



Agricultural Marketing Service  
U.S. DEPARTMENT OF AGRICULTURE



# Master Solicitation for Commodity Procurement - Updates



# Master Solicitation for Commodity Procurement - Updates

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# Summary of Changes

Type	Number	Title
Contract Clause	52.212.4	Addenda to 52.212-4 (a) Inspection/Acceptance, 52.212-4 Addendum
Contract Clause	52.212-5	Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Products and Commercial Services.
Contract Clause	52.232-40	Providing Accelerated Payments to Small Business Subcontractors
Contract Clause	4A52.232-80	Electronic Invoicing
Contract Clause	52.244-6	Subcontracts for Commercial Products and Commercial Services
Contract Clause	4A52.247-82	Bill of Lading Notations
Contract Clause	4A52.247-83	Seals on Transportation Conveyances
Solicitation Provision	52.212-1	Instructions to Offerors-Commercial Products and Commercial Services
Solicitation Provision	52.212-1	Addenda to 52.212-1(b) Submission of Offers-Addendum to 52.212-1



# 52.212-4 Addendum - Overview

## What

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

## Where

- Addendum to Contract Clause 52.212-4, Contract Terms and Conditions-Commercial Products and Commercial Services

## Why

- To ensure the provision of high-quality food items and ensure compliance with Federal and USDA purchasing regulations



# 52.212-4 Addendum - Details

(a) Inspection/Acceptance – 52.212-4 Addendum.

(1) *Inspection*. The Government reserves the right to perform quality assurance at source; source includes, but is not limited to, contractor's manufacturing facility, packaging facility, warehouse, in-house laboratory, subcontractor's facilities, etc.

(2) *Acceptance*. Formal acceptance shall occur when the Government approves the invoice for payment. However, the Government reserves the right to reject, in total or in part, manufacturers lots, sub-lots, production dates or the like when non-conforming product is identified.

(Addenda to 52.212-4, (a) Inspection/Acceptance, 52.212-4 Addendum)



# 52.212-5 - Overview

## **What**

- Reorganized and reformatted information for readability and updated revision dates

## **Where**

- Contract Clause 52.212-5, Contract Terms and Conditions Required To Implement Statutes or Executive Orders-Commercial Products and Commercial Services

## **Why**

- To improve accuracy and readability



# 52.212-5 - Details

(5) [52.232-40](#), Providing Accelerated Payment to Small Business Subcontractors (Mar 2023) (31 U.S.C. 3903).

(6) [52.233-3](#), Protest After Award (Aug 1996) ([31 U.S.C. 3553](#)).

(7) [52.233-4](#), Applicable Law for Breach of Contract Claim (Oct 2004) (Public Laws 108-77 and 108-78 ( [19 U.S.C. 3805 note](#))).

(D. 52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders-Commercial Products and Commercial Services)

*Sample change only, others present*

# 52.232-40 - Overview

## **What**

- Specifies that prime will make payments to small business subcontractors without further consideration from or fees charged to the subcontractor within 15 days after receipt. Minor date revision on citations.

## **Where**

- Contract Clause 52.232-40, Providing Accelerated Payments to Small Business Subcontractors

## **Why**

- To ensure compliance with 31 U.S.C. 3903 and 31 U.S.C. 3801 and USDA regulations

## 52.232-40 - Details

(a) (1) In accordance with 31 U.S.C. 3903 and 31 U.S.C. 3801, within 15 days after receipt of accelerated payments from the Government, the Contractor shall make accelerated payments to its small business subcontractors under this contract, to the maximum extent practicable and prior to when such payment is otherwise required under the applicable contract or subcontract, after receipt of a proper invoice and all other required documentation from the small business subcontractor.

(2) The Contractor agrees to make such payments to its small business subcontractors without any further consideration from or fees charged to the subcontractor.

(52.232-40, (a) (1) and (2))

# 4A52.232-80 - Overview

## **What**

- Administrative change to correct clause citation

## **Where**

- Contract Clause 4A52.232-80, Electronic Invoicing

## **Why**

- To ensure accuracy and avoid confusion

# 4A52.232-80 - Details

Electronic invoicing is authorized and required for this contract as referenced in 52.212-4(g).

(1) ASN as invoice (if ASN is required). Contractor's advance shipment notice (ASN), entered in WBSCM in accordance with **4A52.211-80**, will serve as the contractor's invoice, i.e., request for payment. Separate entry of an invoice using WBSCM's Supplier Self Service is no longer required.

ASN is not required on service contracts or some supplies.

(4A52.232-80, (1))

# 52.244-6 - Overview

## **What**

- Minor date revision on citations.

## **Where**

- Contract Clause 52.244-6, Subcontracts for Commercial Products and Commercial Services

## **Why**

- To ensure accuracy and avoid confusion

# 52.244-6 - Details

(xix) 52.232-40, Providing Accelerated Payments to Small Business Subcontractors (Mar 2023), if flow down is required in accordance with paragraph (c) of FAR clause 52.232-40.

(52.244-6, (c)(1)(xix))



# 4A52.247-82 - Overview

## What

- Replace reference to “Barrier-Type” seals with “Tamper-Evident.” Minor date revision on citations.

## Where

- Contract Clause 4A52.247-82, Bill of Lading Notations

## Why

- To update policy with respect to the change in seal requirements



# 4A52.247-82 - Details

9. Serial Number(s) of **Tamper Evident** Seals Applied

(4A52.247-82, (9))



# 4A52.247-83 - Overview

## What

- Update reference to high security seals to add option for traceable, tamper-evident commercial seals.

## Where

- Contract Clause 4A52.247-83, Seals on Transportation Conveyances

## Why

- To align with current industry standard practices and reduce barriers to vendor participation in USDA food purchase programs.

## 4A52.247-83 - Details

(b) Seals must meet the American Society for Testing and Materials (ASTM) Standard, (F-1157-04, and/or the International Organization for Standards (ISO) 17712-2013. **Effective July 1, 2023, contractors 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).** Seals shall be sequentially numbered. The contractor or its agent shall provide a sufficient number of **traceable tamper-evident** seals to ensure security of the load while in route through final destination.

(Suppliers of commodities, products and/or services shall be responsible for placing seal(s) on all doors of each transportation conveyance upon completion of loading or servicing (multi-stop)).



# 52.212-1 - Overview

## What

- Update applicable employee levels on NAICS code to add option for 150 employees for IT value-added resellers. Minor date revision on citations.

## Where

- Solicitation Provision 52.212-1, Instructions to Offerors-Commercial Products and Commercial Services

## Why

- To ensure compliance with Federal, SBA and USDA regulations

# 52.212-1 - Details

(a) North American Industry Classification System (NAICS) code and small business size standard. The NAICS code(s) and small business size standard(s) for this acquisition appear elsewhere in the solicitation. However, the small business size standard for a concern that submits an offer, other than on a construction or service acquisition, but proposes to furnish an end item that it did not itself manufacture, process, or produce is 500 employees, or 150 employees for information technology value-added resellers under NAICS code 541519.

(52.212-1, (a))

# 52.212-1 Addendum - Overview

## **What**

- Administrative revision to correct citations.

## **Where**

- Addenda to 52.212-1(b) Submission of Offers-Addendum to 52.212-1

## **Why**

- To ensure accuracy and avoid confusion



# 52.212-1 Addendum - Details

(b) Submission of offers. – Addendum to 52.212-1

See [4A52.214-70](#) Electronic Submission of Bids.

(Addenda to 52.212-1(b))



# Process Updates

- **New Seal Requirement**

July 1, 2023, contractors were no longer required to use high security seals – may use traceable, tamper-evident commercial seals (ex. flat metal, wire, plastic, etc) or high security seals can still be used

- **Removed Costly Financial Requirements**

Audited or reviewed financial statements, Performance Bonds (PB ), Irrevocable Letters of Credit (ILC) are no longer required to demonstrate financial responsibility. The Contractor Responsibility Assessment (CRA) is now used. The CRA is issued by FedDataCheck.net using data pulled from SAM.gov. The CRA is at no cost to the contractor or the government





# Conveyance Sealing – What Type

High Security Seals

Commercial Seals

Seal must be traceable, tamper-evident commercial seals **or** high security seals



Must meet either:

- ISO 17712:2013
- ASTM F-1157-04

# Conveyance Sealing Where to Apply



**Seal(s) to be applied on all cargo doors of each transportation conveyance**

**Vendor is responsible to provide sufficient number of seals to support shipment**



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# Questions?