseeds Procurement Division (PGOPD)
Dairy, Grains, and Oilseeds Branch (DGO)
Room 3522-S, Stop-0239
1400 Independence Ave SW
Washington, DC 20250-0239

4. Method of Solicitation: Sealed Bidding/Invitation for Bid

5. Offer due Date/Local Time: May 11, 2021, 0900 Central Time

6. Award Notification Date: May 13, 2021, by 1500 Central Time

7. Public Release of Award Date: May 14, 2021, by 1500 Central Time

8. Solicitation Information Contact:

Name: Mara Whitaker, Agricultural Marketing Specialist
Telephone: 816 926 6063
Email: Mara.Whitaker@usda.gov

Name: Jenny Babiuch, Senior Contracting Officer
Telephone: 816 823 1145
Email: Jenny.Babiuch@usda.gov

9. This Acquisition is:

Unrestricted

Set-Aside for:

Small Business (100 percent). Any small business concern proposing to furnish a product that it did not itself manufacture must furnish the product of a small business manufacturer on the AMS CPS Qualified Bidders List (QBL)

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE

If specified in the solicitation, certain quantities are set aside exclusively for small business firms under the Small Business Act (15 U.S.C. 631, et seq.). Bids received for these set-aside quantities from firms who are not

small business concerns will not be considered. In the event the Government is unsuccessful in contracting with an eligible small business concern(s) for the set-aside quantities, the Government may award the quantities to other than small business concerns. The contracting reserves the right to utilize Federal Acquisition Regulation Part 19.507 Automatic dissolution of a small business set-aside.

10. Supplier Agreement Requirement.

If the offer is for product the offeror will not itself manufacture, offeror shall, by the offer due date/local time, submit the corresponding supplier agreement to, Attention: Contracting Officer at the solicitation information contact address shown in this solicitation. The supplier agreement shall: be in effect between the offeror and the product manufacturer for the period of contract performance, certify compliance with the applicable solicitation requirements, contain the DUNS number for the product manufacturer be on the product manufacturer's company letterhead, and be signed by both parties.

A prospective contractor may be required to provide written evidence of a proposed responsibility of the subcontractor. The Contracting Officer may directly determine a prospective responsibility of the subcontractor.

11. NAICS Codes/Size Standards: See Master Solicitation for Commodity Procurements – Domestic Programs (MSCP-D) at <https://www.ams.usda.gov/selling-food/solicitations>

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

13. Terms of Sale: F.O.B. Origin Contractor Facility (**hopper car**)

Please note: When title passes to buyer (USDA/AMS/PPP) the buyer will transfer care and custody to the company that has been designated by the state(s) to process the peanuts.

14. Payment will be made by and submit invoices to:

The contractor shall submit invoices and attachments in the Web-Based Supply Chain Management (WBSCM) system. An Advanced Shipping Notification (ASN) is not required for Raw Shelled Peanuts.

A separate invoice should be submitted for each item number.

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.

15. Contract Type:

/ X/ Firm Fixed Price

16. Schedule of Supplies: See WBSCM bid invitation

17. Accounting and Appropriation Data: *TAS: unknown*

The commodities procured under this solicitation are currently for the following programs(s):

Section of Public Law Program Name

/X/ 32/6E The National School Lunch Program

// 32/6E Child and Adult Care Feeding Programs

// 32/6E Summer Food Service Program

// 311 Nutrition Services Incentive Program

// 4A Food Distribution Program on Indian Reservations

// 17 Commodity Supplemental Food Program

// 104 The Emergency Food Assistance Program

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

A. This solicitation shall be subject to the terms and conditions of Master Solicitation for Commodity Procurements–Domestic Programs (MSCP-D) in effect as of the date of this solicitation. See attached MSCP-D. 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).

19. Additional Clauses and Provisions

52.247-30 F.O.B. Origin, Contractor’s Facility. (Feb 2006)

(a) The term “f.o.b. origin, contractor’s facility,” as used in this clause, means free of expense to the Government delivered on board the indicated type of conveyance of the carrier (or of the Government, if specified) at the designated facility, on the named street or highway, in the city, county, and State from which the shipment will be made.

(b) The Contractor shall—

(1)(i) Pack and mark the shipment to comply with contract specifications; or

(ii) In the absence of specifications, prepare the shipment in conformance with carrier requirements to protect the goods and to ensure assessment of the lowest applicable transportation charge;

(2)(i) Order specified carrier equipment when requested by the Government; or

(ii) If not specified, order appropriate carrier equipment not in excess of capacity to accommodate shipment;

(3) Deliver the shipment in good order and condition to the carrier, and load, stow, trim, block, and/or brace carload or truckload shipment (when loaded by the Contractor) on or in the carrier's conveyance as required by carrier rules and regulations;

(4) Be responsible for any loss of and/or damage to the goods—

(i) Occurring before delivery to the carrier;

(ii) Resulting from improper packing and marking; or

(iii) Resulting from improper loading, stowing, trimming, blocking, and/or bracing of the shipment, if loaded by the Contractor on or in the carrier's conveyance;

(5) Complete the Government bill of lading supplied by the ordering agency or, when a Government bill of lading is not supplied, prepare a commercial bill of lading or other transportation receipt. The bill of lading shall show—

(i) A description of the shipment in terms of the governing freight classification or tariff (or Government rate tender) under which lowest freight rates are applicable;

(ii) The seals affixed to the conveyance with their serial numbers or other identification;

(iii) Lengths and capacities of cars or trucks ordered and furnished;

(iv) Other pertinent information required to effect prompt delivery to the consignee, including name, delivery address, postal address and ZIP code of consignee, routing, etc.;

(v) Special instructions or annotations requested by the ordering agency for bills of lading; e.g., *“This shipment is the property of, and the freight charges paid to the carrier(s) will be reimbursed by, the Government”*; and

(vi) The signature of the carrier's agent and the date the shipment is received by the carrier; and

(6) Distribute the copies of the bill of lading, or other transportation receipts, as directed by the ordering agency.

(End of clause)

20. Commodity Requirements

COMMODITY SPECIFICATION-RAW SHELLED PEANUTS

A. Quality of Product

1. From CURRENT CROP YEAR

2. RUNNER TYPE PEANUTS

3. MEDIUM or JUMBO GRADE [American Peanut Shellers Grade Standards]

<http://www.peanut-shellers.org/pdf/tradingrules.pdf>

4. AFLATOXIN NOT TO EXCEED 15 PARTS PER BILLION (ppb)

QUALITY ASSURANCE

- A. Raw Shelled Peanuts purchased for this Domestic Commodity Invitation shall be:
1. Graded by United States Department of Agriculture (USDA), Agriculture Marketing Service (AMS), or their official agents. An AMS Milled Peanut Inspection Certificate is required.
 2. USDA, AMS Transfer Clearance Certificate (Peanuts) for all hopper rail shipments.
 3. Check-loading Certificate from AMS or an AMS approved inspection agency for all truck shipments.
 4. Tested for aflatoxin by a USDA laboratory or a USDA-Approved laboratory. Aflatoxin not to exceed 15 parts per billion (ppb). Certificate Required.
 5. All Raw Shelled Peanuts awarded under this Solicitation must be fumigated during the Calendar months of May through November.

WEIGHT REQUIREMENTS

The permissible variation shall be limited to plus or minus 0.5%. This variation shall apply to the WBSCM Purchase Order item quantity (i.e. net weight)

21. USDA Contracting Officer

Jenny Babiuch
Senior Contracting Officer