

Domestic Commodity Invitation – Dried Cherries
Description – 12-3J14-23-B-0104
Bid Invitation Number – 2000008953

I. Tendering Text

Questions about this solicitation can be submitted to Kyla Stoufer (kyla.stoufer@usda.gov) by December 2, 2022. Responses will be posted by COB December 5, 2022.

The U.S. Department of Agriculture (USDA) invites offers to sell Dried Cherries pursuant to the AMS Master Solicitation for use in the National School Lunch Program and other Federal Food and Nutrition Assistance Programs.

100299	CHERRIES DRIED PKG-4/4 LB
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Bidders will submit one bid per STATE for each material they are bidding on. The bid is for the delivered case price of a truckload of product. USDA will buy in full truckload quantities. Each truckload will have 1-3 delivery locations.

Bids must take into account the possibility of multi-stop trucks.

Bidders must enter a price for every state to be responsive.

Bidders are required to enter capacity constraints:

- 1. Capacity constraint must be entered for each 15-day delivery period, even if capacity is zero**
- 2. Capacity constraint must be entered for the entire period of performance**
- 3. Capacity constraint must be entered for each material bid on**
- 4. Capacity constraints must not be shared between materials**

<<Please refer to Exhibit 1 attachment for example of constraints>>

This is a firm-fixed price contract. Price changes are not permitted after bid submission.

USDA intends buy a minimum of 100 truckloads of frozen product. If total bidder capacity across both frozen materials is less than 100 truckloads, then USDA reserves the right to not cancel this purchase.

The winning bidders will receive an Indefinite Delivery/Indefinite Quantity (IDIQ) Contract by January 3, 2023, which will contain a guaranteed minimum purchase quantity, a not-to-exceed maximum purchase quantity, and a target quantity, which will represent the most realistic estimate of purchase. This Target Quantity is not contractually binding as USDA may purchase above or below this estimate.

The IDIQ Contract will be awarded with state prices. Following the issuance of IDIQ Contracts, Delivery Orders will be issued containing specific delivery periods and addresses using the state prices from the IDIQ Contract. Delivery Orders will be issued at least 30 days before delivery periods begin.

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.

Offerors who intend to use more than one processing plant and shipping point for contracts awarded under this solicitation, other than the processing plant and shipping point entered in their bids, may submit a list of their approved processing plants and shipping points on a separate sheet of paper to be uploaded in WBSCM, and to be submitted with their bids.

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.

A bid submission checklist is included for your convenience on the next page.

II. Bid Submission Checklist

- Provide acknowledgement of any/all amendments (SF-30)
- Enter pricing directly into WBSCM for every state
- Capacity constraint must be entered for each 15-day delivery period, even if capacity is zero
- Capacity constraint must be entered for the entire period of performance

Please verify that you have included the above specified requirements for a complete bid submission. Failure to include the above specified requirements may deem the offeror non-responsive.

III. Solicitation For Commercial Items (electronic Standard form 1449)

1. Solicitation Number: **12-3J14-23-B-0104**
2. Solicitation Issue Date: November 28, 2022
3. Issued and Administered By:
United States Department of Agriculture
Agricultural Marketing Service, Commodity Procurement Program
1400 Independence Ave SW
Room 3522-S, STOP – 0239
Washington, DC 20250-0239
4. Method of Solicitation: Sealed Bid/Invitation for Bid
5. Offer due Date/Local Time: December 12, 2022
6. Award Notification Date: Not later than January 3, 2023
7. Public Release of Award Date: Not later than January 5, 2023
8. Solicitation Information Contact:
Kyla Stoufer – kyla.stoufer@usda.gov
9. This Acquisition is:
 /X/ Set Aside

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.

Offers received for these set-aside quantities from firms who are not eligible business concerns will not be considered. In the event the Government is unsuccessful in contracting with an eligible business concern(s) for the set-aside quantities, it may award the quantities to other business concerns. See FAR part 19.507.
10. Internet Address: <http://www.ams.usda.gov/selling-food/solicitations>
11. Delivery type: F.O.B. Destination

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

Contractor shall submit invoices and attachments in the Web-Based Supply Chain Management (WBSCM) system.

13. Contract Type:

Indefinite Delivery/Indefinite Quantity

Fixed Price

14. Schedule of Supplies

WBSCM Material Number	Material Description	Minimum Purchase Quantity*	Maximum Purchase Quantity	Delivery Periods: Every Monday - Wednesday
100299	CHERRIES DRIED PKG-4/4 LB	100 truckloads	250 truckloads	February 16, 2023 – June 30, 2023

*If minimum quantity of 100 trucks is not available for purchase, USDA reserves the right to cancel the invitation

15. Accounting and Appropriation Data:

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

Section of Public Law Program Name

FY 2023 CCC TEFAP

16. Solicitation incorporates FAR provisions 52.212-1, 52.212-3 and clauses 52.212-4 and 52.212-5. These provisions and clauses are included within this document.

17. The following documents are required to be attached to the ASN in WBSCM when the eINV is confirmed:

- Bill of Lading (may serve as proof of delivery if signed and dated by recipient)
- Inspection Certification
- Proof of Delivery

18. USDA Contracting Officer:

- a. UNITED STATES OF AMERICA /s/ Kyla Stoufer

IV. Contract Clauses

This IFB Solicitation is governed by the AMS Master Solicitation for Commodity Procurements (MSCP) dated March 1, 2022. The Master Solicitation is attached to the solicitation in WBSCM. The MSCP is also located online [here](#).

A. FAR 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 contract 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.

(d) Orders may be issued by methods other than those enumerated in this clause only if authorized in the contract.

B. FAR 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 **1 Truckload per half-month delivery period**, 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 item in excess of **the amount indicated on the contractor’s delivery period constraints schedule;**

(2) Any orders for a combination of items in excess of **the amount indicated on the contractor’s delivery period constraints schedule;** or

(3) A series of orders from the same ordering office within **_15_** days that together call for quantities exceeding the limitation in subparagraph (b)(1) or (2) of this section.

(c) If this is a requirements contract (*i.e.*, includes the Requirements clause at subsection 52.216-21 of the Federal Acquisition Regulations (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 (b) and (c) 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.

(1) Note: All delivery orders will be in full-truckload quantities. Some truckloads may require one to three stops.

C. FAR 52.216-22 Indefinite Quantity (OCT 1995)

(a) This is an indefinite-quantity contract for the supplies or services specified and effective for the period stated, in the Schedule. The quantities of supplies and services specified in the Schedule are estimates only and are not purchased by this contract.

(b) Delivery or performance shall be made only as authorized by orders issued in accordance with the Ordering clause. The Contractor shall furnish to the Government, when and if ordered, the supplies or services specified in the

Schedule up to and including the quantity designated in the Schedule as the “maximum.” The Government shall order at least the quantity of supplies or services designated in the Schedule as the “minimum.”

(c) Except for any limitations on quantities in the Order Limitations clause or in the Schedule, there is no limit on the number of orders that may be issued. The Government may issue orders requiring delivery to multiple destinations or performance at multiple locations.

(d) 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 **45 days following the end of the effective period of this contract.**

D. FAR 52.216-27 Single or Multiple Awards (Oct 1995)

The Government may elect to award a single delivery order contract or task order contract or to award multiple delivery order contracts or task order contracts for the same or similar supplies or services to two or more sources under this solicitation.

E. 452.211-74 Period of Performance (Feb 1988)

The base period of performance of this contract is from 02/16/2023 through 06/30/2023.

F. 452.211-75 Effective Period of The Contract (Feb 1988)

The effective period of this contract is from contract award date through 06/30/2023.

V. Contract Documents, Exhibits, or Attachments

- A. [Master Solicitation for Commodity Procurements – Domestic Programs \(March 1, 2022\)](#)
- B. [Commodity Specification for Dried Fruit](#)
 - a. In addition to the specification attachment, the following:
 - i. Per FDA regulations, the following minimum mandatory labeling requirements for all foods, whether sold or donated, must appear on the label: Name of the food, Manufacturer#s name and location, Net weight of the product, Ingredients list, and Allergen declaration. These requirements are codified in 21 CFR 101.2, 101.3, 101.4 and 101.5.
- C. Exhibit 1 – Example of Constraints
- D. Exhibit 2 – Estimates Based on Anticipated Demand
- E. WBSCM Instructions on How to Submit an Offer

VI. Solicitation Provisions

A. Price Evaluation

AMS evaluates pricing using the Bid Evaluation Optimization Solution (BEOS) System. BEOS applies a strategic algorithm that considers price, delivery constraints, and socio-economic factors (set-asides) across all materials and plants for each vendor. BEOS weighs costs and product availability for required delivery dates to determine a lowest-cost scenario that meets the Government’s needs and provides for best value. AMS will utilize BEOS to evaluate state pricing submitted from each offeror against the Estimates Based on Anticipated Demand, as shown in Exhibit 1.

Minimum and maximum quantities will be awarded proportional across all contracts based on percentages won in the initial BEOS evaluation.

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