

PEANUT Products for Trade Mitigation
Domestic Commodity – Invitation for Bid (IFB)
Solicitation Description: 12-3J14-19-B-0145
Solicitation Number: 2000005833
Tendering Text

TENDERING TEXT

*******IMPORTANT TRADE MITIGATION SOLICITATION DETAILS*******

• **This Invitation for Bid (Acquisition/Solicitation) is part of the Food Purchase and Distribution Program under the authority of the Commodity Credit Corporation (CCC), the purpose of which is to assist Farmers in response to Trade damage from unjustified retaliation. Funding for this purchase is under Section 5 of the CCC Charter Act.**

• **In accordance with Federal Acquisition Regulation (FAR) 52.203-2 Certificate of Independent Price Determination (Apr 1985) (as found in the System for Award Management (www.SAM.gov) Representations and Certifications) offerors have certified that the prices in their offer have been arrived at “independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor.”**

In accordance with procedures outlined in FAR Subpart 3.3-Reports of Suspected Antitrust Violations, 3.301 General, 3.301, suspicion of collusive activities shall result in a rejection of the offeror(s) by the Contracting Officer. USDA/Agricultural Marketing Service (AMS) is required by 41 U.S.C. 3707: Antitrust Violations and 10 U.S.C. 2305(b)(9)-Contracts: planning, solicitation, evaluation and award procedures to report “a bid or proposal evidences a violation of the antitrust laws, he shall refer the bid or proposal to the Attorney General for appropriate action.”

• **Contract Clauses and Solicitation Provisions are addressed in the Master Solicitation for Commodity Procurements (MSCP).**

• **Seals on Transportation Conveyances are addressed in the MSCP at 4A52.247-1 Seals on Transportation Conveyances.**

• **Liquidated Damages are addressed in the MSCP at 52.211-11 Liquidated Damages—Supplies, Services, or Research and Development (Sep 2000)**

• **Variation in Quantity is addressed in the MSCP at 52.211-16 Variation in Quantity (Apr 1984).**

• **Peanut Products Commodity Specifications and Packaging are addressed in the Peanut Products (PP16) Commodity Requirements Document (CRD) effective July 10, 2018. The PP16 CRD is available at <https://www.ams.usda.gov/selling-food/product-specs#bakery>.**

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Solicitation for Commercial Items

1. Solicitation Description: 12-3J14-19-B-0145
Solicitation Number: 2000005833

2. Solicitation Issue Date: January 11, 2019

3. Issued and Administered By:
USDA/Agricultural Marketing Service (AMS)
Commodity Procurement Program (CPP)
Domestic Commodity Procurement Division (DCPD)
Dairy, Grains, and Oilseeds Branch (DGO)
Beacon Facility-Mail Stop 8718
PO Box 419205
Kansas City, MO 64141-6205

4. Method of Solicitation: Sealed Bidding/Invitation for Bid

5. Offer due Date/Local Time: January 23, 2019, 09:00 Central Time

6. Award Notification Date: January 25, 2019, by 15:00 Central Time

7. Public Release of Award Date: January 25, 2019, by 15:00 Central Time

8. Solicitation Information Contacts:
Name: Cheryl Davis, Marketing Specialist/Contracting Officer's Representative
Telephone: 816-926-3377
Email: Cheryla.davis@ams.usda.gov

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

9. This Acquisition is:
/X/ Unrestricted
// Set-Aside for:

Small Business (50 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 on the AMS CPS Qualified Bidders List (QBL)

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE

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If specified in the solicitation, certain quantities are set aside exclusively for small business firms under the Small Business Act (15 U.S.C. 631, et seq.). Bids received for these set-aside quantities from firms who are not small business concerns will not be considered. In the event the Government is unsuccessful in contracting with an eligible small business concern(s) for the set-aside quantities, the Government may award the quantities to other than small business concerns. The contracting reserves the right to utilize Federal Acquisition Regulation Part 19.507 Automatic dissolution of a small business set-aside.

Offers received for these set-aside quantities from firms who are not eligible business concerns will not be considered. See 4K52.226-0001.

10. Supplier Agreement Requirement.

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

11. NAICS Codes/Size Standards: See Master Solicitation for Commodity Procurements (MSCP) at <https://www.ams.usda.gov/selling-food/solicitations>

12. Internet Address: <http://www.ams.usda.gov/selling-food/solicitations>

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

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

A separate invoice should be submitted for each item number.

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.

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The System for Award Management at the website www.SAM.gov is used for payment purposes. The contractor is responsible for controlling the accuracy of its business information.

14. Contract Type:

/ X/ Firm Fixed Price

15. Schedule of Supplies: See WBSCM bid invitation

16. Accounting and Appropriation Data: *TAS::unknown*

The commodities procured under this solicitation are currently for the following programs(s): Section of Public Law Program Name

/ x/ **CCC/5d-Contingency-The Emergency Food Assistance Program**

// 32/6E The National School Lunch Program

// 32/6E Child and Adult Care Feeding Programs

// 32/6E Summer Food Service Program

// 311 Nutrition Services Incentive Program

// 4A Food Distribution Program on Indian Reservations

// 17 Commodity Supplemental Food Program

// 104 The Emergency Food Assistance Program

17. FAR and Agriculture Acquisition Regulation (AGAR) Provisions and Clauses:

In the event of a conflict between WBSCM and Federal Acquisition Regulation (FAR) terminology, FAR terminology shall take precedence.

A. This solicitation shall be subject to the terms and conditions of Master Solicitation for Commodity Procurements (MSCP) in effect as of the date of this solicitation. See attached MSCP. The FAR and AGAR provisions and clauses applicable to this solicitation are contained in the MSCP.

B. // Applicable if checked. FAR Clause 52.232-18, Availability of Funds (Apr 1984).

18. Additional Clauses and Provisions

19. USDA Senior Contracting Officer

Jeffrey F. Jackson