



“Tribal Commodity Food Program Document”

2018

Tribal Commodity Food Program Document

Background

The Food Distribution Program on Indian Reservations (FDPIR) program, commonly referred to as Tribal Commodity Food program, is administered by the United States Department of Agriculture's (USDA) Food and Nutrition Services agency. According to their website, FDPIR is “a Federal program that provides USDA foods to low-income households, including the elderly, living on Indian reservations, and to Native American families residing in designated areas near reservations and in the State of Oklahoma” [1].

At the local level, Indian Tribal Organizations (ITO) or an agency of the State government administers FDPIR. During the 2017 fiscal year, 276 tribes received commodities through 102 Indian Tribal Organizations and 3 State agencies providing foods to 90,083 individual participants per month on average [2]. During this same year, the federal share of \$47.69 million was provided to the local level for administration of the program and \$103.31 million was used for food purchasing costs, totaling \$151.0 million in appropriation [2].

2018 Farm Bill Section 4003(b) - FDPIR 638 Demonstration Program

The most recent Farm Bill provides many updates for the FDPIR program and its use of funds. See Appendix 1 for more information. The most relevant to this report is Section 4003 (b), which authorizes \$5 million to be set aside for a pilot program which will allow a small number of ITOs to enter into 638 self-determination contracts with USDA in order to procure foods for their FDPIR package [3]. According to the Indigenous Food and Agriculture Initiative, “the demonstration will be used to determine the feasibility and effectiveness of transferring control as well as troubleshoot for any issues that may arise”. It is possible that the demonstration could allow for more flexibility, regional purchasing, and purchasing of traditional food on a smaller scale, however, the program has yet to be developed.

At the time of publication of this report, the funds to be set aside await the conclusion of Federal appropriations and the development of the program by USDA and FNS. Tribal leadership is

encouraged to participate in the rule-making process to assist in developing a comprehensive pilot program.

USDA Purchasing

FDPIR only provides foods from a USDA program called USDA Foods. This program is a coordinated procurement and delivery system involving several USDA agencies. USDA Foods provides foods for several other Food and Nutrition Services programs including the National School Lunch Program and The Emergency Food Assistance Program. Each of these programs submit food requests to FNS with specifications and desired amounts. FNS then coordinates with USDA's Agricultural Marketing Service (AMS) to develop purchase plans and schedules. AMS then develops and announces detailed solicitation for each product, grants purchase awards to bidding vendors, and manages contracts in accordance with federal regulation and USDA policy [4].

“USDA's Agricultural Marketing Service (AMS) purchases a variety of domestically produced and processed commodity food products, through a competitive process among approved vendors. These purchases made by the AMS Commodity Procurement Program (CP) support American agriculture by encouraging the consumption of domestic foods. AMS-CP manages the Web-Based Supply Chain Management (WBSCM), the fully integrated, web-based ordering and procurement system used for the purchase of USDA Foods” [4].

Only approved vendors can submit a bid to supply the food product requested in the solicitation and bids can only be submitted through the Web-Based Supply Chain Management System. Approved vendors submit bids that outline the volume of product they can provide at a specific cost. Solicitations are awarded through a competitive process. Approved vendors are allowed to bid on a portion of the product volume requested through the solicitation or on the whole.

For example, in 2017 a solicitation for wild rice was announced by AMS for the FDPIR program. With technical assistance provide by the Intertribal Agriculture Council, both the White Earth Band and Leech Lake Band were able to successfully complete the vendor approval process. Each Band submitted a bid for a portion of the total requested amount of 150,000 pounds, and successfully received the award for their bids [5].

Standard Vendor Approval Process

Only approved vendors can submit bids to AMS solicitations. The standard approval process consists of five major steps which are outlined in Appendix 2 “Become a USDA Foods Vendor” along with the USDA’s “Qualification Requirements for Prospective Contractors Selling Commodities to the USDA Agricultural Marketing Service” in Appendix 3 and the AMS “Qualification Requirements Checklist” in Appendix 4. Below is a summary of Qualification Requirements for Prospective Contractors:

A. Administrative Responsibilities

- Must complete the following prior to application package submission:
 - Register with System for Award Management (online system). See Appendix 5 for sample of information required.
 - Register with FDA and receive Food Facility Registration Number
 - Must be renewed every even numbered year between October 1 and December 31st (i.e. 2012, 2014, 2016, 2018, etc.) [6].
 - Small Business Certifications (if applicable)
 - Veteran’s Administration Certification (if applicable)
 - Complete the Web-Based Supply Chain Management (WBSCM) registration form. See Appendix 6 for a sample of the registration form.

B. Responsible Prospective Contractor’s Documentation

- Submit a written capabilities statement on company letterhead, to include:
 - A description of historical business experience
 - A list of products interested in providing as a contractor
- Submit three (3) letters of reference from customers, on customer’s company letterhead, and signed by a company representative demonstrating the prospective contractors is responsible.

C. Financial Responsibility

- Submit a balance sheet, profit and loss statement, statement of cash flows, statement of retained earnings and notes to the financial statement.
 - These documents must be audited or reviewed by an independent certified public accountant.
 - These documents must be updated annually to maintain approval status

D. Food Safety and Sanitation Requirements

- A food defense plan encompassing pre-production raw materials, other ingredients and post-production finished products including storage and transportation must be documented and operational.
 - The plan will be audited by an AMS representative.
- Pre-Award plant surveys will be conducted by the applicable AMS Program Specialist or applicable USDA area to verify that AMS qualification requirements are met.
 - The survey will evaluate the technical, production, and transportation capabilities, and quality assurance and production control procedures of the prospective contractor.

Constraints to Tribal Businesses

1) Responsible Prospective Contractor's Documentation – Historical Business Experience

Newly formed tribal food entrepreneurs or entrepreneurs that have participated exclusively in a second economy, may not have the required historical business experience. Additionally, entrepreneurs may not have experience selling to other businesses or organizations, therefore, may not be able to provide letters of reference.

2) Food Safety and Sanitation Requirements – Food Defense Plans

Tribal food entrepreneurs may not have the training or skills to develop a food defense plan.

3) Food Safety and Sanitation Requirements –Inspections

Tribal food entrepreneurs may be found to fall short of the requirements during inspection.

Options for Tribal Businesses

1) U.S. Small Business Administration

Businesses who qualify can work with one or more of the many programs the U.S. Small Business Administration (SBA) offers to assist small business owners with government contracts and other small business needs. Small businesses, emerging, and other socio-economically diverse businesses who do not meet minimum qualifications are encouraged to work with SBA for a possible issuance of a Certificate of Competency. SBA's Certificate of Competency "certifies that the named business or businesses possess the responsibility to perform a specific Government procurement (or sale) contract, including any contract deriving from a reverse auction" [8]. The SBA is independent federal agency that offers business counseling, technical assistance, mentorship programs and other resources for the following business statuses [7]:

- Small (less than 500 employees or average annual receipts under \$7.5 million)
- Women-Owned
- Veteran-Owned
- Service-Disabled Veteran Owned
- HUB Zone business (includes tribally owed)
- Socially and Economically Disadvantaged Individual Owned

2) Intertribal Agriculture Council – Technical Support

Founded in 1987, the Intertribal Agriculture Council (IAC) has been advocating for and assisting individual tribal producers and enterprises with agricultural policies and programs. The IAC works with the USDA's Office of Tribal Relations to provide free technical support to individual tribal producers and enterprises to assist in with the vendor approval process, bidding, and fulfilling successful awards [9].

Bidding - Commodity Requirements

After a food processor becomes an approved vendor they are eligible to submit bids for solicitations. Each solicitation invitation includes additional documents that detail the terms of the contract and product description. These terms are found in the attached bid certification questions document, master solicitation for commodity procurements-domestic programs document, product commodity requirements document, and product text. These documents describe in detail the requirements related to the product specifications, processing, inspection, warranty, packaging, materials, shipping, and unitization. See Appendix 7 for a sample solicitation and accompanying documents.

Each product will be inspected by the relevant agency to ensure the product meets requirements. The inspection costs are the responsibility of the vendor and vary depending on the agency. The following is an excerpt from the AMS “How the Process Works” webpage:

“Awarded contractors must perform according to the contract terms. To further ensure the quality and integrity of USDA Foods, audits and inspections for contract compliance are performed by AMS agents at the cost of the contractor. Waivers granted for deviations from contract requirements are uncommon, limited to minor infractions not affecting product safety, quality or shelf life. Any issues that arise during performance of a contract are addressed through communication and negotiation between the contractor and the AMS Contracting Officer.”

Constraints to Tribal Businesses

1) Competitive Bidding - Marketability

Even though there are funds set aside, as well as agencies and organizations that can assist small and tribal businesses with becoming an approved vendor, the bidding process will put these small businesses in competition with large companies for the same solicitations. Larger companies may have more business experience in the commercial market place and/or a history of successful government contracts, both making the larger company a more competitive bidder as they have an established record of responsibility. It will likely take a small business a year or more to successfully win an award [10].

2) Competitive Bidding – Profit loss

The private market often offers a better price for the commodity being solicited. Tribal businesses may need to offer their product at a price below the market value in order to win a government contract award. This can cause profit losses to the business, which could be unsustainable.

3) Inspections

Inspections fees range depending on the agency and the length of inspection. Additionally, products that do not meet requirements may undergo a second inspection at the request of the contractor. All inspections and associated fees are at the cost of the contractor. Inspection fees add to the overall production cost that reduces the profit margin.

Options for Tribal Businesses

1) Set-aside Contracts

The federal government aims to award 23% of all contract dollars to small businesses. One way they meet this goal is through two types of set-aside contracts that are only available to small businesses[7]. This can even the playing field by reducing the number of bidders and allowing for only small business bidders.

- The first is a competitive set-aside contract. Nearly all government contracts under \$150,000 are competitive set-aside, where at a minimum of two small businesses are able to bid and compete for a government contract award.
- The second is a sole-source contract. This is a noncompetitive process which usually occurs when only one company is able fulfill the requirements of a contract.

2) Subcontracting

Small businesses can begin to build a working history with government contracts by subcontracting with larger companies that were successfully awarded. Often large companies will subcontract out portions of a government contract award. Working with these companies provides small businesses an opportunity to network and learn from the larger companies how to successfully fulfill a government contract and begins to build a reputation of responsibility and competency with government contracts [10].

3) Private Market

The private market may be a more advantageous market for the some tribal businesses. Private markets may be able to purchase items at a higher cost per unit (i.e. price per pound) than USDA Foods and often have lower barriers of entry. It is important for tribal businesses to understand the true market value of their goods and services before submitting a bid [5].

4) Loans

SBA can assist small businesses by connecting them to lending partners, lowering risks to lenders, thereby making it easier for small business to access capital for launching or growing their business. These funds can be used to help businesses meet requirements and pay for necessary accounting assistance through auditors or certified personal accounts or for required pre-award inspection services [7].

References

- [1] USDA, “FDPIR Home Page 4.” [Online]. Available: <https://www.fns.usda.gov/fdpir/food-distribution-program-indian-reservations-fdpir>.
- [2] USDA, “Food Distribution Program on Indian Reservations - Fact Sheet,” 2018.
- [3] I. F. and A. Initiative, “The 2018 Farm Bill - One Pagers,” 2019.
- [4] U. A. M. Service, “Selling Food to USDA.” [Online]. Available: <https://www.ams.usda.gov/selling-food>.
- [5] “Personal Communication - Erin Shirl J.D. - Indigenous Food and Agriculture Initiative.” Conference Call.
- [6] Food and Drug Administration, “Biennial Renewal of Food Facility Registration : Information for Startups and Small Entities,” 2018. [Online]. Available: <https://www.fda.gov/food/registration-food-facilities/biennial-renewal-food-facility-registration-information-startups-and-small-entities>.
- [7] U. S. S. B. Administration, “U.S. Small Business Administration- Basic Requirements.” [Online]. Available: <https://www.sba.gov/federal-contracting/contracting-guide/basic-requirements>.
- [8] U. S. Government, *What is the Certificate of Competency Program?* United States: Code of Federal Regulations, 2019.
- [9] I. A. Council, “Intertribal Agriculture Council - Homepage.” [Online]. Available: <https://www.indianag.org/>.
- [10] “Personal Communication - Small Business Administration - K. Sharma.” Telephone.

Farm Bill Improvements for FDPIR:¹

1. Authorizes 2-year carryover funding. This will help FDPIR sites with daily administrative expenses of running the program.
2. Requires USDA to pay 80 percent of administrative costs FDPIR, with a 20 percent Tribal match. This is a slight reduction in the previous 25% match required in prior Farm Bills. Further, the 2018 legislation requires the match be waived without any corresponding limitation on administrative funding for that site where a tribe is financially unable or substantially burdened by the match requirement.
3. Provides that Tribes may use other federal funding sources to meet the match requirement.
4. Expands local food procurement to include “regionally-grown” foods and requires purchase of cost-effective traditional foods where practical.

FDPIR 638 Demonstration²

Public Law 93-638, often referred to as 638 authority, gives Tribes the ability to manage certain programs that are typically administered through federal departments.

The new Farm Bill has authorized \$5 million for demonstration projects for Tribal organizations to enter into 638 self-determination and oversee FDPIR programs themselves. The demonstration will be used to determine the feasibility and effectiveness of transferring control as well as troubleshoot for any issues that may arise.

If this test run is successful, more Tribes may have the opportunity to have increased control over the way that their FDPIR program is administered. This could allow for increased additions of traditional foods in the FDPIR package and more Tribally produced foods. This provision opens the doors to expanding Tribal self-governance and food sovereignty.

Traditional Foods in Public Facilities

State, county, and local education programs are now eligible for the donation of traditional foods.³

*Who can benefit from this provision?*⁴

Native Gardens Project of the Standing Rock Sioux Tribe is an example of an educational organization working on expanding Farm-to-School policies in local school districts to encourage consumption of traditional, healthy foods in youth.



Become a USDA Foods Vendor

Below are six recommended steps for becoming a USDA approved vendor. We strongly recommend that prospective vendors explore the resources and documents below prior to submitting an application package.

Tools to Become a USDA Foods Vendor

- [Webinar - How to Become a Certified USDA Vendor](#)
- [How to Become a Certified USDA Vendor Webinar Notes and Slides \(pdf\)](#)
- [New Vendor Qualification Checklist \(pdf\)](#)

If you have any questions or concerns about the lists, please email NewVendor@ams.usda.gov

Step 1: Stay informed by subscribing & registering.

1. [Subscribe to the AMS CP News](#) to receive email notification of solicitations and awards (Note: receiving solicitations via AMS CP News does not make a vendor qualified to submit an offer.) Subscription is voluntary and you may unsubscribe at any time.

Step 2: Understand the Master Solicitations.

Review the [Master Solicitation for Commodity Procurement \(pdf\)](#) to understand the federal regulations, clauses, and provisions that affect USDA commodity contracts.

Step 3: Review the current purchase schedule & understand the purchase process.

Read through the list of [current and past solicitations and award information](#). Also, read [How the Process Works](#).

- [Current Purchase Schedule for Fruits, Vegetables, Poultry, Eggs, Red Meat and Fish](#)
- [Current Purchase Schedule for Dairy, Bakery, Pasta, Grains, Cereals, Peanut and Vegetable Oil Products](#)

Step 4: Review USDA commodity specifications and technical requirements.

These specifications and supplemental documents explain the production and processing requirements for USDA Foods.

Many AMS purchase programs require that suppliers and subcontractors undergo a technical approval process before they can supply raw materials or finished products under USDA contracts. This process may involve submission of production plans and/or technical proposals, product samples for evaluation, and on-site assessments of facilities and procedures. Information regarding the supplier eligibility process is contained in Supplements to the Master Solicitation, which accompany the product specifications:

- Product Specifications & Technical Requirements

Step 5: Learn the qualification requirements for being a vendor of:

1. [New Vendor Qualification Requirements \(pdf\)](#)

Step 6: Submit a Vendor Application Package

Each application package must include the following information (as detailed by the documents in Step 5 above):

1. [System for Award Management \(SAM\) registration](#)
2. Business Status (as indicated in SAM)
3. Completed [WBSCM Vendor Registration Form](#)
4. Company Letter (certifying ability to perform)
5. Three (3) Letters of Reference (from customers your company provided similar products to)
6. Business Type (and similar details)
7. Most Recent Audited Financial Statements

Completed application packages should be [submitted via email](#).

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0273. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Vendor Approval

The AMS Contracting Officer evaluates the Vendor Application Package and approves the applicant. If approved, the new vendor will be provided a WBSCM Corporate Vendor Administrator role and a Vendor Offer role. If denied, the reason(s) for denial shall be provided and the applicant must correct the issues if he/she wishes to re-apply.

Please Note: As described in Step 4 above, many purchase programs require that suppliers undergo a technical approval process before they can participate. The technical approval process is separate from—and in addition to—the Qualification Requirements and application process described in Steps 5 and 6 above.

Additional Resources

Qualified Bidders List

- [USDA Vegetables, Fruit, & Tree Nuts \(pdf\)](#)
- [USDA Dairy, Grain, & Oilseeds \(pdf\)](#)
- [USDA Livestock, Poultry, and Fish \(xls\)](#)
- [Eligible Contractors and Suppliers List \(pdf\)](#)

Have Questions?

At any time during the process, questions may be directed to:

Andrea Lang

New Vendor/Small Business Coordinator
USDA, AMS Commodity Procurement Staff
NewVendor@ams.usda.gov
[202-720-4237](tel:202-720-4237)



News & Announcements

- [04/08 USDA Section 32 Dried Plums Purchase Program Announced](#)
- [04/08 USDA Section 32 Fresh Pear Purchase Program Announced](#)
- [04/03 USDA Fruit Purchase Program Announced](#)



Effective Date: March 1, 2017

Qualification Requirements for Prospective Contractors Selling Commodities to the USDA Agricultural Marketing Service

I. Introduction

The USDA's Agricultural Marketing Service (AMS), Commodity Procurement Staff (CPS), procures U.S. origin agricultural commodities and products (USDA Foods) for use in domestic food distribution programs. USDA Foods procured are delivered to schools, food banks, and Indian Reservations, and at times are used in disaster relief. These procurements also support American agriculture by encouraging domestic consumption when prices are advantageous.

These qualification requirements, as authorized under the Federal Acquisition Regulation (FAR), Subpart 9.2, Qualifications Requirements, are necessary for AMS to carry out its mission. A prospective contractor must be determined to be qualified by the Contracting Officer prior to submitting offers for AMS solicitations.

An interested prospective contractor may submit a qualification package at any time. Small businesses determined not to meet this qualification requirement, i.e., determined nonresponsible, will be referred to the Small Business Administration (SBA) for possible issuance of a Certificate of Competency (COC), in accordance with FAR subpart 19.6.

Prospective contractors shall complete and provide all materials requested herein. The Contracting Officer will review the package, determine if a prospective contractor is qualified, and add approved vendors to the Qualified Bidders List (QBL). A prospective contractor will be notified whether requirements have been satisfied and when the qualification package has been approved. Offers will not be accepted from a prospective contractor that has failed to comply with these requirements. Access to the Web-Based Supply Chain Management (WBSCM) system for submission of offers shall be granted only to Qualified Bidders after the qualification process has been completed and approved by the Contracting Officer.

Procurement information, including the AMS Master Solicitation for Commodity Procurements, commodity specifications, procurement schedules, information on WBSCM, current solicitations, and historical contract award information, is located on the AMS website at: <https://www.ams.usda.gov/selling-food>.

II. Qualification Requirements

The following are required of each prospective contractor to complete the qualification requirements process:

A. Administrative Requirements

1. System for Award Management(SAM).
In accordance with FAR Part 4.1102, prospective contractors shall be registered in System for Award Management website. The contractor is responsible for the accuracy and completeness of the data within the SAM database, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain active in SAM, after the initial registration, the contractor is required to review and update their company information on an annual basis, from the date of initial registration or subsequent updates. Annually, companies need to assure that all information in the SAM database is current, accurate and complete. The SAM website is located at: <https://www.sam.gov/portal/public/SAM/>. There is no fee to register in SAM.
2. FDA, Food Facility Registration Number.
In accordance with the Food Safety Modernization Act of 2011 (FSMA), domestic facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States are required to register with the FDA and renew such registrations. If applicable, provide your FDA food facility registration number. FDA guidance is available at: <http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/ucm2006831.htm>
3. SBA Certifications(if applicable).
Submit a copy of the applicable SBA certificate if the firm is a certified 8(a), HUBZone, etc.
4. Veteran's Administration (VA) Certification (if applicable).
If required by the contracting officer, submit a copy of the applicable certification as a Service-Disabled Veteran-Owned Small Business (SDVOSB).
5. Web-Based Supply Chain Management (WBSCM) Registration Form.
USDA-AMS commodity procurements are conducted electronically through WBSCM computer system. Prospective contractor's must complete the WBSCM Vendor Registration Form available at: <https://www.ams.usda.gov/resources/wscm-vendor-registration-form>

B. Responsible Prospective Contractor's Documentation (FAR 9.104-1 and 9.104-3)

1. Prospective contractors shall provide a written capabilities statement on company letterhead with a signature, providing the firm's exact legal name, and include the following:
 - A description of historical business experiences including the number of years it has sold these or similar products in the commercial marketplace or to governmental entities.
 - A list of products that it is interested in providing (a copy of the WBSCM vendor registration form may be used).
 - Any additional pertinent information regarding a prospective contractor's capabilities, such as, but not limited to, news articles, company websites, brochures, etc., and evidence of a satisfactory record of integrity and business ethics, and verification that it is otherwise qualified and eligible to receive an award under applicable laws and regulations.

2. Three reference letters from customers that demonstrate the prospective contractor is responsible. These letters must be from the customer, on company letterhead and signed by the customer's representative.
3. For Non-manufacturers only.
To demonstrate its capability to supply the products it wishes to bid on, non-manufacturers must provide a copy of the written agreement in effect between itself and an approved supplier. The agreement must be on company letterhead and must be signed by both parties. If the non-manufacturer has to change its supplier, a new written agreement between itself and the new supplier must be submitted for approval. Non-manufacturers must also submit a complaint and dispute resolution proposal which details how the non-manufacturer will resolve any potential complaints or hindrances that may arise.

If a non-manufacturer represents itself as a small business concern, it must comply with 13 CFR 121.406(b):

(b) Non-manufacturers. (1) A firm may qualify as a small business concern for a requirement to provide manufactured products or other supply items as a non-manufacturer if it:

- (i) Does not exceed 500 employees;*
- (ii) Is primarily engaged in the retail or wholesale trade and normally sells the type of item being supplied;*
- (iii) Takes ownership or possession of the item(s) with its personnel, equipment or facilities in a manner consistent with industry practice;*
and
- (iv) Will supply the end item of a small business manufacturer, processor or producer made in the United States, or obtains a waiver of such requirement pursuant to paragraph (b)(5) of this section.*

C. Financial Responsibility (FAR 9.104-1(a) and 9.104-3(a))

A prospective contractor shall demonstrate that it has adequate financial resources to perform the contract, or the ability to obtain them, including the availability of necessary working capital and satisfactory credit.

The prospective contractor must provide its most current, complete comparative financial statement. The financial statement must be prepared in accordance with Generally Accepted Accounting Principles (GAAP) and be audited or reviewed by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants. At a minimum, the statement should include a balance sheet, profit and loss statement, statement of cash flows, statement of retained earnings and any notes to the financial statement. For partnerships, the last fiscal year end or current financial statement of the partnership and the personal financial statement of each partner will be required. For individuals, financial statements that include all of his/her personal and business assets and liabilities will be required.

Annual review of Financial Responsibility:

Approved vendors added to AMS' Qualified Bidders List(s) that wish to remain on that list, and otherwise continue to meet qualification requirements, will be requested to submit an updated financial statement to AMS-CPS within 120 days of its fiscal year close to demonstrate current financial responsibility.

D. Food Safety and Sanitation Requirements.

1. Food Defense Requirements

All qualified contractors and subcontractors must have a documented and operational food defense plan that provides for the security of a plant's production processes and includes the storage and transportation of pre-production raw materials, other ingredients and post-production finished products. The plan shall address the following areas, where applicable: (1) food defense plan management; (2) outside and inside security of the production and storage facilities; (3) slaughter and processing, including all raw material sources; (4) controlled access to production and storage areas; (5) storage; (6) water and ice supply; (7) mail handling; (8) personnel security; and (9) transportation, shipping, and receiving (includes the sealing of any transport conveyance for truck lot and less-than-truck lot quantities of finished product).

The food defense plan must be audited by an AMS representative. Any nonconformance identified must be addressed in writing to both the Contracting Officer and Auditor. Contact the appropriate AMS Audit and Accreditation Program for information on food defense audit services. Contacts for each commodity area are found below and are also available on the AMS website at <https://www.ams.usda.gov/services/auditing/apply>.

Fruits, Vegetables & Specialty Crops

To apply for fruit and vegetable auditing services, contact the SCI division, Audit Services Branch at:

Telephone: (202) 720-5021

Fax: (202) 260-8927

Email: FVAudits@ams.usda.gov

Livestock, Poultry and Seed

To apply for Auditing Services, complete the [Application for Service - LPS-109 form](#). View our [Quality Systems Verification Programs Regulation](#). The completed LPS Form 109 must be sent to the Quality Assessment Division along with the cover letter requesting service and a complete copy of the client's program documentation. These documents can be sent via email to QAD.BusinessOps@ams.usda.gov or to the address below.

USDA, AMS, LPS, QAD

Business Operations Branch
10809 Executive Center Drive
Suite 318

Little Rock, AR 72211

Phone: (501) 312-2962

Fax: (501) 312-2968

Email: QAD.BusinessOps@ams.usda.gov

Dairy Plant Survey Program: For information on the Dairy Plant Survey Program, please visit this AMS website: <https://www.ams.usda.gov/services/auditing/dairy-plant-survey-program>

For meat, fish, poultry, and egg products, reference the Food Safety and Inspection Service (FSIS) “Security Guidelines for Food Processors” at the following website: <http://www.fsis.usda.gov/OA/topics/SecurityGuide.pdf>. Information for the transportation and distribution of meat, poultry, and egg products is found at the following website <http://www.fsis.usda.gov/oa/topics/transportguide.htm>.

For fruits, vegetables, shell eggs, and other food products regulated by the Food and Drug Administration (FDA), reference FDA’s “Food Producers, Processors, and Transporters: Food Security Preventive Measures Guidance” dated October, 2007 at the following website: <http://www.fda.gov/Food/FoodDefense/FoodSecurity/default.htm>.

For dairy, grain, and oilseed products see quality assurance requirements in commodity requirements documents at the following website: <https://www.ams.usda.gov/selling-food/product-specs>.

2. Pre-Award Plant Surveys

After receiving the qualification information, a pre-award plant survey or capability assessment will be conducted to verify that a prospective contractor meets AMS qualification requirements. The pre-award survey/assessment will be conducted by the applicable USDA area, e.g., AMS Program Areas—Specialty Crop, Poultry, Livestock and Seed, Dairy or USDA’s Federal Grain Inspection Service (FGIS)—to evaluate technical, production, and transportation capabilities, and quality assurance and production control procedures of the contractor.

Specific pre-award plant survey/assessment requirements are referenced in the Supplement and/or Commodity Specification(s) applicable to the commodities the prospective contractor is interested in supplying. These documents can be found on the Commodity Purchasing website at www.ams.usda.gov/commoditypurchasing. For more information, contact the Commodity Procurement Staff at 202-720-4517.

E. Submitting a Vendor Qualification Package

A prospective contractor is encouraged to submit the qualification package as soon as possible to allow ample time for the processes and approval, and subsequent WBSCM registration prior to the closing date of the targeted solicitation. A checklist (Exhibit 1) is provided to assist the applicant with submission of a complete package. Submit the qualification packages to:

Ms. Andrea Lang
Small Business Coordinator
Email address: andrea.lang@ams.usda.gov.
Telephone No.: 202-720-4237

NOTICE

Except as provided in FAR Part 24.2 (the "Freedom of Information Act"), qualification information, including the pre-award survey reports, accumulated for purposes of determining the responsibility of a prospective contractor, shall not be released or disclosed outside the government. All information provided will be kept confidential to the extent permitted by law.

Under penalty of perjury, each qualification package must be submitted and signed by an individual who has the legal authority to contractually bind a prospective contractor on whose behalf that information package is submitted. If any information provided by a prospective contractor becomes inaccurate, a prospective contractor must immediately notify the Contracting Officer and provide updated and accurate information in writing. AMS reserves the right to waive minor irregularities and omissions in the information obtained in the qualification package submitted.

QUALIFICATION REQUIREMENTS

August 2018

Print the following checklist and submit along with the completed qualification package.

Questions regarding qualifications and approval should be directed to Ms. Andrea Lang at 202-720-4237 or NewVendor@ams.usda.gov

<ul style="list-style-type: none"> • System for Award Management (SAM) www.sam.gov 	
<ul style="list-style-type: none"> • Business Status. As indicated in SAM, business status is one of the following: 	
<ul style="list-style-type: none"> ○ Large Business 	
<ul style="list-style-type: none"> ○ Small Business 	
<ul style="list-style-type: none"> ○ Small Disadvantaged Business 	
<ul style="list-style-type: none"> ○ Women-Owned Business 	
<ul style="list-style-type: none"> ○ Veteran-Owned Business 	
<ul style="list-style-type: none"> ○ Service-Disabled Veteran-Owned Small Business 	
<ul style="list-style-type: none"> ○ HUBZone Business 	
<ul style="list-style-type: none"> ○ 8(a) Small Business Development Concern 	
<ul style="list-style-type: none"> • Completed WBSCM Vendor Registration Form 	
<ul style="list-style-type: none"> • Company Letter- certifying capability to perform 	
<ul style="list-style-type: none"> • Three (3) Letters of Reference from customers your company sold the same or similar products to 	
<ul style="list-style-type: none"> • Business Type. Check one: <input type="checkbox"/> Manufacturer <input type="checkbox"/> Non-manufacturer 	
<ul style="list-style-type: none"> • Check one or more as applicable. <input type="checkbox"/> Grower <input type="checkbox"/> Grower/Packer/Shipper <input type="checkbox"/> Processor <input type="checkbox"/> Distributor/Wholesaler <input type="checkbox"/> Broker 	
<ul style="list-style-type: none"> • Non-manufacturer. The following requirements apply: 	
<ul style="list-style-type: none"> ○ Letter from manufacturer/supplier certifying its willingness to provide product that meets the USDA commodity specifications 	
<ul style="list-style-type: none"> ○ Complaint and Dispute Resolution Proposal 	
<ul style="list-style-type: none"> • Most Recent Audited Financial Statements 	

Please note that in order to be added to our Qualified Bidders List and eligible to begin bidding on products, you must complete the necessary inspections and be set up in the Web Based Supply Chain Management System.

Technician, you will be contacted by CAGE, if necessary, for any additional information.

Register Entity

- Overview
- Registration Overview**
- Purpose of Registration
- Core Data
- Representations and Certifications
- Points of Contact
- Submit Registration

[BACK TO USER DASHBOARD](#)

Overview

Registration Overview

SAM Entity Management registrants are required to submit detailed information on their entity in the following categories, depending on the purpose of the registration:



Core Data

Mandatory for all registration types. Includes, but is not limited to, an entity's DUNS and/or DoDAAC, name, address, CAGE or NCAGE, code, TIN or EIN number, general information, financial information, and details about any proceedings in which the entity may currently be involved.



Assertions

Documents self-assertions from each entity. Includes, but is not limited to, data about the types of goods and services the entity provides, the entity size, optional Electronic Data Interchange (EDI), and disaster relief data.



Representations & Certifications

Documents an entity's representations and certifications related to their small business status, responses to commonly used Federal Acquisition Regulation (FAR) and Defense Federal Acquisition Regulation Supplement (DFARS) provisions/clauses, and Architect-Engineer Responses (SF330 Part II).



Points of Contact

Mandatory for all registration types. The entity will be asked to provide contact information for any mandatory POC based on the information they provided during the registration process. Includes, but is not limited to, accounts receivable, electronic business, and government business.

Notes:

An entity within the SAM system includes prime contractors, organizations or individuals applying for assistance awards, those receiving loans, sole proprietors, corporations, partnerships, and any Federal government agencies desiring to do business with the government.

Entity Administrators and/or Entity Registration Representatives are responsible for ensuring the accuracy of an entity registration in SAM. An entity registration must be renewed every 365 days in order to remain active and will expire if it is not updated in a timely manner. An expired registration may affect the ability to do business with the Federal government.

[START REGISTRATION](#)

Welcome to Supplier Self-registration

If you would like to do business with USDA, please complete and submit the following form.

* - Required Field.

Company Details

Type of Vendor Central Vendor International Freight Vendor

Are you a US-based Vendor? Yes No

Are you registered with System for Award Management? Yes No

Enter DUNS Number *

Name of the Company *

Address Data

First Name * Last Name *

E-Mail Address *

Telephone * Extension

Fax * Extension

Street Address *

Building Suite No.

Floor City/Location *

Zip Code *

State/Region * Country *

PO Box PO Box Zip code

PO Box City

PO Box State PO Box Country

Which Product/Service Categories do you Offer?					
<input type="checkbox"/>	BAGS-EMPTY	<input type="checkbox"/>	BAKED PRODUCTS-PKGD	<input type="checkbox"/>	BARLEY-PKGD
<input type="checkbox"/>	BEANS, DRY	<input type="checkbox"/>	BEANS, DRY-PKGD	<input type="checkbox"/>	BEEF, CANNED
<input type="checkbox"/>	BEEF, COOKED	<input type="checkbox"/>	BEEF, FRESH	<input type="checkbox"/>	BEEF, FROZEN
<input type="checkbox"/>	BEEF, GROUND	<input type="checkbox"/>	BEEF, ROAST	<input type="checkbox"/>	BEEF, SPECIAL TRIM
<input type="checkbox"/>	BISON PRODUCTS	<input type="checkbox"/>	BUCKWHEAT-PKGD	<input type="checkbox"/>	BULGUR-PKGD
<input type="checkbox"/>	BUTTER	<input type="checkbox"/>	CEREAL, FORTIFIED	<input type="checkbox"/>	CEREAL, INSTANT
<input type="checkbox"/>	CEREAL, PROCESSED	<input type="checkbox"/>	CHEESE PROC, KOSHER	<input type="checkbox"/>	CHEESE, MOZZARELLA
<input type="checkbox"/>	CHEESE, NATURAL AMER	<input type="checkbox"/>	CHEESE, PROCESSED	<input type="checkbox"/>	CHICKEN, BULK
<input type="checkbox"/>	CHICKEN, CANNED	<input type="checkbox"/>	CHICKEN, COOKED	<input type="checkbox"/>	CHICKEN, FROZEN
<input type="checkbox"/>	COMMODITIES F&V	<input type="checkbox"/>	CORN PRODUCTS	<input type="checkbox"/>	CORN-SOY BLEND-PKGD
<input type="checkbox"/>	CORN-SOY MILK-PKGD	<input type="checkbox"/>	CORNMEAL-PKGD	<input type="checkbox"/>	CRACKER PROD, PROC
<input type="checkbox"/>	DEHYDRATED POTATO	<input type="checkbox"/>	EGG PRODUCTS	<input type="checkbox"/>	EMERGENCY PRODS-PKGD
<input type="checkbox"/>	FISH, CANNED	<input type="checkbox"/>	FISH, FROZEN	<input type="checkbox"/>	FLOUR, BAKERY
<input type="checkbox"/>	FLOUR, BAKERY KOSHER	<input type="checkbox"/>	FLOUR, BAKERY MIX	<input type="checkbox"/>	FLOUR, MASA
<input type="checkbox"/>	FLOUR, WHEAT	<input type="checkbox"/>	FLOUR, WHEAT-PKGD	<input type="checkbox"/>	FREIGHT-DOMESTIC
<input type="checkbox"/>	FREIGHT-OCEAN	<input type="checkbox"/>	FRUIT, CANNED	<input type="checkbox"/>	FRUIT, DRIED
<input checked="" type="checkbox"/>	FRUIT, FRESH	<input type="checkbox"/>	FRUIT, FROZEN	<input type="checkbox"/>	FRUIT, JUICE
<input type="checkbox"/>	GOOSE, FROZEN	<input type="checkbox"/>	GRAIN PRODUCTS-BULK	<input type="checkbox"/>	GRAIN PRODUCTS-PKGD
<input type="checkbox"/>	GRITS, GRAIN	<input type="checkbox"/>	HAM, FULLY COOKED	<input type="checkbox"/>	INFANT FORMULA
<input type="checkbox"/>	LAMB PRODUCTS	<input type="checkbox"/>	MEAT PRODUCTS	<input type="checkbox"/>	MILK, EVAPORATED
<input type="checkbox"/>	MILK, FRESH-FLUID	<input type="checkbox"/>	MILK, INSTANT	<input type="checkbox"/>	MILK, NON-FAT DRY
<input type="checkbox"/>	MILK, UHT	<input type="checkbox"/>	MILK, NONFAT, DRY-PKGD	<input type="checkbox"/>	N/A (CHES PROC KOSH)
<input type="checkbox"/>	N/A (FLOUR, BAK KOSH)	<input type="checkbox"/>	N/A (PENUT PROD, KOS)	<input type="checkbox"/>	N/A (RICE, GRAIN KOS)
<input type="checkbox"/>	N/A (SEED BUTR, KOS)	<input type="checkbox"/>	N/A (VEG OIL KOSHER)	<input type="checkbox"/>	NON-STANDARD
<input type="checkbox"/>	NUTS	<input type="checkbox"/>	OIL PRODS, RFND-BULK	<input type="checkbox"/>	OIL PRODS, CRUDE-BULK
<input type="checkbox"/>	OIL PRODUCTS-PKGD	<input type="checkbox"/>	OIL, BULK	<input type="checkbox"/>	OIL, CORN
<input type="checkbox"/>	OIL, SUNFLOWER	<input type="checkbox"/>	PANCAKES	<input type="checkbox"/>	PASTA, MAC & CHEESE
<input type="checkbox"/>	PASTA, MACARONI	<input type="checkbox"/>	PASTA, OTHER	<input type="checkbox"/>	PEANUT PROD, KOSHER
<input type="checkbox"/>	PEANUT PRODUCTS	<input type="checkbox"/>	PEANUT PRODUCTS-PKGD	<input type="checkbox"/>	PEANUTS RAW SHELLS
<input type="checkbox"/>	PEAS, DRY	<input type="checkbox"/>	PEAS/LENTILS-PKGD	<input type="checkbox"/>	PORK, CANNED
<input type="checkbox"/>	PORK, COOKED	<input type="checkbox"/>	PORK, FRESH	<input type="checkbox"/>	PORK, FROZEN
<input type="checkbox"/>	POTATO PRODUCTS-PKGD	<input type="checkbox"/>	POULTRY PRODS-PKGD	<input type="checkbox"/>	PRICE SUPPORT BUTTER
<input type="checkbox"/>	PRICE SUPPORT CHEESE	<input type="checkbox"/>	PRICE SUPPORT MILK	<input type="checkbox"/>	PUDDING

<input type="checkbox"/>	RAISINS-PKGD	<input type="checkbox"/>	RICE, GRAIN	<input type="checkbox"/>	RICE, GRAIN KOSHER
<input type="checkbox"/>	RICE, MILLED-PKGD	<input type="checkbox"/>	RICE, WILD	<input type="checkbox"/>	SALMON-PKGD
<input type="checkbox"/>	SEED BUTTER	<input type="checkbox"/>	SEED BUTTER, KOSHER	<input type="checkbox"/>	SERVICE AMS FV
<input type="checkbox"/>	SERVICE AMS LS	<input type="checkbox"/>	SERVICE AMS PY	<input type="checkbox"/>	SERVICE DOM FREIGHT
<input type="checkbox"/>	SERVICE DOM NATLWHSE	<input type="checkbox"/>	SERVICE DOM SAMPLING	<input type="checkbox"/>	SERVICE DOMESTIC
<input type="checkbox"/>	SERVICE INT ADMIN	<input type="checkbox"/>	SERVICE INT INSPECT	<input type="checkbox"/>	SERVICE INT SURVEYS
<input type="checkbox"/>	SERVICE INT VLO	<input type="checkbox"/>	SERVICE PS STORAGE	<input type="checkbox"/>	SHELL EGG
<input type="checkbox"/>	SORGHUM GRITS-PKGD	<input type="checkbox"/>	SOUP MIX-PKGD	<input type="checkbox"/>	SOY PRODUCTS-PKGD
<input type="checkbox"/>	SYRUP	<input type="checkbox"/>	TALLOW-BULK	<input type="checkbox"/>	TORTILLAS
<input type="checkbox"/>	TURKEY, BULK	<input type="checkbox"/>	TURKEY, CANNED	<input type="checkbox"/>	TURKEY, COOKED
<input type="checkbox"/>	TURKEY, FROZEN	<input type="checkbox"/>	VEG OIL PROD DOM	<input type="checkbox"/>	VEG OIL PROD, KOSHER
<input type="checkbox"/>	VEGETABLE, CANNED	<input type="checkbox"/>	VEGETABLE, DRIED	<input type="checkbox"/>	VEGETABLE, FRESH
<input type="checkbox"/>	VEGETABLE, FROZEN	<input type="checkbox"/>	VEGETABLE, JUICE	<input type="checkbox"/>	VEGETABLE, SOUP
<input type="checkbox"/>	WHEAT-SOY BLEND-PKGD	<input type="checkbox"/>	YOGURT	<input type="checkbox"/>	

Organization Type

Select an Organization Type

Enter Text if you choose 'Others'

Data Privacy Statement

USDA Data Privacy Statement

The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this Website is 7 CFR Part 1400. The information will be used to evaluate bids to purchase commodities and provide services. The information collected may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in non-consideration. The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided.

USDA WBSCM Team

Phone: 1-877-WBSCM-4U

Email: wbscm.servicedesk@caci.com

Yes, I have read the data privacy statement and accept the terms.

Clear

Check

Note :

* Check whether the form is completely filled using the Check button

* Once completed save and mail it to the Email address provided in the Form.

SOLICITATION
Domestic Commodity Invitation

Information

Description: **12-3J14-19-B-0364**
Bid invitation number: **2000006096**

Certification Questions :

Please answer all certification questions.

See attached documents:

- 1 . Bid Certification Questions
- 2 . Master Solicitation for Commodity Procurements-Domestic Programs
- 3 . RICE Products Commodity Requirements Document
- 4 . RICE Products TENDERING TEXT July-August 2019 SPECIAL

Attributes :

1. DUNS and Business Size Standard
2. System for Award Management (SAM).
- 2a. System for Award Management (SAM) - changes to this Solicitation.
3. Amendment to Solicitation.
4. All USDA contracts with the Offeror that have a Not-Later-Than date prior to the solicitation opening:
 - Permitted values: - HAVE BEEN DELIVERED
 - HAVE NOT BEEN DELIVERED
 - NO PREVIOUS CONTRACTS
5. Brand name and pack size
6. Plant locations for all items has been verified pursuant to the Place of Performance-Sealed Bidding?
7. Supplier Agreements:
 - Permitted values: - YES
 - NO
 - N/A
- 7a. Supplier Agreement-Capability Requirements
 - Permitted values: - YES
 - NO
 - NOT APPLICABLE
8. Commodity Specifications
9. Offeror Contact information
- 9a. Emergency Point of Contact

Bid invitation Item details

Item Material Description	Required by	ZipCode	Quantity
----------------------------------	--------------------	----------------	-----------------

SOLICITATION
Domestic Commodity Invitation

Information

Description: **12-3J14-19-B-0364**
 Bid invitation number: **2000006096**

Item	Material Description	Required by	ZipCode	Quantity
10	RICE, GRAIN			
20	RICE BRN US#1 LONG PARBOILED BAG-25 LB			
30	LOT: 553969868 CLEARFIELD UT / OGDEN ...			
	Tendering text - Item : LOT: 553969868 CLEARFIELD UT / OGDEN UT /			
40	101031 RICE BRN US#1 LONG PARBOILED BAG-25 LB	07/16/2019-07/31/2019	84016	28,250.000 LB
50	101031 RICE BRN US#1 LONG PARBOILED BAG-25 LB	07/16/2019-07/31/2019	84404	13,750.000 LB
	Total Quantity for RICE BRN US#1 LONG PARBOILED BAG-25 LB			42,000.000
60	RICE BRN US#1 LONG PARBOILED PKG-24/2 LB			
70	LOT: 429866732 CLEARWATER FL / TAMPA ...			
	Tendering text - Item : LOT: 429866732 CLEARWATER FL / TAMPA FL /			
80	100500 RICE BRN US#1 LONG PARBOILED PKG-24/2 LB	08/16/2019-08/31/2019	33756	10,512.000 LB
90	100500 RICE BRN US#1 LONG PARBOILED PKG-24/2 LB	08/16/2019-08/31/2019	33605	31,488.000 LB
	Total Quantity for RICE BRN US#1 LONG PARBOILED PKG-24/2 LB			42,000.000
100	RICE BRN US#1 LONG PARBOILED PKG-30/2 LB			
110	TUCSON AZ			
120	100501 RICE BRN US#1 LONG PARBOILED PKG-30/2 LB	08/01/2019-08/15/2019	85713	42,000.000 LB
130	100501 RICE BRN US#1 LONG PARBOILED PKG-30/2 LB	08/16/2019-08/31/2019	85713	42,000.000 LB
	Total Quantity for RICE BRN US#1 LONG PARBOILED PKG-30/2 LB			84,000.000
	Total Quantity for Invitation			168,000.000



Jeffrey Jackson
 Contracting Officer
 United States Department of Agriculture



AMS Master Solicitation for Commodity Procurements – Domestic Programs (MSCP-D)

for Domestic Food Distribution Program Purchases

Commercial Item, Sealed Bidding

Effective: March 25, 2019

USDA, Agricultural Marketing Service
Commodity Procurement Program
1400 Independence Ave., SW, Room 3522-S, STOP 0239
Washington, DC 20250-0239

An Equal Opportunity Provider and Employer

MSCP-D Updates included in this version, (i.e., changes from the April 12, 2017, version)

General Updates		
Page	Text	Change
Title	“AMS Master Solicitation for Commodity Procurements” “Commodity Procurement Staff ”	Add “Domestic Programs (MSCP-D)” to differentiate this Master Solicitation from the AMS Master Solicitation for <i>International</i> Food Aid Programs. Update to new organization name “Commodity Procurement Program ”
8	“This version of the Master Solicitation...”	Updated from FAC 2005-95 to FAC 2005-101

Contract Clauses Updated		
Clause Number	Clause Name	Change
4A52.201-1	Contracting Officer Representative	Clarified language to indicate contracting officers may designate a COR(s) to assist with the contract.
52.204-13	System for Award Management Maintenance	New clause to replace the paragraph FAR removed from 52.212-4
4A52.211-1	Compensation for Delays in Delivery	Duplicate clause number, this clause has been updated to be 4A52.211-2
4A52.211-3	Regulatory Requirements for Commodities and Packaging	Add relevant regulations cited to include “applicable Food Safety Modernization Act regulations (FSMA), and sections in the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act)”
4A52.211-4	Commodity/Packaging Labeling Requirements	New local clause added
52.212-4	Contract Terms and Conditions	Updated the clause to the latest provided by FAR dated Oct 2018
52.212-4	Contract Terms and Conditions	In paragraph (a)(2)(A)(ii), removed “and/or” at the end of the paragraph, as the introductory language of 52.212-4(a)(2)(A) already states the requirement is to submit “ <u>one</u> of the following”
52.212-4	Contract Terms and Conditions	In paragraph (a)(2)(A)(iv), clarified by adding language in bold: “Report evidencing delivery of product (e.g., Goods Receipt in WBSCM , or Goods Receipt Detail Report attached to invoice);”
52.212-4	Contract Terms and Conditions	Delete paragraph numbering (vi) from the text in quotations within (a)(2)(A)(v), since that language is actually part of paragraph (v).
52.212-4	Contract Terms and Conditions	Delete addendum to paragraph (i) Payment. Additional prompt payment information for commodities has been moved to 4A52.232-2.
52.212-5	Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items	Updated the clause to the latest provided by FAR dated Oct 2018

**AMS Master Solicitation for Commodity Procurements – Domestic Programs (MSCP-D)
for Domestic Food Distribution Programs Purchases
Commercial Item, Sealed Bidding**

Effective Date: March 25, 2019

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RICE PRODUCTS

Acquisition Method: Invitation for Bid
Description: 12-3J14-19-B-0364
Number: 2000006096
Issued date: April 30, 2019, 1330 Central Time
Offers due: May 14, 2019, 0900 Central Time
Award Notification: May 16, 2019, by 1500 Central Time
Public Release of Award: May 17, 2019, by 1500 Central Time

1. Solicitation Information Contact:

Monday through Friday, except Federal Holidays, 8:00 a.m. to 4:00 p.m. CST.

United States Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)
Commodity Procurement Program (CPP)
Domestic Commodity Procurement Division (DCPD)
Dairy, Grains, & Oilseeds Branch (DGO)
Mail Stop 8718
PO Box 419205
Kansas City, MO 64141-6205

Mara Whitaker, Marketing Specialist/Contracting Officer's Representative
Telephone: 816 926 6063
Email: Mara.Whitaker@usda.gov

Alternate Contacts:
Jeffrey F. Jackson, Senior Contracting Officer
Telephone: 816 926 2612
Email: Jeffrey.Jackson@usda.gov

2. AMS Commodity Procurement Internet Address:

<http://www.ams.usda.gov/selling-food>

3. This Acquisition is:

// Unrestricted.

/x/ Set-Aside for:

/x/ Small Business Set-Aside in accordance with FAR 19.502-2. Any concern proposing to furnish a product that it did not itself manufacture must furnish the product of a small business manufacturer.

NOTICE OF SMALL BUSINESS SET-ASIDE

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.

RICE PRODUCTS

Solicitation Description: 12-3J14-19-B-0364

Solicitation Number: 2000006096

Tendering Text

4. NAICS Codes/Size Standards:

See Master Solicitation for Commodity Procurements-Domestic Programs at

<https://www.ams.usda.gov/sites/default/files/media/MSCP.pdf>

5. Delivery Type: F.O.B. Destination

6. Submission of offers:

A. WBSCM Service Desk Information

To obtain assistance using WBSCM, please contact the WBSCM Level 1 Service desk at any of the following:

-telephone: 877-WBSCM-4U or 877-927-2648

-email: WBSCM.servicedesk@CACI.com

-Web form link on WBSCM Portal: <https://cacifedramp.service-now.com/wbsem/>

You need to have the following information available when contacting the WBSCM Level 1 Service Desk:

-Company's Business Partner (BP) number: (if available)

-Company Name:

-Contact Name:

-Phone Number:

-E-mail Address:

-Identify that you are a Domestic Vendor

-Identify that you do business with AMS.

-Identify the deadline; date and time, for the Solicitation you need assistance with from the Service Desk.

Level 1 Service Desk hours are Monday through Friday from 7:00 a.m. to 5:00 p.m. central time.

The WBSCM system is off-line Sunday evenings from 4:00 PM to Midnight central time. Unplanned outages will be communicated through the WBSCM system.

B. WBSCM Offer Information

Only one bid price may be submitted for an item number.

C. Plant Location Requirement.

Plant location and the Place of Performance in Federal Acquisition Regulations provisions **52.214-14** (Apr 1985) and **52.215-6** (Oct 1997) shall match. Representations and Certifications are available online at the System for Award Management at website

<https://www.sam.gov/SAM/>.

D. Supplier Agreement Requirement.

RICE PRODUCTS

Solicitation Description: 12-3J14-19-B-0364

Solicitation Number: 2000006096

Tendering Text

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

E. Business Size/Type Designation for Subcontracting.

An offer from a small business to supply manufactured products of small and large businesses shall be divided and submitted separately using separate WBSCM logon IDs. An offer from a farmer-owned cooperative large business to supply manufactured products of both a small business and other than small (i.e., farmer-owned cooperative large business or large business) shall be divided and submitted separately using separate WBSCM logon IDs. See information below.

Examples:

If offeror business size is small business and the manufactured product is subcontracted to a small business, then the WBSCM size designation is small business.

If offeror business size is small business and manufactured product is subcontracted to a Farmer-owned Cooperative large business or a large business, then the WBSCM size designation is large business.

If offeror business size is large business and manufactured product is subcontracted to a small or a large business, then the WBSCM size designation is large business

F. Offshore Items.

Items for delivery to offshore locations require the contractor to arrange and pay for ocean transportation in addition to the land transportation. Offshore examples are Hawaii, Puerto Rico, and the Virgin Islands. Offshore locations are identified by the cities and postal abbreviations shown at the level 3 Item data.

7. Invoices:

The contractor shall use the invoicing function in WBSCM. 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.

RICE PRODUCTS

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Tendering Text

A separate invoice should be submitted for each item number.

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

8. Shipment/Delivery Schedule:

July 16, 2019 – August 31, 2019

See Schedule of Supplies for period of performance. A WBSCM Purchase Order will be available at least seven (7) calendar days prior to the first day of each period of performance scheduled in the contract. The Contractor shall comply with the instructions in the WBSCM Purchase Order. If a WBSCM Purchase Order is available less than seven (7) calendar days prior to the first day of the contracted period of performance, the performance period shall be extended by the number of days the WBSCM Purchase Order was not available. The Contractor shall not be entitled to any extension of the performance period unless it furnishes evidence satisfactory to the Government that it was prepared to perform during the contracted period of performance.

9. Other Requirements:

A. Bidders shall meet the Qualification Requirements in the Master Solicitation for Commodity Procurements-Domestic Programs (MSCP-D) at

<https://www.ams.usda.gov/sites/default/files/media/MSCP.pdf>

B. Contractor Past Performance Evaluation is applicable for contracts exceeding the simplified acquisition threshold of \$150,000.

C. Rice Products Commodity Requirements Document, Section 1.2 WARRANTY is amended to read: The product shall have a shelf life of at least one year from date of manufacture. Product shall not be manufactured more than 30 days prior to shipping. Contractors are responsible for maintaining the manufacture information.

Contractors have the option of requesting that GIPSA include the RICE manufacturing date in the Applicant states portion of the RICE Grading certificate.

D. Rice Products Commodity Requirements Document, Section 1.1 COMMODITIES is amended to read:

B. Brown Rice shall be U.S. No. 1 long grain, medium grain, or short grain brown rice for processing, as defined in the “United States Standards for Brown Rice for Processing,” which is available at https://www.ecfr.gov/cgi-bin/text-idx?SID=1fb891ea4cd23e305528c37c85cb2a3c&mc=true&node=sp7.7.868.d&rgn=div6#se7.7.868_1261 in effect on the date the solicitation is issued. The Brown Rice for Processing shall have Total Broken Kernels maximum of 4 percent.

RICE PRODUCTS

Solicitation Description: 12-3J14-19-B-0364

Solicitation Number: 2000006096

Tendering Text

10. 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 the Master Solicitation for Commodity Procurements-Domestic Programs (MSCP-D) in effect as of the date of this solicitation. See attached MSCP-D. The FAR and AGAR provisions and clauses applicable to this solicitation are contained in the MSCP-D and this solicitation.

B. // Applicable if checked. FAR Clause **52.232-18, Availability of Funds** (Apr 1984). Funds are not presently available for this contract. The Government obligation under this contract is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the contracting officer for this contract and until the contractor receives notice of such availability, to be confirmed in writing by the contracting officer.



Jeffrey F. Jackson
Senior Contracting Officer

Bid Certification Questions

Please note answering Bid Certifications Questions in WBSCM is a required component of the offer.

1. Data Universal Numbering System assigned by Dun and Bradstreet (DUNS) or DUNS plus four and Business Size Standard.
2. System for Award Management (SAM): The Offeror has completed entity registration electronically via entry into SAM at the website www.SAM.gov. The offeror is responsible for controlling the accuracy of its business information. The offeror verifies by submission of this offer that the SAM is accurate, complete, and current as of the date of this solicitation

Yes No

- 2a. SAM Representations and Certifications (FAR 52.204-8(b): The Offeror has completed the representations and certifications electronically via entry into SAM at the website www.SAM.gov. After reviewing the representations and certifications database information, the offeror verifies by submission of the offer that the representations and certifications currently posted have been entered or updated within the last 12 months are accurate, complete, current, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see Far 4.1201); except for the changes identified below (OFFEROR TO INSERT CHANGES, IDENTIFYING CHANGE BY CLAUSE NUMBER, TITLE, AND DATE). These amended representation(s) and/or certification(s) are also incorporated in this offer and are accurate, complete, and current as of this date of this offer. Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on SAM.
3. Amendments to this Solicitation: If this solicitation is amended, then all terms and conditions which are not modified remain unchanged. The Offerors shall acknowledge receipt of any amendment to this solicitation by identifying the amendment number and date in the space provided: (Enter N/A if not applicable.)

Amendment number and amendment date

Non-applicable

4. All USDA contracts with the Offeror that have a Not-Later-Than date prior to solicitation opening

Have been delivered

Have not been delivered

No previous contracts

5. The offeror certifies that the commercial-brand product to be delivered has a history of successful distribution and use in domestic commercial channels, is sold on the commercial market, and has an established level of consumer acceptance. Insert the commercial brand names(s) offered.

Brand name and pack size

6. Plant location for all items has been verified pursuant to Place of Performance – Sealed Bidding?

Yes

No

7. Supplier Agreements; All non-manufacturers pursuant to the Submission of Offers, Supplier Agreement Requirement instructions, must furnish to the Government, at the time of offer, the name, address, telephone number, and business size (i.e., large or small) of the supplier. If the offeror is the manufacturer of the product they are offering under this solicitation, insert N/A.

7a. Supplier Agreement has been submitted pursuant to Capability Requirements.

Yes

No

Not applicable

8. Each commodity offered meets the commodity specifications applicable to this Solicitation.

Yes

No

9. Please insert name, title, email, telephone and fax numbers of person submitting the offer.

9a. Please provide a 24-hour emergency Point of Contact (POC) information. The POC information should include: name, title, email, telephone and fax numbers.



United States Department of Agriculture

Agricultural Marketing Service

Commodity Procurement Staff

P.O. Box 419205, MS 8718

Kansas City, MO 64141-6205

USDA COMMODITY REQUIREMENTS

RP5

RICE PRODUCTS

FOR USE IN DOMESTIC PROGRAMS

Effective Date: February 4, 2016

**USDA COMMODITY REQUIREMENTS
RP5
RICE PRODUCTS
FOR USE IN DOMESTIC PROGRAMS**

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Part 1 COMMODITY SPECIFICATIONS

Section 1.1 COMMODITIES

- A. Quality of Rice Products
Rice products delivered shall meet the specifications of the class and grade offered as defined in the “United States Standards for Milled Rice,” in effect on the date the solicitation is issued. The standards are available at: http://www.gipsa.usda.gov/fgis/inspectionsservices_ricestandards.aspx. Rice products shall be a US No. 2 or better well milled rice, unless so specified.
- (1) Rice products, excluding Brown rice products, produced and delivered shall be enriched.
 - (2) Rice products of special grades “parboiled light” or “parboiled” which meets class and grade specifications of U.S. No. 1 will only be acceptable for those items specifying “parboiled.” “Parboiled light” or “parboiled” shall not be substitutable for other classes of rice.
 - (3) Enriched rice products (including “parboiled light” or “parboiled”) shall comply with the standards for enriched rice established by the FDA, in the Code of Federal Regulations, Title 21, Chapter 1, Part 137, Subpart B, Section 137.350, which is available at: <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm>, except that the optional enrichment ingredients will not be included.
 - (4) Rice coated with talc and/or glucose, is not acceptable and will be rejected if delivered. No specialty, including but not limited to aromatic rice, will be acceptable unless specified in the solicitation.
- B. Brown Rice shall be U.S. No. 1 long grain, medium grain, or short grain brown rice for processing, as defined in the “United States Standards for Brown Rice for Processing,” which is available at http://www.gipsa.usda.gov/fgis/inspectionsservices_ricestandards.aspx, in effect on the date the solicitation is issued.
- C. Parboiled brown rice shall be U.S. No. 1 long grain brown rice or U.S. No. 1 medium grain brown rice which has a cooking time which falls within the range of 10 to 28 minutes.
- D. All rice products for delivery to destinations in the State of Hawaii shall be U.S. No. 1 Medium Grain (California-grown) only.
- E. Rice products for delivery to destinations in the State of Hawaii shall have a zero tolerance for *Aeschynomene indica* L., more commonly known as Kat sola, Indian joint vetch, Indian vetch seed or Indigo. The Grain Inspection, Packers & Stockyards Administration (GIPSA) will reject products destined for Hawaii which contain any portion of *Aeschynomem indica* L.

- F. The Government will accept delivery of rice products grading better than the specified contract grade, but no adjustment in contract price will be made for rice products better than the contract grade.

Section 1.2 WARRANTY

Product shall not be manufactured more than 30 days prior to shipping. Manufactured date is defined as the calendar date on which the rice is milled.

- A. The milled and parboiled rice products delivered shall have a shelf life of six months from the date of manufacture.
- B. The brown rice products delivered shall have the following shelf life:

PRODUCT	TEMPERATURE	SHELF LIFE
Brown Rice	50° – 70° Fahrenheit	3 months
Brown Rice	30° – 40° Fahrenheit	6 months

Section 1.3 FUMIGATION

- A. Not more than 10 days prior to packaging, the rice products shall be fumigated with the food safe formulations of Aluminum Phosphide, Carbon Dioxide, Methyl Bromide, or Sulfuryl Flouride in a quantity and manner which will effect a kill in all stages of weevil or other insect infestation. All fumigant must be applied according to the Environmental Protection Agency (EPA) label.
- B. The contractor shall submit with its invoice for payment, a statement certifying that the rice products were fumigated in accordance with this requirement. The Fumigation Certificate shall indicate the chemical, Aluminum Phosphide, Carbon Dioxide, Methyl Bromide, or Sulfuryl Flouride used in the fumigation process. The Fumigation Certificate shall cite the actual date the rice was fumigated. The fumigator’s license number shall be cited on the Fumigation Certification statement.

Section 1.4 INSPECTION

- A. Inspection of the product shall be performed by the Grain Inspection, Packers & Stockyards Administration (GIPSA). Procedures to follow and a schedule of fees for this service may be obtained at <http://www.gipsa.usda.gov/fgis/gradingprocedures.aspx>, select Service Provider Information.

The applicant is responsible for providing all applicable contract documents and specifications to GIPSA. The quality, weight, and packaging of the product shall be evidenced by commodity inspection certificates issued by GIPSA. The GIPSA certificate must cite the Contract/WBSCM Purchase Order (PO), PO Item Number, Sales Order (SO) Number and SO Item Number or Purchase Requisition (PR) and PR Item Number. Contractors are required to notify the Government immediately of lots that fail to meet contract requirements.

B. Enrichment

The GIPSA certificate will also cite whether or not the rice is enriched. Testing of the product for enrichment, if applicable to the commodity, shall be performed by the Grain Inspection, Packers & Stockyards Administration (GIPSA). GIPSA shall verify the presence of enrichment for each inspected lot. Enrichment results will be shown in the factor section of the certificate.

Applicant statements in regard to enrichment will not be accepted by GIPSA.

C. Citations

The GIPSA certificate must cite the Contract/WBSCM Purchase Order (PO), PO Item Number, Sales Order (SO) Number and SO Item Number or Purchase Requisition (PR) and PR Item Number. Contractors are required to notify the Government immediately of lots that fail to meet contract requirements.

D. Shipping

Contractors shall not ship the product unless informed by GIPSA that the containers and markings meet the Acceptable Quality Level (AQL) of the "U.S. Standards for Condition of Food Containers," which are available at: http://www.access.gpo.gov/nara/cfr/waisidx_04/7cfr42_04.html. Notice by GIPSA that a designated lot scheduled for shipment does not meet the AQL will constitute rejection to the contractor of such lot. Except with respect to shipments that do not meet the AQL standards, the contractor may ship the product prior to receipt of the commodity testing and analysis results (when required) in which event the contractor assumes all risks and liabilities that arise with respect to the failure of the shipped product to meet contract specifications.

E. If the product fails to meet contract specifications on one or more factors on the first inspection, the contractor may arrange with GIPSA subsequent inspections of the commodity. The inspections may be conducted at origin or a subsequent point of delivery if the provisions of Title 7 CFR 68.44 through 68.63 issued under the Agricultural Marketing Act of 1946, as amended, with respect to retest, appeal, and new inspections can be met. When subsequent inspections of the product are made, the results of the last inspection will be used as the basis for payment under the contract.

F. Checkloading

All rice shall undergo checkloading. Checkloading shall be performed by the Grain Inspection, Packers & Stockyards Administration (GIPSA) or their authorized designee(s). GIPSA checkloading shall include the process of performing a stowage examination on a carrier, computing the number of filled rice containers loaded aboard the carrier, observing the condition of the rice containers loaded aboard the carrier, witnessing the sealing the carrier, if practicable, and certifying the results.

GIPSA checkloading, including witnessing sealing the carrier, does not release the contractor from, or take the place of the seal requirements, cited in the Master Solicitation for Commodity Procurements, Seals on Transportation Conveyances.

- G. Hawaii California-grown
Rice for delivery into the State of Hawaii shall be “California-grown.” The Grain Inspection, Packers & Stockyards Administration (GIPSA) will provide one of the following statements, if known not to be false or misleading, in the Remarks Section of the Rice or Commodity Inspection Certificate:

“Applicant states that the variety of this rice is (variety).”

“Applicant states that this rice was grown in the State of (state).”

The Contractor will ensure this information is provided on the Application for Inspection provided to GIPSA’s inspector prior to inspection.

Section 1.5 “KOSHER ONLY” PRODUCTS

“Kosher Only” products will be identified in the solicitation. Kosher only products shall comply with applicable dietary (kosher) laws as established by the “613 Council of Kashruth.” Manufacturing plants shall be certified for compliance with the aforementioned requirement by contacting the Board of Jewish Education of Greater New York (BJENY) at 646-472-5365. A rabbinic supervisor will be sent to certify compliance of the manufacturing plant with the dietary (kosher) laws.

Offeror shall certify that their manufacturing plant is capable of meeting applicable dietary (kosher) laws as established by the “613 Council of Kashruth” and certification by BJENY.

Part 2 CONTAINER AND PACKAGING REQUIREMENTS

Section 2.1 GENERAL

This part provides the container specifications and packaging materials requirements used under this contract.

Section 2.2 COMMERCIAL PACKAGING

- A. Contractors shall supply commercial brand products only and shall certify at the time of submission of an offer that the commercial product being delivered has a history of successful distribution and use in domestic commercial channels and is sold on the commercial market with an established level of consumer acceptance.
- B. Container and packaging requirements are those used in the current commercial shipping practices and shall comply with:

- (1) Unitization requirements in Section 2.4.
- (2) At contractor's option, a statement such as "Not for Retail Sale" may be printed on the principal display panel of the food label.
- (3) The manufacturer's lot code/lot identification number shall be shown on the commercial bill of lading.
- (4) Shipping containers shall be marked to show the maximum safe stacking height. It is the responsibility of the contractor in cooperation with the shipping container manufacturers to determine the safe stacking height.
- (5) For identification upon receipt at delivery warehouses, all commercial-labeled product shipping documents shall specify "FOR USDA FOOD DISTRIBUTION PROGRAMS."

C. All labels shall cite any enrichment ingredients.

Section 2.3 CONTAINERS AND MATERIALS

- A. All containers and packaging shall be constructed to meet the requirements of the Food and Drug Administration (FDA) for safe contact with the packaged product. The contractor shall obtain and maintain documentation from the container or packaging material manufacturer to verify that the containers and packaging materials used in this contract were in compliance with the Government's regulatory requirements for safe contact with food products as required in the Master Solicitation for Commodity Procurement, Regulatory Requirements for Commodities and Packaging.
- B. Questions concerning the containers and materials should be directed to:
Senior Contracting Officer
Ray Boyd
Telephone (816) 926 2612 or Email Roy.Boyd@ams.usda.gov
- C. If the contractor purchases packaging and container ingredients from a foreign country and/or the package and container is manufactured in a foreign country, the package and container SHALL NOT display country of origin labeling. Phrases similar to but not inclusive of, "Made in [Name of Foreign Country.]" or "Product of [Name of Foreign Country.]" are strictly prohibited

Section 2.4 UNITIZATION REQUIREMENTS

Shipments shall comply with the following unitization requirements:

- A. Unless otherwise specified by the Government, all shipments of packaged products shall be unitized (palletized and stretch wrapped).
- B. Pallets shall be:
 - (1) Constructed to facilitate the safe handling and transportation of the packaged product, as a unit, without loss or damage.

- (2) A Number 2, four-way, reversible flush stringer with no broken runners or slats.
 - (3) Suitable for use in the shipment of food products.
- C. Plastic stretch wrap shall be:
 - (1) Constructed of a plastic film which is to be stretched a minimum of 50 percent beyond its original length when stretched around the pallet load.
 - (2) Applied as tightly as possible around all tiers of the palletized shipping containers. The shipping containers shall be held firmly in place by the stretch wrap.
- D. Pallet loads shall be:
 - (1) Stacked in such a way as to minimize the amount that shipping containers overhang the edges of pallets.
 - (2) Blocked and braced or otherwise loaded into the conveyance in a manner that prevents shifting during transit.
- E. USDA does not participate in pallet exchange.