

**DOMESTIC COMMODITY INVITATION – Evaporated and Ultra-High Temperature Milk  
DESCRIPTION – 12-3J14-18-B-0385  
BID INVITATION NUMBER – 2000005502**

**TENDERING TEXT**

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“Due to the recent changes in SAM.gov policy regarding the appointment of an authorized Entity Administrator, USDA/AMS may allow bidders to be considered for award pending SAM.gov processing of the notarized letter. This exception is considered for new/expired SAM registrations impacted by notarized letter processing delays only. In order to be considered for an exception, the vendor must have submitted the required notarized letter to SAM.gov (per the directions provided in the link below) and must submit a copy of the notarized letter to the cognizant contracting officer via email at or before the bid due date. If an offeror’s SAM.gov registration is not expired, this section is not applicable.

[https://www.fsd.gov/answer.do?sysparm\\_kbid=d2e67885db0d5f00b3257d321f96194b&sysparm\\_search=kb0013183](https://www.fsd.gov/answer.do?sysparm_kbid=d2e67885db0d5f00b3257d321f96194b&sysparm_search=kb0013183)

Note that all other terms associated with requirements of Sam.gov registration, including those that impact payment, remain in full force and affect. See MSCP dated April 12 2017, clause 52.212-1(k) (k) System for Award Management. Unless exempted by an addendum to this solicitation, by submission of an offer, the offeror acknowledges the requirement that a prospective awardee shall be registered in the SAM database prior to award, during performance and through final payment of any contract resulting from this solicitation.”

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**TRUCK UNLOAD APPOINTMENT – *At least 72 hours in advance of delivery***, contact a responsible representative at the applicable WBSCM Purchase Order Item’s Ship-to-Address for an unload appointment. Reference the WBSCM Purchase Order Number, Item Number and when provided, the Sales Order Number and item Number that a particular appointment is being made for.

Master Solicitation has been updated. Review version dated April 12, 2017  
52.211-11 Liquidated Damages will apply at \$0.45/cwt for all late deliveries

**REMINDER – PER THIS SOLICITATION**

**I. Solicitation For Commercial Items**

1. Solicitation Number: 12-3J14-18-B-0385
2. Solicitation Issue Date: July 12, 2018
3. Issued and Administered By:  
USDA-Agricultural Marketing Service  
Commodity Procurement Staff  
Kansas City Contracting Branch  
Beacon Facility- Mail Stop 8718  
P.O. Box 419205  
Kansas City, MO 64141-6205
4. Method of Solicitation: Sealed Bidding/Invitation for Bid
5. Last Date/Local Time for Receipt of Written Questions: N/A
6. Offer due Date/Local Time: July 24, 2018 9:00 A.M. CT
7. Award Notification Date: By July 26, 2018 4:00 P.M. CT
8. Public Release of Award Date: By July 27, 2018 4:00 P.M. CT

9. Solicitation Information Contact:

Name: Clyde King  
Telephone Number: 816-926-2610  
E-mail: [clyde.king@ams.usda.gov](mailto:clyde.king@ams.usda.gov)

10. This Acquisition is:

/ Unrestricted

/ Set-Aside for:

Small Business (0 lbs or 0 percent) Any small business concern proposing to furnish a product that it did not itself manufacture must furnish the product of a small business manufacturer.

Service Disabled Veteran Owned Business Concerns (not to exceed 3 percent of Ultra High Temperature milk quantities) 0 lbs: Any small business concern proposing to furnish a product that it did not itself manufacture must furnish the product of a small business manufacturer.

**NOTICE OF PARTIAL 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. In the event the Government is unsuccessful in contracting with an eligible small business concern(s) for the set-aside quantities, the Government may award the quantities to other than small business concerns. The contracting reserves the right to utilize Federal Acquisition Regulation Part 19.507 Automatic dissolution of a small business set-aside.

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

NAICS: 311511                      Size Standard: 1,000 employees

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

12. Delivery Type: F.O.B. Destination. All Evaporated Skim Milk deliveries must be TRUCK ONLY; Rail and Piggyback deliveries are not allowed.

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

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

14. Contract Type:

/ Firm Fixed Price

15. Schedule of Supplies: See WBSCM bid invitation

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

The commodities procured under this solicitation are currently for the following program(s):

Section of Public Law Program Name

/ 32/6E The National School Lunch Program  
 / 32/6E Child and Adult Care Feeding Programs  
 / 32/6E Summer Food Service Program  
 / 311 Nutrition Services Incentive Program  
 / 4A Food Distribution Program on Indian Reservations  
 / 17 Commodity Supplemental Food Program  
 / 104 The Emergency Food Assistance Program

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

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

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