

Tendering Text for Section 32 Fresh Mandarins and Tangerines, SOLICITATION NO: 2000009152

The U.S. Department of Agriculture (USDA) invites offers to sell Fresh Mandarins and Tangerines under Section 32, and pursuant to the AMS Master Solicitation for use in the National School Lunch Program and other Federal Food and Nutrition Assistance Programs. Acceptances will be announced by midnight, March 10, 2023. Deliveries are to be made between March 20, 2023 - May 17, 2023.

The Contract Specialist handling this purchase will be Nicholas Wiber at Nick.Wiber@usda.gov. The Contact Officer handling this purchase will be Kyla Stoufer at Kyla.Stoufer@usda.gov. Please contact the specialist first.

*****Please Note*****

Vendors needing Desk Audits must request them 2 business days before the offer due/bid open date of this solicitation. If an offeror submits the desk audit request later than 2 business days before the offer due/bid opening, they may be deemed nonresponsive and ineligible for award.

More information on desk audits below.

Vendors have two options (OPTION A & OPTION B) for food safety verification audits. Documentation submitted as part of previous solicitations will NOT be considered.

Options-

OPTION A:

USDA Good Agricultural Practices or Good Manufacturing Practices audits conducted by the USDA Agricultural Marketing Service's Specialty Crops Inspection Division which include:

- USDA Harmonized GAP Audit
- USDA Harmonized GAP Plus+ Audit.
- USDA GAP Audit
- USDA Plant Systems/Good Manufacturing Practices (GMP)/Food Defense Audit

For the USDA GAP Audit, scopes which are necessary to meet the minimum requirement to be deemed responsive are as follows:

- Farm Review
- Field Harvesting & Field Packing Activities
- House Packing Facility
- Storage & Transportation
- Distribution Center
- Food Defense

All vendors/suppliers/subcontractors must meet the minimum acceptance criteria for the specific GAP, GMP, or Food Defense audit listed above. All approved operations are listed on the USDA website. Additionally, the USDA audits listed above can be found on the USDA website at:

<https://www.ams.usda.gov/gapghp>

and

<https://www.ams.usda.gov/services/auditing/gmp>

Verification audits shall be performed by the USDA, AMS, SCP-SCID representatives only.

All audits are valid for one year after the date the audit was conducted.

All these requirements shall be met PRIOR to the bid opening date.

Brokers are exempt from the USDA GAP/GHP requirements themselves, HOWEVER suppliers/subcontractors performing under the contract shall have the applicable USDA GAP/GHP certification(s).

In order to be found responsive the contractor and/or its subcontractors/suppliers must be in compliance with USDA GAP/GHP certification. Offerors must include in their bid the GAP and GHP Audit Verification attachment, which is found in the attachments section of this solicitation. Offerors who do not complete this form in its entirety, do not include the form as an attachment to their bid, or are missing the required USDA GAP/GHP scopes listed above shall be deemed nonresponsive.

More information on USDA GAP/GHP audits can be found here:

<https://www.ams.usda.gov/services/auditing/gap-ghp> or by reaching out to scaudits@usda.gov

Awardees may ship and supply from any location found here:

<https://apps.ams.usda.gov/GAPGHP/reportG01.aspx>

If USDA/AMS finds that suppliers used by the contractor are not in compliance with AMS GAP/GHP certification requirements after the product is delivered, the following courses of action will apply:

1. A cure notice shall be issued informing the contractor of their failure to comply with the required elements of this solicitation. The USDA will then deduct a 50% discount from the invoice for all noncompliant deliveries shipped or invoiced prior to the date listed on the cure notice.
2. If the contractor ships noncompliant product after the date of the cure notice:
 - a. USDA/AMS will deduct a 50% discount from the invoice for all noncompliant deliveries;
 - b. The contract will be terminated for cause; and
 - c. The contractor will be suspended from participating in all future USDA/AMS fresh fruit and vegetable solicitations for a period of one year from the date of contract termination.

*******Continue to next page for Option B*******

OPTION B:

USDA Desk Audit of GFSI aligned food safety verification audits. If a producer, handler, or packer has not completed one of the USDA audits listed above but has completed an audit under a Global Food Safety Initiative (GFSI)-benchmarked program, the vendor may elect to request a desk audit by the Specialty Crops Inspection Division to verify USDA's food safety requirements have been met. The vendor is responsible for paying the Specialty Crops Inspection Division all costs associated with the desk audit. The current rate for audit services is \$132/per hour.

The following GFSI-benchmarked programs are acceptable for a USDA Desk Audit to be conducted:

Primary Production Standards

- GlobalGAP Integrated Farm Assurance Fruit and Vegetables Standard version 5.4.1-GFS
- GlobalGAP Harmonized Produce Safety Standard version 1.2
- CanadaGAP Version 9.1 Options B, C, D
- SQF Code 8th or 9th Edition
- Primus GFS Standard v 3 or 3.2

Packinghouse/Facility Standards

- GlobalGAP Integrated Farm Assurance Fruit and Vegetables Standard version 5.4.1-GFS
- GlobalGAP Produce Handling Assurance (PHA) V1.2
- CanadaGAP Version 7.1 or 9 Options B, C, D
- Freshcare Food Safety & Quality Standard – Edition 4.2
- SQF Code 7th or 8th Edition
- Primus GFS Standard v or 3 or 3.2
- FSSC 22000 version 5.1
- IFS Food Standard Version 6 or 7
- BRC Global Standard for Food Safety Issue 7 or 8

Offerors shall submit the required desk-audit documentation to Specialty Crops Inspection Division no later than 2 business days before the offer due/bid open date of this solicitation. If an offeror submits the desk audit request later than 2 business days before the offer due/bid opening, they may be deemed nonresponsive and ineligible for award.

Vendors who elect to undergo a desk audit of any of these GFSI-benchmarked audits must submit to USDA the following documents for review:

- The complete GFSI food safety audit report (not just the certificate) for all producers, handlers, and packers from whom products were sourced.
- Completed Corrective Action Reports addressing non-conformances found by GFSI audit, if not included as part of the audit report.
- Domestic Origin Verification
- A vendor who handles products originating from outside the United States must submit a segregation plan that addresses how it ensures non-domestic products are not used for commodities purchased under this new Section 32 Purchase.
- Based on the findings of the desk audit, USDA reserves the right to require additional documentation and records, for example water system risk assessment, water test results, traceability program standard operating procedures, and mock recall documentation.
- For questions or when submitting a request for a USDA desk audit please submit to: SCVendorAudit@usda.gov and for the subject line enter: Desk Audit Request for Oranges, Mandarins and/or Grapefruit (adjusted as necessary).

3. The audit must cover all parts of the operation which are applicable to the commodity being purchased. A typical commodity purchase would require an audit of the fields, packing house, storage facilities, and distribution center if all activities are occurring at the location.

4. Any facility (packing house or distribution center) must have either a food defense (intentional adulteration) audit or survey, either performed by USDA/AMS or included in the scope of the GFSI food safety audit. Further information on the USDA option is available at <https://www.ams.usda.gov/services/auditing/food-defense-system-survey>.

In order to be found responsive, the contractor and/or its subcontractors/suppliers must be in compliance with USDA GAP/GMP and Food Defense certification or possess an approved Desk Audit Letter. Offerors must include in their bid the GAP and GHP Audit Verification attachment, which is found in the attachments section of this solicitation, or their approved Desk Audit Letter(s). Offerors who do not include this information as an attachment to their bid or are missing the required USDA scopes listed above, shall be deemed nonresponsive.

*The USDA reserves the right to perform spot checks for product condition at destination. *

Inspection requirements-

Inspection and certification of the fresh citrus fruit must be performed at shipping point, during or after the final packaging, prior to shipping. Inspection must be performed by SCI Federal or Federal-State Inspection Service only. Inspections under the Partners in Quality (PIQ) and Customer Assisted Inspection Program (CAIP) programs are not accepted for Commodity Procurement purchases. The contractor must contact and allow the USDA Inspector at least 72 hours advance notice when scheduling inspection service.

All citrus fruit deliveries must be "Positive Lot Identified" (PLI) in accordance with official SCI PLI methods.

The citrus fruit must reach destination within 7 calendar days of packing date.

If SCI inspection/certification at shipping point/origin meets all requirements of the specification and solicitation, it does not guarantee acceptance at destination. Product at destination must still meet all applicable specification and solicitation requirements with no additional tolerances allowed. Failure to meet these requirements may result in rejection of the load at destination. It is the vendor's responsibility to ensure the delivery of acceptable product, and the replacement of any failed deliveries with acceptable product.

Crop Year: 2023 crop year is acceptable for this solicitation.

This Section 32 purchase must meet all relevant requirements of the Commodity Specification for Fresh Citrus August 2019 and Specification for Mandarin Oranges and Tangerines.

Every bidder must include a letter of support with their bid from all current and approved supplier(s). The templates for the letter of support are attached to the solicitation with the required elements. Each letter of support is only good for one solicitation. A new letter of support will be required for every solicitation, from every supplier. The supplier must include the quantity in cases they are committing to the bidder. USDA will not award a quantity that exceeds the sum of all supplier's committed quantities to a particular bidder.

Vendors or subcontractors who are supplying fresh fruit crops to the United States Department of Agriculture (USDA) must ensure that each of their suppliers/subcontractors who grow, harvest, pack, hold, and handle product have approved and current food safety verification audits PRIOR to the bid opening date of this solicitation.

Food Safety and Food Defense Verification

Vendors or subcontractors who are supplying fresh citrus to the United States Department of Agriculture (USDA) through this new Section 32 pilot purchase must ensure that each of their suppliers/subcontractors who grow, harvest, pack, hold and handle product have approved and current food safety and food defense verification audits PRIOR to the bid opening date of this solicitation.

Brokers who do not hold or handle products are exempt from undergoing a food safety or food defense verification audit, however they are required to ensure all their suppliers/subcontractors meet these requirements.

For a new-to-USDA contractor and existing contractors who are bidding on new products, a probationary period may be implemented in which awards are limited to 10 truckloads per product. Contractor must demonstrate successful delivery of at least five (5) truckloads of product in order to be removed from probationary status on future solicitations. For the purposes of this rule, successful delivery is defined as product delivered on-time and in acceptable condition according to the terms and conditions of the contract. Any delivery problems directly attributable to the Government will not be held against the contractor.

This solicitation may show multiple stops on some line items; however, the number of stops will be limited to a maximum of three. To determine the number of destinations, review the "Tendering Text" for the lot, which will indicate the City and State for each stop. Bidders may submit different prices for each stop. However, a price is required on all line items within the lot.

For offshore destinations (Puerto Rico, Hawaii, etc.), offerors have the option to choose to enter their bids direct to the offshore destination or to the port. Purchases will be made on an f.o.b. destination basis to cities on this solicitation. Destination quantities listed are estimates and subject to adjustment based on offerings, changes in recipient needs, market conditions, and program operations.

All prime vendors are reminded that they are prohibited from subcontracting with companies or individuals that have been suspended or debarred.

Offers must be submitted electronically via the Web-Based Supply Chain Management System (WBSCM). Offers submitted by any means other than WBSCM will be deemed nonresponsive. Offerors must be active in WBSCM and have the required bidder roles in order to submit offers under this solicitation. Once connected, follow the online procedures. A "HELP" button provides detailed instructions or call (202) 720-4517 for assistance.

Offerors are cautioned to bid only quantities they can reasonably expect to produce and deliver. Inquiries about the Master Solicitation dated March 2022; Commodity Specification for Fresh Citrus dated August 2019; or this Solicitation should be directed to the Contracting Officer; USDA, AMS, Room 3522-South; 1400 Independence Avenue, S.W.; Washington, D.C. 20250-0239. Telephone: (202) 720-4517.FAX:(202) 720-2782.

The USDA prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) To file a complaint of discrimination, write: USDA, Office of the Assistant Secretary for Civil Rights, Office of Adjudication, 1400 Independence Ave., SW, Washington, DC 20250-9410 or call (866) 632-9992 (Toll-free Customer Service), (800) 877-8339 (Local or Federal relay), (866) 377-8642 (Relay voice users)