

## **SECTION 32 - FRESH AND FROZEN FRUIT SOLICITATION NO: 2000009375**

The U.S. Department of Agriculture (USDA) invites offers to sell fresh and frozen fruit pursuant to the AMS Master Solicitation and applicable product specifications for use in the National School Lunch Program and other Federal Food and Nutrition Assistance Programs. Acceptances will be announced by midnight, June 21, 2023. Deliveries are to be made between July 13, 2023 to October 31, 2023

The Contract Specialist handling this purchase will be Nick Wiber at Nick.Wiber@usda.gov. The Contact Officer handling this purchase will be Kyla Stoufer at Kyla.Stoufer@usda.gov. Please contact the specialist first.

### **This solicitation includes the following set asides:**

Small Business Set Asides for NAICS code 311991 for fresh fruit with a size standard of 500 employees or less are as follows:

111540 - PEACHES FRESH BAG PKG-12/2 LB - 100% Small Business (SB) Set-Aside

111541 - PEACHES FRESH TRAY PACK 18-20 LB - 100% Small Business (SB) Set-Aside

### **Basic requirements to be considered for award under this solicitation:**

- 1) Active status in SAM.gov
- 2) Active in WBSCM with the required bidder roles
- 3) Is a qualified bidder with the Agricultural Marketing Service
- 5) Includes required attachments in WBSCM at time of bid submission
  - a) Supplier Letter
  - b) USDA GAP and GHP Audit Verification Form – or – Approved Desk Audit Letter
  - c) Signed Amendment(s) if applicable

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.

## **REQUIREMENTS FOR FRESH PEACHS**

1. Every bidder must include a letter of support with their bid from all current and approved supplier(s). The templates for the letter of support are attached to the solicitation with the required elements. Each letter of support is only good for one solicitation. A new letter of support will be required for every solicitation, from every supplier. The supplier must include the quantity in cases they are committing to the bidder. USDA will not award a quantity that exceeds the sum of all supplier's committed quantities to a particular bidder.
2. Must use 2023 crop.
3. Food Safety Verification  
Vendors or subcontractors who are supplying fresh peaches, nectarines, and plums to the United States Department of Agriculture (USDA) through this new Section 32 Purchase must ensure that each of their suppliers/subcontractors who grow, harvest, pack, hold and handle product have approved and current food safety verification audits PRIOR to the bid opening date of this solicitation.

Brokers who do not hold or handle products are exempt from undergoing a food safety verification audit, however they are required to ensure all their suppliers/subcontractors meet these requirements.

Vendors have two options for food safety verification audits. Documentation submitted as part of previous solicitations will NOT be considered.

**OPTION A:** USDA Good Agricultural Practices and Good Handling Practices audits conducted by the USDA Agricultural Marketing Service's Specialty Crops Inspection Division which include:

- USDA Harmonized GAP Audit
- USDA Harmonized GAP Plus+ Audit.
- USDA Good Agricultural Practices & Good Handling Practices Audit

Good Agricultural Practices (GAP) and Good Handling Practices (GHP) scopes which are necessary to meet the minimum requirement to be deemed responsive are as follows:

- GAP - Farm Review AND Field Harvesting & Field Packing Activities
- GHP - House Packing Facility AND Storage & Transportation

All vendors/suppliers/subcontractors must meet the minimum acceptance criteria for the specific GAP audit listed above. All GAP approved operations are listed on the USDA website. Additionally, the USDA GAP Program audits listed above can be found on the USDA website at: <https://www.ams.usda.gov/gapghp>

Verification audits shall be performed by the USDA, AMS, SCP-SCID representatives only.

All audits are valid for one year after the date the audit was conducted.

-OR-

**OPTION B:** USDA Desk Audit of GFSI aligned food safety verification audits. If a producer, handler, or packer has not completed one of the USDA audits listed above but has completed an audit under a Global Food Safety Initiative (GFSI)-benchmarked program, the vendor may elect to request a desk audit by the Specialty Crops Inspection Division to verify USDA's food safety requirements have been met. The vendor is responsible for paying the Specialty Crops Inspection Division all costs associated with the desk audit. The current rate for audit services \$115/per hour.

The following GFSI-benchmarked programs are acceptable for a USDA Desk Audit to be conducted:

Primary Production Standards

- GlobalGAP Integrated Farm Assurance Scheme Version 5
- GlobalGAP Produce Safety Standard Version 4
- GlobalGAP Harmonized Produce Safety Standard
- CanadaGAP Version 6 Options B, C, D and Program Management Manual Version 6 or Version 7.1
- SQF Code 7th or 8th Edition
- Primus GFS Standard v 2.1 or 3

Packinghouse/Facility Standards

- GlobalGAP Integrated Farm Assurance Scheme Version 5
- GlobalGAP Produce Safety Standard Version 4
- GlobalGAP Harmonized Produce Safety Standard
- CanadaGAP Version 6 or 7.1 Options B, C, D and Program Management Manual Version 6
- SQF Code 7th or 8th Edition
- Primus GFS Standard v 2.1 or 3
- FSSC 22000 October 2011
- IFS Food Standard Version 6
- BRC Global Standard for Food Safety Issue 7

Offerors shall submit the required desk-audit documentation to Specialty Crops Inspection Division no later than 5 business days before the offer due/bid open date of this solicitation. If an offeror submits the desk audit request later than 5 days before the offer due/bid opening, they may be deemed nonresponsive and ineligible for award.

Vendors who elect to undergo a desk audit of any of these GFSI-benchmarked audits must submit to USDA the following documents for review:

- The complete GFSI food safety audit report (not just the certificate) for all producers, handlers, and packers from whom products were sourced.
- Completed Corrective Action Reports addressing non-conformances found by GFSI audit, if not included as part of the audit report.
- The water system risk assessment and water test results
- Domestic Origin Verification
- A vendor who handles products originating from outside the United States must submit a segregation plan that addresses how it ensures non-domestic products are not used for commodities purchased under this new Section 32 Purchase.
- Traceability Program standard operating procedures or other documents that outline the vendor's traceability program as well as a record documenting the most recent mock recall.
- Based on the findings of the desk audit, USDA reserves the right to require additional documentation and records.
- For questions or when submitting a request for a USDA desk audit please submit to: [SCVendorAudit@usda.gov](mailto:SCVendorAudit@usda.gov) and for the subject line enter: Desk Audit Request for Peach and Nectarine Solicitation.

In order to be found responsive, the contractor and/or its subcontractors/suppliers must be in compliance with USDA GAP/GHP certification or possess an approved Desk Audit Letter. **Offerors must include in their bid the GAP and GHP Audit Verification attachment, which is found in the attachments section of this solicitation, or their approved Desk Audit Letter(s). Offerors who do not include this information as an attachment to their bid or are missing the required USDA GAP/GHP scopes listed above, shall be deemed nonresponsive.**

Awardees may ship and supply from any location found here:  
<https://apps.ams.usda.gov/GAPGHP/reportG01.aspx>

If USDA/AMS finds that suppliers used by the contractor are not in compliance with AMS GAP/GHP certification requirements after the product is delivered, the following courses of action will apply:

1. A cure notice shall be issued informing the contractor of their failure to comply with the required elements of this solicitation. The USDA will then deduct a 50% discount from the invoice for all noncompliant deliveries shipped or invoiced prior to the date listed on the cure notice.
2. If the contractor ships noncompliant product after the date of the cure notice:
  - a. USDA/AMS will deduct a 50% discount from the invoice for all noncompliant deliveries;

- b. The contract will be terminated for cause; and
- c. The contractor will be suspended from participating in all future USDA/AMS fresh fruit and vegetable solicitations for a period of one year from the date of contract termination.

**\*The USDA reserves the right to perform spot checks for product condition at destination. \***

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This solicitation may show multiple stops on some line items; however, the number of stops will be limited to a maximum of three. To determine the number of destinations, review the "Tendering Text" for the lot, which will indicate the City and State for each stop. Bidders may submit different prices for each stop. However, a price is required on all line items within the lot.

For offshore destinations (Puerto Rico, Hawaii, etc.), offerors have the option to choose to enter their bids direct to the offshore destination or to the port.

Purchases will be made on an f.o.b. destination basis to cities on this solicitation. Destination quantities listed are estimates and subject to adjustment based on offerings, changes in recipient needs, market conditions, and program operations.

Effective July 1, 2023, vendors will be required to use traceable, tamper-evident commercial seals (ex. flat metal, wire, plastic etc.) or high security seals (high security bolt, barrier-type, or equivalent device which can only be removed by bolt cutter type tools).

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.

Offerors are cautioned to bid only quantities they can reasonably expect to produce and deliver. Inquiries about the Master Solicitation dated April 2023; The Commodity Specification for Fresh Fruit; SECTION 32 SPECIFICATION for STONE FRUITS, 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.

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an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) To file a complaint of discrimination, write: USDA, Office of the Assistant Secretary for Civil Rights, Office of Adjudication, 1400 Independence Ave., SW, Washington, DC 20250-9410 or call (866) 632-9992 (Toll-free Customer Service), (800) 877-8339 (Local or Federal relay), or (866) 377-8642 (Relay voice users).