

The United States Department of Agriculture (USDA) is releasing the attached draft Performance-Based Work Statement (PWS) as part of a Request for Information (RFI) to solicit comments and improve the quality of the anticipated Request for Proposal for an Electronic or Digital Disclosure Study as described in the legislation to establish a National Bioengineered Food Disclosure Standard (Pub. L. 114-216), as well as a consumer perception study evaluating the likelihood of accessing electronic or digital disclosures. USDA is interested in obtaining information vendors concerning their capabilities in conducting and an estimated cost to complete both studies by July 2017. We also welcome suggestions from other interested stakeholders about changes to the draft PWS to improve the quality of both studies.

The final outcome of the work described in the draft PWS is to complete an effective and legally defensible study to identify potential technological challenges that may impact whether consumers would have access to the bioengineering disclosure through electronic or digital disclosure methods and describes consumer perceptions of accessing electronic and digital disclosures that may be used to identify bioengineered foods.

AMS will move forward with the studies once Congress determines funding levels for the studies and the development of the new standard as a whole.

Vendors

In response to this RFI, the vendors are asked to provide the following information:

- Company Information (Name/Primary Point of Contact/Phone Number/E-mail Address/Business Size)
- Capabilities statement describing corporate experience and or past performance on similar studies.
- Estimate of costs to complete both studies. Please include any assumptions.
- Information on the estimated time-frame to complete the study. The legislation requires the completion of the study by July 29, 2017 (1 year from the enactment date).
- Any suggested changes to the Draft PWS that might improve its effectiveness or overall quality. Vendors may choose to identify additional areas for USDA consideration.

General Stakeholders

Other interested stakeholders (not vendors) are asked to provide their suggestions GMOLabeling@ams.usda.gov using the subject line 'RFI - DRAFT PWS SUGGESTIONS'. All suggestions received become the property of the Federal government, are a part of the public record. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information to GMOLabeling@ams.usda.gov. We will be unable to directly respond to your suggestion(s).

Early input from vendors and stakeholders on the Draft PWS through comments, questions and recommendations is sought to help USDA refine the document prior to an actual Request for Proposal. All responses should be received by September 15, 2016 at 5:00 pm Washington D.C. time.

This RFI is for market research purposes only and is not a part of a selection process. This RFI is issued solely to obtain information and for planning purposes and does not constitute a Request for Proposal. Any information submitted will not be returned, and no payment will be made by the government for such information.

PERFORMANCE-BASED WORK STATEMENT
Study of Electronic or Digital Link Disclosure
National Bioengineered Food Disclosure Standard

1. BACKGROUND:

On July 29, 2016, the Agricultural Marketing Act of 1946 was amended to establish a National Bioengineered Food Disclosure Standard (hereafter, the Law). The Law gives the USDA Agricultural Marketing Service (AMS) the authority to establish a national disclosure standard for bioengineered food. As AMS develops the standard, section 293 of the Law also requires AMS to “conduct a study to identify potential technology challenges that may impact whether consumers would have access to the bioengineering disclosure through electronic or digital disclosure methods.” AMS is seeking a vendor to conduct this Study of Electronic or Digital Disclosure and a companion study on Consumer Use of electronic or digital links, to be completed in their entirety no later than July 29, 2017.

2. SCOPE:

The Law states, “The [Electronic or Digital Disclosure] study conducted ... shall consider whether consumer access to the bioengineering disclosure through electronic or digital disclosure methods ... would be affected by the following factors:

- (A) The availability of wireless Internet or cellular networks.
- (B) The availability of landline telephones in stores.
- (C) Challenges facing small retailers and rural retailers.
- (D) The efforts that retailers and other entities have taken to address potential technology and infrastructure challenges.
- (E) The costs and benefits of installing in retail stores electronic or digital link scanners or other evolving technology that provide bioengineering disclosure information.”

A companion study, the **Consumer Use Study** aims to identify the likelihood consumers will use electronic or digital disclosures when purchasing bioengineered food.

The Law also requires that comments from the public shall be solicited and considered as the study is being conducted.

3. APPLICABLE DOCUMENTS:

[The Law amending the Agricultural Marketing Act of 1946 to include Subtitle E, the National Bioengineered Food Disclosure Standard \(Pub. L. 114-216\).](#)

4. SUMMARY OF REQUIREMENTS:

The Law (enacted on July 29, 2016) authorizes a nationwide standard for how food for human consumption will be labeled as containing bioengineered ingredients. The disclosure methods

identified by the Law include on-package language, a symbol, or an electronic or digital link disclosure. The legislation designates that the electronic or digital link provide access to an Internet website or other landing page or any telephone number disclosure. If an electronic or digital link disclosure method is used, the on-package language will also include a telephone number that provides access to the bioengineering disclosure, and the electronic or digital disclosure must be of sufficient size to be easily and effectively scanned or read by a digital device. The Law also requires that the electronic or digital link cannot be an Internet website address a consumer would have to type into a browser to access. The exception to this requirement is for small food manufacturers (e.g., as defined by the Small Business Association), who are allowed to have an Internet website as the on-package disclosure method.

Electronic or Digital Link Disclosure Study

The Electronic or Digital Link Disclosure Study aims to identify nation-wide challenges and present possible solutions for consumers to access information regarding the bioengineered status of foods via an electronic or digital disclosure method. The Law requires AMS to conduct a study that "... shall consider whether consumer access to the bioengineering disclosure through electronic or digital disclosure methods ... would be affected by the following factors:

- (A) The availability of wireless Internet or cellular networks.
- (B) The availability of landline telephones in stores.
- (C) Challenges facing small retailers and rural retailers.
- (D) The efforts that retailers and other entities have taken to address potential technology and infrastructure challenges.
- (E) The costs and benefits of installing in retail stores electronic or digital link scanners or other evolving technology that provide bioengineering disclosure information."

The Law does make exceptions for alternative reasonable disclosure options for food contained in small or very small packages, including electronic or digital disclosure options. The Law also excludes food served in a restaurant or similar retail food establishment (e.g., a deli case in a grocery store) and very small food manufacturers (e.g., less than 50 employees) from the national disclosure requirements.

Consumer Use Study

Where the Electronic or Digital Link Disclosure Study evaluates the technical challenges for electronic or digital disclosures, the Consumer Use Study aims to identify the likelihood consumers will use electronic or digital disclosures when purchasing bioengineered food. The study should consider the following issues (at a minimum):

- (A) The demographics of consumers that have used electronic or digital disclosures to inform a food purchase.
- (B) The demographics of consumers that have the ability to use electronic or digital disclosures prior to purchasing food.
- (C) The consumer costs (if any) of using an electronic or digital disclosures.

- (D) Factors that may encourage or discourage the use of electronic or digital disclosures by consumers to inform a food purchase.

Public Comments on the Electronic or Digital Link Disclosure Study and the Consumer Use Study

In conducting the study, the Law also requires that comments from the public shall be solicited and considered. To facilitate this requirement, a draft Electronic or Digital Disclosure Study and a draft Consumer Use Study will be published for public input. Comments on both draft studies will be accepted for 30 days after publication.

Additional Requirements

In addition to the above, successful studies will include

- Methodology used to conduct the Electronic or Digital Link Disclosure Study Consumer Use Study.
- Advertising methods used to encourage the public to comment on both studies, including web-based and print-based advertising.
- A document summarizing the public comments regarding both studies, along with all actual public comments submitted.

5. **DELIVERABLES:** List all outputs/outcomes with specific due dates or time frames. Include media type, quantity, and delivery point(s).

- Detailed Work Plan
 - Includes how the contractor will achieve the scope of work, budget, and schedule, based on this PWS.
 - To be submitted during a Kick-Off meeting held at USDA 1 week after the date of award.
- Draft Reports for both studies to be published for public comment
 - Reports to be submitted via email (in MS Word and PDF) to USDA by March 14, 2017 (1 week before start of public comment period).
 - § Includes Study as described by the Law and a Consumer Use Study, including methodologies.
- Advertising Methodology for solicitation of Public Comment on the Draft Reports
 - Reports also to be submitted via email (in MS Word and PDF) to USDA by March 14, 2017 (1 week before start of public comment period)
- Public Comment Period
 - March 21, 2017, to April 21, 2017.
 - Internet Site containing downloadable PDF of Draft Reports, along with a physical address from which members of the public without an internet connection may request hard copies of the Report. Information about the

internet site and the address for obtaining a hard copy of the report also to be included in advertising, above.

- Internet Site or Email and traditional mail address to receive comments on the public regarding the Draft Study Reports.
- Internet Site or Email and traditional mail address to be supplied via email to USDA by March 14, 2017.
- Public Comment Process Interim Report
 - Report submitted via email (in MS Word and PDF) to USDA by March 28, 2017.
 - § Includes confirmation of advertising methodology used before and during public comment period.
- Final Public Comment Report
 - Report submitted via email (in MS Word and PDF) to USDA by May 31, 2017.
 - § Includes summary of comments, native format files of all comments submitted, and changes to Draft Study that were made in response to public comments.
- Final Studies
 - Report submitted via email (in MS Word and PDF) to USDA by May 31, 2017
 - § Includes all methodologies used for the Electronic or Digital Disclosure Study, the Consumer Use Study, executive summary for each study, and applicable data visualizations.
- Monthly Summary Management Status Report
 - In addition, the contractor shall submit monthly report addressed to USDA briefly describing the work accomplished during the reported month, problem areas encountered, corrected action(s) taken, and work planned for the next reporting period.

6. PERIOD OF PERFORMANCE:

- All work shall be finished by no later than 45 days prior to the July 29, 2017, completion deadline to permit USDA to publish the studies in compliance with statutory requirements.

7. DATA RIGHTS:

- The Government will retain rights of all data produced in the course of developing, deploying, training, using, and supporting this Study.
- Publication and distribution of the Study and other documents produced as a result of this effort is at the sole discretion of the U.S. Government. The final work product and supporting research will be the property of the U.S. Government.