Master Solicitation for Commodity Procurement - Updates
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## Summary of Changes

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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
(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


(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 US.C. 3903 and 31 U.S.C. 3801 and USDA regulations
(a) (1) In accordance with 31 US.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))
What
• Administrative change to correct clause citation

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

Why
• To ensure accuracy and avoid confusion
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
(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.
(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)).

(4A52.247-82, (b))
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
(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 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
(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
Questions?