

NOTICE TO THE PUBLIC

Water Activity Meter the Food and Drug Administration (FDA) Northeast Food & Feed Laboratory (NFFL), (FDA-1257374)

This is a combined synopsis/solicitation for commercial items prepared in accordance with the format in FAR 12.6. This announcement constitutes the only solicitation, and a written solicitation will not be issued.

This requirement is “Subject to the Availability of Funds” The Following FAR Clause applies: AVAILABILITY OF FUNDS (52.232-18) (APR 1984)

This synopsis, NAICS code 334516, identified as REQ#1257374 is to notify contractors that the government intends to issue a Purchase Order in accordance with FAR Part 13.106 for the following specifications, under the simplified acquisition procedures.

Background

The Food and Drug Administration (FDA) Northeast Food & Feed Laboratory (NFFL) require a new Water Activity Meter to determine the water activity levels of low acid and acidified canned food samples.

Purpose

NFFL requires a new Water Activity Meter for the Microbiological Sciences Branch (MSB). Each year, NFFL analyzes the most samples in the Acidified Canned Foods (ACD) area of any lab in the Office of Regulatory Science. At roughly 150-200 samples per year, this figure is 1.5 to three times the amount of the other Field Lab doing this testing. A number of these “ACD” samples call for a determination of the Water Activity of the product performed on a Water Activity Meter. This is a data point that is frequently needed on products that are in violation of the canned foods regulations. With this bulk of work, we are in need of multiple meters to be available at all times to ensure that we have one on hand for an original analysis and one for a check analysis. Acquisition of a third meter will allow for two meters to always be available in the event that one meter is out of order or out for calibration. Both scenarios occur regularly so the need for another meter is critical to keep this testing timely.

Scope

The Contractor shall provide all resources necessary to accomplish the tasks and deliverables described in this Statement of Work (SOW). The Contractor shall provide one Water Activity Meter that meet the requirements set forth below:

I. Requirements

Minimum Technical Requirements:

The Water Activity Meter shall:

- Shall have the ability to measure water activity of a food product in five minutes or less
 - Shall have the ability to provide an accuracy of +/-0.003 on water activity readings
 - Shall feature internal temperature control of at least 15-40 degrees Celsius
 - Shall ship with a calibration certificate and disposable cups and lids needed for sample analysis
 - Shall ship with a power cord and a cleaning kit
 - Shall come with an one year warranty
 - Shall have electrical specifications of 110-220 with 50/60 Hz
 - Shall weigh no more than 7 lbs and measure no more than 11 inches in any dimension (length, height, or width)
 - Shall feature a graphical display
1. The equipment must be a newly manufactured unit, not used and refurbished or previously used for demonstration.
 2. FOB Point destination to include delivery to NFFL loading dock.
 3. The entire system must be warranted for parts and labor for 12 months from the date of formal government acceptance. The vendor must also be capable of servicing the instrument through the covered warranty period. The system must include at least a one (1) year warranty and shall include at a minimum: coverage on all non-consumable items and parts supplied including base instrument, factory-certified replacement parts, engineer labor and travel costs.

Deliverables

Table 1. Deliverables / Schedule

Description	Qty	Due Date
Water Activity Meter	1	Not later than September 1, 2022

Shipping Destination

POC: To Be Identified at time of award
Food and Drug Administration,
Northeast Food & Feed Laboratory
158-15 Liberty Avenue

Jamaica, NY 11433-1034

The delivery or services must be during regular business hours (Monday-Friday) during the times of 8:00 AM – 4:00 PM, excluding holidays.

Period of Performance

The period of performance begins the date of contract award execution for one (1) year. This includes a 12-month warranty period.

Inspection and Acceptance

The COR and/or COR designee will perform inspection and acceptance of equipment.

A final inspection and acceptance of all deliverables will be performed by the COR and/or COR designee to ensure the products provided meet the requirements of the Statement of Work (SOW).

Inspection and acceptance will occur at the place of performance and take place within five (5) business days of task being completed. The Government will provide written notification of acceptance or rejection within five (5) business days. Inspection will include review of the deliverables to ensure adequacy.

The Government will accept goods, reports, and services only if they conform to all terms and conditions of the SOW, and satisfy the performance standards developed under this SOW.

The Government will reject non-conforming products and services. The Contractor shall correct any deficiencies within fifteen (15) business days of when the Government issues the rejection notice. If the Contractor cannot correct the deficiencies within this period, the Contractor shall immediately notify the COR of the reason for the delay and provide a proposed corrective action plan within five business days.

Contracting Officer Authority

The Contracting Officer (CO) is the sole person authorized to make or approve any changes in any of the requirements of this order and notwithstanding any provisions contained elsewhere in the order, the said authority remains solely with the CO. In the event the Contractor makes any changes at the direction of any person other than the CO, the change shall be considered to have been made without authority and no adjustment will be made in the delivery order terms and conditions, including price. The CO shall be the only individual authorized to accept nonconforming work, waive any requirement of the order and modify any term or condition of the order. The CO is the only individual who can legally obligate Government funds.

The Contracting Officer's Representative (COR) or Project Officer is not authorized to make any commitments or otherwise obligate the Government or authorize any changes which affect the order price, terms, or conditions. The COR/Project Officer is responsible for the technical

aspects of the project and serves as technical liaison with the contractor and is responsible for the final inspection and acceptance, and such other responsibilities as may be specified in the order.

Contract Type

Firm-Fixed-Price (FFP). All deliverables shall be clearly identified, complete with clear descriptions; due dates, and at a predetermined, agreed-upon price.

Government Contacts

Contracting Officer: (CO):

Office of Acquisitions Grants and Services
Mary Rose A. Nicol, CO
Phone: 240-402-7606
Email: Maryrose.nicol@fda.hhs.gov

Contracting Office Representative (COR): TBD

Government Holidays

Unless otherwise specified, the Contractor shall perform work Monday through Friday (excluding Federal Holidays) between the hours of 8:00 a.m. and 4:30 p.m. EST. Supplies or services scheduled for delivery on a Federal holiday shall be made the next business day. Workplace is not available on the Government Holidays stated below, or as prescribed by an Executive Order (EO) due to inclement weather.

January (New Year's Day)	September (Labor Day)
January (Martin Luther King Day)	October (Columbus Day)
February (President's Day)	November (Veterans Day)
May (Memorial Day)	November (Thanksgiving Day)
June (Juneteenth)	December (Christmas Day)
July (Independence Day)	

BASIS OF AWARD

The Government will award a contract resulting from this solicitation to the responsible quoter as a fixed-price contract on the lowest price technically acceptable (LPTA) evaluation method. Award will be made on the basis of the lowest evaluated price meeting or exceeding the non-cost factor (technical conformance to the requirements of the solicitation). The Quoter's initial quotation shall contain the Quoter's best terms from a price standpoint. Failure to demonstrate meeting any of the requirements will result in a rating of technically unacceptable and will not be considered for award.

In order to facilitate the award process, ALL quotes shall include a statement regarding the terms and conditions herein. Additionally, all quotes shall include price (s); FOB point; a poc (name and telephone number); a statement from the offeror verifying that they are Registered in SAM.gov under NAICS code; 334516_delivery date (delivery date is of the utmost importance); business size; and payment terms. Delivery shall be to FDA.

FDA intends to make an award soon after the response date of this notice and all quotes must be submitted via email to Maryrose.nicol@fdahhs.gov and be received by 5:00 PM (1700) on , July 26, 2022 to the attention of Mary Rose A. Nicol, maryrose.nicol@fda.hhs.gov. Offerors shall ensure the RFQ number is visible in the header of the email.

ALL QUESTIONS REGARDING THIS SYNOPSIS/SOLICIATION MUST BE SUBMITTED IN WRITING NO LATER THAN 5:00 PM (1700) EST July 29, 2022. FAX QUOTES SHALL NOT BE ACCEPTED.