

## Procurement Details

TEFAP FRESH PRODUCE, SOLICITATION NO: 2000009246 12-3J14-23-B-0329

The U.S. Department of Agriculture (USDA) invites offers to sell TEFAP FRESH PRODUCE pursuant to the AMS Master Solicitation for Commodity Procurements – Domestic Programs (MSCP-D) for use in various federal nutrition assistance programs.

**Bids are due by April 25, 2023 at 3:00** Central Time. Bids must be submitted through the Web-Based Supply Chain Management System (WBSCM).

**Acceptances will be announced by midnight, May 9, 2023** Deliveries are to be made between July 01, 2023 through September 30, 2023. Offerers are reminded to take into account federal holidays their delivery schedules. Some recipient agencies may be closed on Veterans Day, Thanksgiving, etc.

Most recipients agencies are available for delivery Monday-Friday. A delivery appointment is always required prior to delivery. Order quantities on this solicitation range from 300 boxes per order to 3,700 boxes per order. The contractor is responsible for ensuring the recipient receives their order in the quantities requested during the 15 days delivery window. Recipients may request that contractors split large deliveries into multiple shipments within the 15-day delivery window. The contractor should account for these requirements in their final bid price.

In accordance with FAR 52.219-6 this solicitation contains a total small business set aside (100%). Companies who are registered and meet the criteria for small business under NAICS 311991 are eligible.

Vendors approved and added to the Qualified Bidders List (QBL) for TEFAP Fresh Produce are eligible to participate in this solicitation. Offers must include their attached acceptance letter to their WBSCM bid submission. **Bids submitted without this document may be deemed non-responsive, removing them from competition.**

Vendors who participated in the FFFB program will need to create a new vendor plant within the WBSCM system in order to submit a bid. Work instructions have been attached to this solicitation to assist with this task. After your vendor plant has been created within WBSCM please reach out to the WBSCM help desk, [WBSCMAMSHelpDesk@usda.gov](mailto:WBSCMAMSHelpDesk@usda.gov), to have this plant approved. As a note, new vendor plants created are only eligible for F&V commodities and Non-Standard materials. Do not submit a bid under your previously created Opportunity Zone Plant or FFFB Plant.

All items purchased under this solicitation must meet the requirements laid out under the 'TEFAP Fresh Produce Specification- 2000009246' attached to this solicitation. No more than 3 lbs. of root vegetables such as potatoes, yams, carrots, onions, etc. Vendors may not justify including additional root vegetables because of cost or availability. Vendors are also required to include at least 3 lbs. of fruit such as apples, pears, melons, oranges etc. Cucumbers, hard/soft squashes are not considered fruit for the purposes of this solicitation.

**Please note: Changes have been made to the specification under the following categories: 'Shipping Container', 'Palletized Unit Loads', and 'Produce Quality'. Please see the specification for more details.**

All shipments must be properly loaded, blocked, and braced to ensure accurate and economical unloading in accordance with 52.247-34 F.o.b. Destination (Nov 1991). Shipments that arrive at the final destination and have undergone substantial load shifts may be reject

Advanced Shipment Notifications (ASN) are required to be submitted within 24 hours of delivery appointments being made. Accurate and timely submission of this requirement is crucial to the success of this program, therefore failure to enter information properly or timely into this system may result in negative contract action including termination for cause.

**The Advanced Shipment Notification Number (610XXXXXXX) generated by WBSCM at the time of ASN creation is required to be listed on all shipment documents.**

Awarded Contractors will be expected to reaffirm box contents when requested by the Government. Contractors must keep records of each box type they ship to each of their awarded destinations.

All orders must be delivered to the final destination. No deliveries to port will be accepted.

The offeror has the ability to input capacity constraints in eaches (EA), 1 EA = 1 Fresh Produce Package, and submit bids from multiple plant locations. Instructions on how to submit bids can be found as an attachment to this solicitation.

### **Instructions to Offerors supplementing (MSCP-D)**

#### **4A52.247-3 Bill of Lading Notations (April 2020)**

Contractor shall ensure before shipment is made that the commercial shipping documents are annotated with the following notations:

- a) Shipper Name and Shipment Origin Address
- b) USDA Contractor Name, if different than shipper
- c) Purchase Order Number and Item Number
- d) Advanced Shipment Notification Number (ASN)
- e) Sales Order Number and Item Number
- f) Consignee: Purchase Order Item's Goods Recipient Name  
c/o Purchase Order Item's Ship-to Name and Address
- g) Pallet Count, WBSCM Material Description, Unit Count
- h) Statement: "For USDA FOOD DISTRIBUTION PROGRAMS"
- i) Manufacturer's Lot Code/Lot Identification Number

**Note: When multiple Purchase Order Items are shipped in one conveyance, show the applicable information for each Purchase Order Item.**

#### **4A52.247-70 Delivery Locations**

a) Shipment of delivery items, other than reports, must be to the location specified on the Contractor's assigned WBSCM purchase order unless:

- i. The Contracting Officer or the representative designated in writing by the Contracting Officer has adjusted the delivery location to an address provided via email or telephone communication.

1. This adjustment cannot increase the total shipping distance from registered vendor plant in WBSCM to recipient location by more than 25 miles and is not entitled to an upward adjust of contract price for said adjustment.

- a. Delivery adjustments further than 25 miles must be handled under the changes clause.
- b. The Contractor must be notified of shipping adjustments at least 48 hours in advance of delivery appointment.

ii. The recipient has notified the Contractor of a delivery adjustment which increases the total shipping distance from registered vendor plant in WBSCM to recipient location by no more than 5 miles. The Contractor may accept these adjustments without notification to the Contracting Officer and is not entitled to an upward adjustment of the contract price for said adjustment however:

1. The Contractor must notify the Contracting Officer or their representative of any delivery adjustments which increase the total shipping distance by more than 5 miles.

#### **4A52.211-2 Advance Shipment Notice (ASN) and Unloading Appointment**

a) Contractor must enter a WBSCM advanced shipment notice (ASN) not less than 24 hours after an appointment with the recipient agency has been scheduled. It is incumbent upon the Contractor to enter accurate information when creating the ASN. The ASN provides an alert to the appropriate recipient agency that the product will be shipped. Advanced shipment notices shall contain:

- i. Shipper's Name
- ii. Commodity
- iii. Sales Order or Requisition Number (SO or RN)
- iv. Quantity in each (EA)
- v. Destination
- vi. WBSCM Purchase Order Number
- vii. Ship Date
- viii. Mode of Transportation
- ix. Box Identifying Information.
- x. Bill of Lading Number

Note: USDA has provided an excel template in a comma delimited (csv) format that allows the Contractor to upload multiple ASNs.

b) The creation of the ASN does not relieve the Contractor or subcontractor of their responsibility to obtain an unloading appointment

c) Appointments are required for all deliveries

d) Delivery appointments shall be made as far in advance of expected delivery as possible, but not less than 72 hours prior to delivery by contacting a responsible representative at the applicable Purchase Order Item's Ship-to-Address for an unload appointment. Reference the Purchase Order (PO) Number, PO Item Number (LI#), and

when provided, the Sales Order (SO) Number and SO Item Number for which the appointment is being scheduled. Ramifications of failure to schedule an appointment or failure to arrive on time for an appointment are the full responsibility of the contractor.

- i. It is incumbent upon the Contractor to relay its truckload and pallet configuration to the recipient agency during scheduling for its initial delivery appointment.
- e) The Contractor may delivery early if the recipient agency agrees to accept early delivery, there is no additional cost to the Government, and upon AMS personnel being available to perform any necessary check loading and acceptance requirements, if applicable.
- f) It is incumbent upon the Contractor to ensure delivery to the recipient as close to the recipient's scheduled distribution date and time as possible. This may result in multiple deliveries to the recipient's location.
- g) It is incumbent upon the contractor to work closely with the recipient to develop a mutually agreeable delivery schedule within the 15-day delivery window.

#### **4A52.247-4 Seals on Transportation Conveyances**

- a) The Contractor must ensure that loads remained sealed in accordance with commercial standards. Product deliveries which are not sealed in a commercially acceptable manner may be rejected at the discretion of the Contracting Officer or their representative.
- b) If the conveyance is rejected by the Contracting Officer, they may refer the Contractor to the Specialty Crops Inspection Division (SCI) to perform a Condition of Container Inspection. SCI must then subsequently issue a Certificate of Quality and Condition that documents that the Condition of Container meets the applicable U.S. Standards for Condition of Food Containers.
  - i. Condition of Container Inspections arrangements are available by accessing the AMS website at: <https://www.ams.usda.gov/services/sci-contacts>  
Please select AMS Federal Inspection Offices at:  
<https://www.ams.usda.gov/services/sci-contacts/field-inspection-offices>
  - ii. The Contractor is responsible for payment of all fees incurred as a result of a Condition of Container Inspection.

#### **4A52.246-1(a) Contract Quality Requirements**

- a) Commodity Procurement Program provides food to those in need domestically and abroad. In order to provide a nutritious, safe, and American grown product to recipients the Contractor must ensure that products and/or packaging have not been tampered with or contaminated throughout the growing, storage, and delivering process. The Contractor must immediately inform Commodity Procurement Program of any attempt or suspected attempt by any party or parties, known or unknown, to tamper with or contaminate subsistence supplies.
- b) As a holder of a contract with the United States Department of Agriculture, the Contractor should be aware of the vital role it plays in supporting the Agency's customers. It is incumbent upon the Contractor to take all necessary actions to secure product delivered to all customers.
- c) Contract holders are required to participate in a risk based audit conducted by Specialty Crops Inspection Division (SCI) at time of award. Audit findings may result in additional inspection requirements to be imposed at the discretion of the Contracting Officer.

- d) In accordance with FAR clause 52.246-11, Higher-Level Contract Quality Requirement the following apply:
  - i. When contractor's quality control system is not ready at the time specified by the Contractor for performance of quality assurance at source, the Contracting Officer may change to the Contractor the additional cost of quality assurance.
  - ii. The Contracting Officer may charge the Contractor for any additional cost of quality assurance when prior nonconformance makes re-surveillance necessary.
- e) Pathogens: The Contractor must use prevailing commercial practice for testing pathogens.
- f) In order to facilitate the expedited purchase of commodities and address the challenges with conducting audits of fruits and vegetables that are sourced from storage; AMS will allow greater flexibility to verify food safety requirements. Suppliers must meet one of the following:
  - i. USDA Good Agricultural Practices/Good Handling Practices audit conducted by a USDA-AMS auditor
  - ii. Global Food Safety Initiative (GFSI) benchmarked certification program audits (GlobalGAP, SQF, Primus GFS, CanadaGAP).
    - 1. USDA-AMS reserves the right to conduct onsite or remote validation audits of any vendor.
- g) The Government reserves the right to perform inspection of ingredients at origin prior to assembling the final containers or at final delivery destination.
- h) The Contractor shall ensure the necessary amount of traceability required to meet the Commodity Procurement Programs 100% domestic origin requirement.
- i) The Government reserves the right to conduct a domestic origin traceability audit of at least one shipment for each approved vendor.
- j) The Contractor is responsible for paying all fees associated with USDA services, e.g., audit, inspection, domestic trace, and food defense plan reviews.

**4A52.232-40 Payments to subcontractors and sheltered income prohibition**

- a) Upon receipt of payments from the Government, the Contractor shall make payments to its commodity subcontractors under this contract within 30 days after receipt of a proper invoice all other required documentation from the subcontractor.
- b) The acceleration of payments under this clause does not provide any new rights under the Prompt Payment Act.
- c) Include the substance of this clause, including this paragraph, in all subcontracts
- d) Sheltered income in the acquisition of commodities is prohibited. Sheltered income may include but is not limited to: rebates, discounts, marketing fees etc). The Contracting Officers reserved the right to request copies of subcontractor invoices and associated documentation.

**AGAR 452.247-71 Marking Deliverables (FEB 1988)**

- a) The contract number shall be placed on or adjacent to all exterior mailing or shipping labels of deliverable items called for by the contract.
- b) The Government reserves the right to require labeling, stickering or identification in and/or on boxes that identify the TEFAP Fresh Produce Program, USDA and/or additional program specific information as deemed required by the Contracting Officer.

**Clauses Incorporated by Reference (IBR)**

- **52.204-4 Printed on Copied Double-Sided on Postconsumer Fiber Content Paper (May 2011)**