

INSTANT NONFAT DRY MILK

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

1. Direct Order number and date

Acquisition Method: Direct Order
Solicitation Description: 12-3J14-22-B-0022
Solicitation Number: 2000008136
Issue Date: October 21, 2021, by 1300 Central time
Offers Due: November 4, 2021, 0900 Central time
Award Notification: November 8, 2021, by 1500 Central time
Public Release of Award: November 9, 2021, 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)
Proteins, Grains, and Oilseeds Procurement Division (PGOPD)
Dairy, Grains, & Oilseeds Branch (DGO)
Mail Stop 8718
PO Box 419205
Kansas City, MO 64141-6205

Contact:

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

Alternate Contact:

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

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)

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 April 23, 2021.

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. 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 Dry, Condensed, and Evaporated Dairy Product Manufacturing. See <https://www.census.gov/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

of the following:

- telephone: 877-WBSCM-4U or 877-927-2648
- email: WBSCM.servicedesk@CACI.com

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 WSBCM 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. Such products are identified on the solicitation with the letter "K" incorporated into the WBSCM material descriptions. Vendors must not bid on Kosher items unless they are or can be properly certified. 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, prior to manufacturing, with the aforementioned requirement by contacting the Board of Jewish Education of Greater New York (BJENY) at 646-472-5365. At no cost to the vendor, 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.

D. Plant Location Requirement.

Plant location and the Place of Performance in Federal Acquisition Regulations provisions **52.214-14 Place of Performance-Sealed Bidding** (Apr 1985) and **52.215-6 Place of Performance** (Oct 1997) shall match. Representations and Certifications are available online at the System for Award Management at website <https://sam.gov/content/home>.

E. Offshore Items:

Items for delivery to offshore locations require the contractor to arrange and pay for ocean transportation in addition to the land transportation. Offshore examples are Guam, Hawaii, Puerto Rico, and the Virgin Islands. Offshore locations are identified by the cities and postal

abbreviations shown at the level 3 Item data.

Contractors offering on Offshore Items can offer a delivered price to the port or a delivered price to the destination. If the Contractor offers a price to the destination, the Offeror must also indicate the price to the port. The Port for Hawaii and Guam destinations will be Los Angeles, California. The Port for Puerto Rico destinations will be Jacksonville, Florida. Further, the Offeror must indicate whether, or not, they will accept an award to the port.

Contractors offering on Offshore Items should access the WBSCM Offshore Bidding Job Aid or contact the WBSCM Help Desk at for assistance.

F. Supplier Agreement Requirement.

If the offer is for product the offeror will not itself manufacture, offeror shall, by the offer due date/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 subcontractor's responsibility. The Contracting Officer may directly determine a prospective subcontractor's responsibility.

G. Business Size/Type Designation for Subcontracting.

An offer from a small business to supply manufactured products of small and large businesses shall be divided and submitted separately using separate WBSCM logon IDs. An offer from a farmer-owned cooperative large business to supply manufactured products of both a small business and other than small (i.e., farmer-owned cooperative large business or large business) shall be divided and submitted separately using separate WBSCM logon IDs. See information below.

Examples:

If offeror business size is small business and the manufactured product is subcontracted to a small business, then the WBSCM size designation is small business.

If offeror business size is small business and manufactured product is subcontracted to a Farmer-owned Cooperative large business or a large business, then the WBSCM size designation is large business.

If offeror business size is large business and manufactured product is subcontracted to a small or a large business, then the WBSCM size designation is large business.

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.

A separate invoice should be submitted for each item number.

9. Shipment/Delivery Schedule:

January 1, 2022 – June 30, 2022

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:

Bidders shall meet the Qualification Requirements in the Master Solicitation for Commodity Procurements-Domestic Programs (MSCP-D). The MSCP-D is available at <https://www.ams.usda.gov/sites/default/files/media/MSCP.pdf>

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 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/>.