

**United States Department of Agriculture**  
**Farm Service Agency**  
Beacon Facility # Mailstop 8738  
P.O. Box 419205  
Kansas City, MO 64141-6205

## Information

Description: **AG-INAG-S-13-0022**  
Bid invitation number: **2000001759**  
Purchasing Group: **FSA-Intl Bulk**

## SOLICITATION

### International Commodity Invitation

#### Bid invitation Overview

Bid Timezone: Central Time  
Start Date: 05/03/2013 13:30:00  
Offer Due Date : 05/08/2013 14:00:00

Opening date: 05/08/2013 14:00:00

Invitation Type : Definite Delivery

#### Additional requested information:

#### Tendering text :

Acquisition Method: Sealed Bids (IFB)  
Award Notification Date: May 9, 2013, 9:15 a.m.  
Public Release of Award Date: May 9, 2013, 4:00 p.m.  
Related Freight Invitation Number:

1. Solicitation Information Contact:

Name: Janet Cleveland  
Telephone Number: 816-926-2540  
Email: janet.cleveland@kcc.usda.gov

2. Internet Address: <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=coop&topic=pas>

3. This Acquisition is:

Unrestricted  
 Set Aside (Quantity)  
 Small Business  
 8(a) (Quantity)

4. NAICS Codes/Size Standards:

See the Master Solicitation for Commodity Procurements (MSCP), attached, for information on the products to be acquired under this solicitation.

5. Delivery Type:

F.o.b. vessel  
 F.a.s vessel

6. Submission of offers:

Offers must be submitted electronically via the Web Based Supply Chain Management (WBSCM) system. Submission of offers by any other means will result in the offer deemed as nonresponsive.

The WBSCM system can be accessed through the following website:

<http://www.fsa.usda.gov/FSA/webapp?area=home&subject=coop&topic=wbs>

For WBSCM system questions or concerns, including information regarding logon IDs and passwords, contact the WBSCM Help Desk at (877) 927-2648 or [WBSCMhelp@ams.usda.gov](mailto:WBSCMhelp@ams.usda.gov).

7. Programs:

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

P.L. 480 Title II (Procured by FSA on behalf of CCC)  
 P.L. 480 Title III (Procured by FSA on behalf of CCC)  
 Food For Progress (Procured by FSA on behalf of CCC)

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// McGovern-Dole Food For Education  
 // Section 416(b) (Procured by FSA on behalf of CCC)  
 // Bill Emerson Humanitarian Trust (Procured by FSA on behalf of CCC)

8. Invoicing:

For purchase orders (awards) issued through WBSCM, the contractor shall use the invoicing function in WBSCM. More information can be found in the MSCP, document attached.

9. Shipment/Delivery Schedule:

SHIPMENT PERIOD:  
 May 20 - June 5, 2013

10. Other Requirements:

A. Corn:

Corn shall be tested for aflatoxin. Testing is to be performed by the Field Management Division, FGIS, by subplot. Shipments exceeding a level of 20 ppb or more by subplot shall be rejected to the contractor. FGIS aflatoxin certificate required to be furnished with invoice.

B. Sorghum:

Sorghum shall be tested for aflatoxin. Testing is to be performed by the Field Management Division, FGIS, by subplot. Shipments exceeding a level of 20 ppb or more by subplot shall be rejected to the contractor. FGIS aflatoxin certificate required to be furnished with invoice.

C. Soybean Meal:

All procurements are in accordance with Trading Rules of the National Oilseed Processors Association (NOPA) in effect at time of award.

Contractors must be on CCC's List of Approved Warehouses and have in place a put through agreement or other means to assure timely delivery through a floating Mid-stream facility for exporting soybean meal. Facility must have approved loadout rates for tankers and tween deckers.

The content of non-nutritive, inert, nontoxic conditioning agent not to exceed 0.5 percent by weight of the total meal product. The name of the conditioning agent must be shown as an added ingredient. Blending of the soybean meal with any kind of husk and/or foreign admixture and/or adding water at time of loading on board the ship is prohibited.

Adjustments for soybean meal quality apply:

- 1.) Moisture in excess of 12.0 percent, the price will be reduced in a 1:1 ratio with the moisture excess (maximum 12.5 percent).
- 2.) Protein less than 48.0 percent, the price will be reduced in a 1:1 ratio with the protein deficiency (minimum 47.5 percent).
- 3.) All claims to be settled on analysis rounded to the nearest tenth of a percent. Fives (5s) are rounded up.

The quality and condition specifications are final at port of loading in accordance with NOPA recognized certificates, sampling as per customary U.S. methods. Contractor's option to use FGIS approved mechanical sampling equipment. Quantity is final at port of loading per official NOPA recognized certificates. Contractors may,

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at their option, use FGIS approved scales. The cost of inspection, analysis, and weighing is for the account of the contractor.

**D. Wheat Products:**

All dockage on wheat is deductible. Wheat shall be tested for vomitoxin. Testing is to be performed by the Field Management Division, FGIS, by subplot. Shipments exceeding a level of 2 ppm or more by subplot shall be rejected to the contractor. FGIS vomitoxin certificate required to be furnished with invoice.

**E. Yellow Soybeans:**

All foreign material in excess of 1.0 percent will be deducted from the gross weight and will not be paid for.

**F. All Products:**

Part 2, Section A, 1 (c) and (d) of the Master Solicitation for Commodity Procurements, effective April 1, 2011 requiring contractors to have a UGRSA with CCC, does not apply to this invitation.

Bids may be submitted for quantities less than those specified. The Government has the option to contract up to 15 percent more at time of award. The quantity awarded at the time of vessel nomination may be 5 percent more or less at the Government's option at the contract price.

Statement certifying commodity conforms to the provisions of the Federal Food, Drug, and Cosmetic Act is required to be furnished with invoice.

Vessels shall be fumigated with an aluminum phosphide preparation in-transit. Contractor shall arrange and pay for in-transit fumigation performed by a certified applicator in accordance with the USDA, FGIS Fumigation Handbook (<http://www.gipsa.usda.gov/publications/fgis/handbooks/fumigation/Fumigation-ch-2.pdf>). Fumigation shall be witnessed by FGIS, USDA, and the aluminum phosphide preparation shall be contained in packaging as described in the Fumigation Handbook. Dust retainers shall be used. For bulk carriers (including push mode integrated tug barges), the recirculation method of fumigation shall be used.

When the recirculation method is required, the contractor at the first port of loading shall be responsible for arranging fumigation for the entire vessel. When the surface method is required, the contractor at the last port of loading shall be responsible for arranging fumigation for the entire vessel.

Demurrage and despatch shall be provided for as defined in the Charter Party. Demurrage, when applicable, shall be paid directly to the vessel owner by the contractor. Despatch, when applicable, shall be paid directly to the contractor by the vessel owner. Laytime issues are to be settled directly between the vessel owner and the contractor. Laytime calculations, overtime, and trimmings are to be resolved in accordance with Addendum No. 1 of the North American Export Grain Association, Inc., (NAEGA), FOB Contract No. 2 (Revised as of May 1, 2000), Clause No. 1-10 inclusive. Further, the following modification to NAEGA, Addendum No. 1, shall apply:

In NAEGA, Addendum No. 1, anywhere the word "buyer" appears, the words "vessel owner" should be substituted in its place.

Under no circumstances shall the Government be responsible for the calculation of laytime or the payment of demurrage or despatch between the vessel owner and the contractor.

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Any/all disputes between the vessel owner and the contractor arising out of this contract relating to the settlement of laytime and/or the payment of demurrage/despatch shall be arbitrated in New York subject to the rules of the Society of Maritime Arbitrators, Inc.

The following loading rate guarantee shall apply to all U.S. Government sponsored Food Aid and shall be based on the vessel contracted quantity, which is the total quantity contracted by the vessel charterer(s) to load onboard the vessel nominated by the Government to the contractor. The vessel contracted quantity may include separately contracted quantities that will be loaded by other contractors, and thus may be subject to a higher load rate guarantee. Notwithstanding any custom of the port to the contrary, Saturday shall not count as laytime at loading port or ports where stevedoring labor and/or grain handling facilities are unavailable on Saturday or available only at overtime and/or premium rates. In ports where only part of Saturday is affected by such conditions, as described above, laytime shall count until the expiration of the last straight time period. Where six or more hours of work are performed at normal rates, Saturday shall count as a full lay day.

**BULK CARRIERS:**

**VESSEL CONTRACTED QUANTITY      LOADING RATE GUARANTEE**

0 - 9,999.99 MT	4,000 MT Per Day
10,000 - 19,999.99 MT	5,000 MT Per Day
20,000 - 29,999.99 MT	6,000 MT Per Day
30,000 - 39,999.99 MT	7,500 MT Per Day
40,000 - 49,999.99 MT	10,000 MT Per Day
50,000 MT and above	12,000 MT Per Day

**TANKERS:**

**VESSEL CONTRACTED QUANTITY      LOADING RATE GUARANTEE**

0 - 9,999.99 MT	4,000 MT Per Day
10,000 - 19,999.99 MT	5,000 MT Per Day
20,000 - 29,999.99 MT	6,000 MT Per Day
30,000 MT and above	7,500 MT Per Day

**TWEEN-DECKERS:** The load guarantee shall be 3,000 MT per day.

**LASH/SEABEE BARGES:** The load guarantee shall not apply

The loading of ocean going barges shall be paid at the same rate as bulk carrier.  
 No wharfage or loadout charges shall be paid by the Government.

The grade, class, subclass, all individual quality factors, protein content (if applicable), and quantity of the commodity delivered shall be established by official FGIS analysis at the time of loading to the vessel and officially certified by the FGIS on clear white grade certificates and weight certificates. The definitions, grades, and grading factors will be those contained in the Official United States Standards for Grains/Milled Rice issued by FGIS and in effect at the time of purchase by the Government. The standards are available at:  
<http://www.gipsa.usda.gov/fgis/standproc/usstands.html>

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11. Contractor Past Performance:

The Government will prepare a past performance evaluation at the time the work under the contract is completed. Evaluation will rate performance areas such as, quality of product or service, cost control, timeliness of performance, business relations, and when applicable, performance against, and efforts to achieve the goals identified in the small business subcontracting plan. The evaluation will be entered into the Contractor Performance Assessment Reporting System (CPARS). Contractor will have an opportunity to comment on the Government's evaluation. Details on access and use of CPARS will be provided to the Contractor at a future date. The past performance evaluation may be used by the Government to support future award decisions.

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

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

B. The alteration to FAR provision 52.214-22, Evaluation of Bids for Multiple Awards, found in FAR provision 52.252-3 in the MSCP is deleted for this solicitation. FAR provision 52.214-22 is incorporated into the contract without alteration.

C. // Applicable if checked. FAR Clause 52.232-18, Availability of Funds (Apr 1984). Funds are not presently available for this contract. The Government's 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.

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**Certification Questions :**

Annual Representations and Certifications (FAR 52.204-8(b): The offeror has completed the annual representations and certifications electronically via the System for Award Management (SAM) website at <http://www.acquisition.gov>. After reviewing the database information, the offeror verifies by submission of the offer that the representations and certifications currently posted electronically have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR 4.1201); except for the changes identified under Attributes. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, complete, as of the date of this offer. Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on SAM. (Offeror to insert changes, identifying change by clause number, title, and date in the AMENDMENT\_TO\_REPS\_&\_CERTS\_DATA Attribute 20 located under the Attribute tab. Enter N/A if there are no changes.)

**See attached documents:**

- 1 . Master Solicitation 4-1-2011

**Bid invitation Item details**

Item	Material	Description	Quantity	
<b>10 GRAIN PRODUCTS-BULK</b>				
20	100597	SORGHUM BULK	35,610	MT
<p><b>Tendering text :</b> U.S. No. 2 O/B Sorghum, maximum 13.5 percent moisture, dockage not to exceed 1.0 percent, WFP for Sudan. Certificate of origin is required. The contractor is to ensure the commodity meets all specifications and request FGIS to include crop year language on the Official Grade Certificate. The U.S. grain industry generally commingles and rotates grains to ensure good condition and quality. While there is no viable method to determine the crop year, an official grade, based on an official FGIS inspection, has been established for grains to ensure that the desired quality will be shipped. Contractor shall provide a product sample of approximately twopounds to a representative of the recipient for purposes of separate testing. Any test results from this independent testing will not affect the payment terms under this contract</p>				
<b>Total Quantity for GRAIN PRODUCTS-BULK</b>			35,610	MT
<b>Total Quantity for Invitation</b>			35,610	MT