

## **100117 CHICKEN FAJITA STRIPS CTN-30 LB, SOLICITATION NO: 2000009185**

The U.S. Department of Agriculture (USDA) invites offers to sell CHICKEN FAJITA STRIPS pursuant to the AMS Master Solicitation for use in the Federal Food and Nutrition Assistance Programs. Acceptances will be announced by midnight, April 21, 2023. Deliveries are to be made between July 1, 2023 and June 30, 2024.

### **Basis for Offers/Awards**

Offerors are to bid a single fixed price per state/territory for chicken fajita strip product. States/territories will be awarded to a single offeror in accordance with FAR Part 14 Procedures. The award will be made based on the lowest overall cost to the Government given offeror capacity constraints. In the event of capacity constraint limitations, the Government reserves the right to make multiple awards under this solicitation. Successful offerors will be issued monthly delivery orders, 60 days prior to the delivery period, outlining specific delivery information including delivery period, quantity, and delivery location information. Offerors may submit offers for less than the quantities indicated.

This solicitation is 50% Partial Small Business Set Aside. See FAR 52.219-7 Notice of Partial Small Business Set Aside. NAICS Code 311615 with size standard of 1,250 employees and below applies to this solicitation.

This solicitation also has a 10% Service-Disabled Veteran-Owned Small Business set aside.

### **Instructions to Offerors**

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.

Offerors are cautioned to bid only quantities they can reasonably expect to produce and deliver.

The Government reserves the right to reject, in total or in part, manufacturers lots, sub-lots, production dates or the like when non-conforming product is identified.

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

To submit offers on this Solicitation, Offerors must be deemed responsive and responsible by the Contracting Officer.

Offers must be submitted electronically via the Web-Based Supply Chain Management System (WBSCM). **Please refer to Master Solicitation clause 4A52.214-70 Electronic Submission of Bids for further guidance.** 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.

Inquiries about the Master Solicitation dated March 1, 2022; FPPS for Chicken Fajita Strips, Fully Cooked, Frozen dated March 2023; Supplement for Chicken Products Distributed for Federal Food and Nutrition Assistance Programs dated August 2022; 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.

### Schedule of Supplies

Estimated Yearly Quantity	Minimum Contract Amount	Maximum Contract Amount (+10% Estimated Yearly Qty rounded-up to full truckload)
7,422,654 pounds	\$1,800.00	8,268,000 pounds

### Estimated Chicken Fajita Strip Sales Orders

The maximum contract amount stated is not guaranteed to be purchased. Please see the contract clause 52.216-22, Indefinite Quantity. See Bid Invitation Item Detail section elsewhere in this solicitation for a listing of maximum pounds.

The following list is provided as information to offerors and includes estimated quantities and destinations. Actual sales orders and destinations may vary from the list below due to changes in program requirements. CAPACITY OFFERED MAY EXCEED ANTICIPATED ORDER QUANTITY. The quantity awarded may be less than the quantity advertised due to program changes.

### Estimated Monthly Maximums

	Chicken Fajita Strips (lbs)
July	963,699
August	1,234,959
September	1,141,899
October	941,193
November	563,805
December	574,398
January	1,205,193
February	715,440
March	402,270
April	300,069
May	0
June	204,468

### Estimated Destinations

CLIN	State	Contractor's Price (per pound)
CLIN 0001	Alabama	
CLIN 0002	Arizona	
CLIN 0003	Arkansas	
CLIN 0004	California	
CLIN 0005	Colorado	
CLIN 0006	Connecticut	
CLIN 0007	Delaware	
CLIN 0008	District of Columbia	
CLIN 0009	Florida	
CLIN 0010	Georgia	
CLIN 0011	Idaho	
CLIN 0012	Illinois	
CLIN 0013	Indiana	
CLIN 0014	Iowa	
CLIN 0015	Kansas	
CLIN 0016	Kentucky	
CLIN 0017	Louisiana	
CLIN 0018	Maine	
CLIN 0019	Maryland	
CLIN 0020	Massachusetts	
CLIN 0021	Michigan	
CLIN 0022	Minnesota	
CLIN 0023	Mississippi	
CLIN 0024	Missouri	
CLIN 0025	Montana	
CLIN 0026	Nebraska	
CLIN 0027	Nevada	
CLIN 0028	New Hampshire	
CLIN 0029	New Jersey	
CLIN 0030	New Mexico	
CLIN 0031	New York	
CLIN 0032	North Carolina	
CLIN 0033	North Dakota	
CLIN 0034	Ohio	
CLIN 0035	Oklahoma	
CLIN 0036	Oregon	
CLIN 0037	Pennsylvania	
CLIN 0038	Rhode Island	
CLIN 0039	South Carolina	
CLIN 0040	South Dakota	
CLIN 0041	Tennessee	
CLIN 0042	Texas	
CLIN 0043	Utah	
CLIN 0044	Vermont	
CLIN 0045	Virginia	
CLIN 0046	Washington	
CLIN 0047	West Virginia	
CLIN 0048	Wisconsin	
CLIN 0049	Wyoming	

**52.203-17 Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights (Jun 2020)**

(a) This contract and employees working on this contract will be subject to the whistleblower rights and remedies in the pilot program on Contractor employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239) and Federal Acquisition Regulation (FAR) 3.908.

(b) The Contractor shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C. 4712, as described in section FAR 3.908.

(c) The Contractor shall insert the substance of this clause, including this paragraph (c), in all subcontracts over the simplified acquisition threshold, as defined in FAR 2.101 on the date of subcontract award.

(End of clause)

**452.211-74 Period of Performance (Feb 1988)**

The base period of performance of this contract is from 07/01/2023 through 06/30/2024.

(End of Clause)

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

The effective period of this contract is from date of award through June 30, 2024.

(End of Clause)

**52.216-1 Type of Contract (Apr 1984)**

The Government contemplates award of a fixed-price indefinite delivery indefinite quantity contract resulting from this solicitation.

(End of provision)

**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 award through June 30, 2024.

(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.

(End of clause)

#### **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 one truckload, 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 balance of the contract maximum or Contractor's offered capacity for the applicable delivery period, whichever is less;
  - (2) Any order for a combination of items in excess of items in excess of the balance of the contract maximum or Contractor's offered capacity for the applicable delivery period, whichever is less; or
  - (3) A series of orders from the same ordering office within 31 days that together call for quantities exceeding the limitation in paragraph (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 Regulation (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 7 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.

(End of clause)

#### **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 60 days after the through date in clause 452.211-74.

(End of clause)

**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.

(End of provision)

**452.216-72 Evaluation Quantities - Indefinite-Delivery Contract (Feb 1988)**

To evaluate offers for award purposes, AMS will apply a strategic algorithm that considers price, delivery constraints, and socio-economic factors (set asides) across all materials and plants for each vendor utilizing State pricing submitted from each offeror against the Estimated Yearly Quantity based on current orders.

(End of provision)

**452.216-73 Minimum and Maximum Contract Amounts (Feb 1988)**

During the period specified in FAR clause 52.216-18, Ordering, the Government shall place orders totaling a minimum of the amount shown in the Schedule of Supplies "*Minimum Contract Amount*", but not in excess of the amount shown in the "*Maximum Contract*".

(End of Clause)

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