

EFFECTIVE DATE: June 17, 2013

**Qualification Requirements for Prospective Contractors
Selling Commodities to U.S.D.A. Farm Service Agency
Under Sealed Bid Procurements¹**

The United States Department of Agriculture (USDA), Farm Service Agency (FSA), Commodity Operations' procurement office in Kansas City procures food products for assistance programs. Procurements of commodities for foreign distribution are made on behalf of the U. S. Agency for International Development and the Foreign Agricultural Service. Various food products are also procured for USDA's Food and Nutrition Service for domestic programs.

The qualification requirements requested from a prospective contractor are a reexamination and revalidation of established qualification requirements as required by the Federal Acquisition Regulation (FAR) 9.202(f), and are necessary to carry out the procurement mission. A prospective contractor shall be qualified prior to submitting offers for invitations for bid. An interested prospective contractor shall fully complete and provide all materials requested herein. Contracting Officer(s) will review this submission and determine if a prospective contractor will be added to the Qualified Bidders List. Offers will not be accepted from a prospective contractor that has failed to comply with these requirements.

Procurement information concerning invitations for bid, commodity requirements documents, the master solicitation for commodity procurements, and historical contract award information can be found at: <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=coop&topic=pas>.

A prospective contractor may submit an application at any time. A prospective contractor will be notified in writing whether requirements have been satisfied. Small businesses may be referred to the Small Business Administrative (SBA) for a Certificate of Competency, if deemed necessary by the Contracting Officer.

The following steps are required of each prospective contractor to complete the qualifications process:

¹ Commodities purchased under Requests for Proposals, Delivery Order Competitions under Indefinite-Delivery/Indefinite-Quantity Contracts, and Simplified Acquisition Procedures (e.g., Requests for Quotes) are excluded from these requirements.

Administrative Requirements

- 1.** In accordance with FAR 4.1102 Central Contractor Registration Policy and 4.1201 Representations and Certifications Policy, the prospective contractor shall be registered in the Central Contractor Registration (CCR) database and complete electronic annual representations and certifications at Online Representations and Certifications Application (ORCA). The System for Award Management (SAM) is the Official U.S. Government system that consolidated the capabilities of CCR, ORCA, and Excluded Parties List System (EPLS). The SAM website is located at: <https://www.sam.gov/portal/public/SAM/>. There is NO fee to register for this site.
- 2.** Domestic facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States are required to register with the FDA and renew such registrations. If applicable, submit a copy of the Food and Drug Administration's (FDA) food facility registration, in accordance with the Food Safety Modernization Act of 2011 (FSMA). FDA guidance is available at: <http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/ucm2006831.htm>
- 3.** Submit a copy of the applicable SBA certificate if the company is a certified Small Disadvantaged Business (SDB), 8(a), and/or HUBZone. SBA has further information available at: <http://www.sba.gov/category/navigation-structure/contracting/doing-business-with-government#>
- 4.** If requested by the Contracting Officer, submit a copy of the applicable Veteran's Administration (VA) certificate if the company is a certified Service Disabled Veteran Owned Small Business. More information can be found at the VA's website: <http://www.va.gov/osdbu/veteran/verification.asp>
- 5.** USDA commodity procurements are conducted electronically through the Web-Based Supply Chain Management (WBSCM) system. To be able to submit an offer/bid, all potential contractors must obtain access to WBSCM. This can be done by completing the WBSCM Vendor Registration Form available at: http://www.fsa.usda.gov/Internet/FSA_File/wbscm_vendor_registration_form.pdf

Capabilities Requirements

In accordance with FAR 9.104-1 and 9.104-3(b), each prospective contractor shall certify its capabilities to perform as follows:

- 6.** All written submissions from potential vendors must be on company letterhead authenticating the exact legal entity name and include the following:

- a. A list of all products that it is interested in providing. (A copy of the WBSCM Vendor Registration form may be used.)
- b. A description of historical experience including the number of years it has sold these or similar products in the commercial market or to governmental organizations.
- c. Any additional pertinent information regarding a prospective contractor's capabilities such as, but not limited to, a satisfactory record of integrity and business ethics and verification that it is otherwise qualified and eligible to receive an award under applicable laws and regulations.

Financial Responsibility

7. Financial responsibility determination will be made prior to award. In order to facilitate the responsibility determination, Kansas City Commodity Office (KCCO) will request a prospective contractor to submit, prior to offer, its latest complete comparative financial statement. The financial statement must be prepared in accordance with Generally Accepted Accounting Principles (GAAP) and be audited or reviewed by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants . At a minimum, the statement should include a balance sheet, profit and loss statement, statement of cash flows, statement of retained earnings and any notes to the financial statement. For partnerships, the last fiscal year end or current financial statement of the partnership and the personal financial statement of each partner will be required. For individuals, financial statements that include all of his/her personal and business assets and liabilities will be required.

A prospective contractor shall demonstrate that it has adequate financial resources to perform the contract or the ability to obtain them as required by FAR 9.104-3(a), including the availability of necessary working capital and satisfactory credit. This may include, but is not limited to, the financial protection against losses as set forth in FAR Part 28.

Annual review of Financial Responsibility

Contractors will be requested to submit updated financial information to FSA, KCCO, Contract Reconciliation Division, Financial Review Branch within 120 days of its fiscal year close.

Failure to submit the required financial information to the Financial Review Branch may result in the Contracting Officer making a non-responsibility determination.

If the qualifications requirements defined herein are met, a WBSCM Business Partner Number will be assigned to the newly qualified contractor in order to submit offers/bids.

Small Business Concern Set Asides

13 CFR 121.406 states in part: *How does a small business concern qualify to provide manufactured products or other supply items under a small business set aside, service-disabled veteran-owned small business set-aside, WOSB or EDWOSB set-aside, or 8(a) contract:*

(a) General. *In order to qualify as a small business concern for a small business set-aside, service-disabled veteran-owned small business set-aside, WOSB or EDWOSB set-aside, or 8(a) contract to provide manufactured products or other supply items, an offeror must either:*

- (1) Be the manufacturer or producer of the end item being procured (and the end item must be manufactured or produced in the United States); or*
- (2) Comply with the requirements of paragraph (b), (c) or (d) of this section as a nonmanufacturer, a kit assembler or a supplier under Simplified Acquisition Procedures.*

(b) Nonmanufacturers. *(1) A firm may qualify as a small business concern for a requirement to provide manufactured products or other supply items as a nonmanufacturer if it:*

- (i) Does not exceed 500 employees;*
- (ii) Is primarily engaged in the retail or wholesale trade and normally sells the type of item being supplied;*
- (iii) Takes ownership or possession of the item(s) with its personnel, equipment or facilities in a manner consistent with industry practice; and*
- (iv) Will supply the end item of a small business manufacturer, processor or producer made in the United States, or obtains a waiver of such requirement pursuant to paragraph (b)(5) of this section.*

- 8.** A prospective contractor that is a small business concern for a small business set-aside, service-disabled veteran-owned small business set-aside, WOSB or EDWOSB set-aside, or 8(a) contract shall submit a written document stating they are the manufacturer of the end items being procured and that the end items are manufactured or produced in the United States.
- 9.** A prospective contractor that is a non-manufacturer of processed products must comply with 13 CFR 121.406 (b). Nonmanufacturers must furnish a copy of the written agreement in effect between the non-manufacturer and an approved supplier to certify compliance with the each applicable KCCO solicitation requirements. The agreement must be on the supplier's company letterhead and must be signed by both parties.

A prospective contractor is encouraged to submit its qualification package as soon as possible so it may be notified of qualification status in advance of upcoming invitations for offer/bid. The

qualifications packages should be submitted either by postal service mailing or express delivery, sealed and marked:

For U.S. Postal Service Mailing Address:

CONFIDENTIAL TO ATTENTION: Small Business Specialist
USDA – FSA - KCCO
P.O. Box 419205
Mail Stop 8698
Kansas City, MO 64141-6205

For Express Delivery Packages:

CONFIDENTIAL TO ATTENTION: Small Business Specialist
USDA – FSA - KCCO
Beacon Facility - Mail Stop 8698
9240 Troost Avenue
Kansas City, MO 64131-3055

Phone (816)926-3295, Fax (816)823-4034, Email: betty.kunkel@kcc.usda.gov

Except as provided in FAR Part 24.2 (the “Freedom of Information Act”) qualification information, including the pre-award survey report, accumulated for purposes of determining the responsibility of a prospective contractor shall not be released or disclosed outside the government. All information provided will be kept confidential to the extent permitted by law.

Under penalty of perjury, each qualification package must be submitted and signed by an individual who has the legal authority to contractually bind a prospective contractor on whose behalf that information package is submitted. If any information provided by a prospective contractor becomes inaccurate, a prospective contractor must immediately notify the Small Business Specialist and provide updated and accurate information in writing, under penalty of perjury. The Contracting Officer reserves the right to waive minor irregularities and omissions in the information obtained in the qualification package submitted.