

| | | |
|---|---------------------|----------------------|
| AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT | 1. CONTRACT ID CODE | PAGE OF PAGES 1 3 |
|---|---------------------|----------------------|

| | | | |
|---------------------------------------|-----------------------------------|----------------------------------|---------------------------------------|
| 2. AMENDMENT/MODIFICATION NO. 0013 | 3. EFFECTIVE DATE Jul 18, 2013 | 4. REQUISITION/PURCHASE REQ. NO. | 5. PROJECT NO. <i>(If applicable)</i> |
|---------------------------------------|-----------------------------------|----------------------------------|---------------------------------------|

| | | | |
|---|----------------|---|------|
| 6. ISSUED BY DLA Troop Support Directorate of Subsistence 700 Robbins Avenue Philadelphia, PA 19111 POC: Paulette Gary/FTAS 215-737-2789 | CODE SPM300 | 7. ADMINISTERED BY <i>(If other than Item 6)</i> Same as Block 6 | CODE |
|---|----------------|---|------|

| | | |
|--|-------------------------------------|---|
| 8. NAME AND ADDRESS OF CONTRACTOR <i>(No., street, county, State and ZIP Code)</i> | (X) | 9A. AMENDMENT OF SOLICITATION NO. SPM300-13-R-0075 |
| | <input checked="" type="checkbox"/> | 9B. DATED <i>(SEE ITEM 11)</i> Apr 19, 2013 |
| | <input type="checkbox"/> | 10A. MODIFICATION OF CONTRACT/ORDER NO. |
| | <input type="checkbox"/> | 10B. DATED <i>(SEE ITEM 13)</i> |
| CODE | | FACILITY CODE |

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
 (a) By completing items 8 and 15, and returning 1 copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA *(if required)*

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

| | |
|--------------------------|--|
| CHECK ONE | A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: <i>(Specify authority)</i> THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A. |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES <i>(such as changes in paying office, appropriation date, etc.)</i> SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b). |
| <input type="checkbox"/> | C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: |
| <input type="checkbox"/> | D. OTHER <i>(Specify type of modification and authority)</i> |

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION *(Organized by UCF section headings, including solicitation/contract subject matter where feasible.)*
 SUBSISTENCE PRIME VENDOR SUPPORT FOR LOS ANGELES, SAN DIEGO, BRIDGEPORT, CA AND YUMA, AZ. SOLICITATION SPM300-13-R-0075 IS HEREBY AMENDED.

1. See pages 2-3.
2. All other terms and conditions remain unchanged.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

| | |
|--|--|
| 15A. NAME AND TITLE OF SIGNER <i>(Type or print)</i> | 16A. NAME AND TITLE OF CONTRACTING OFFICER <i>(Type or print)</i> THOMAS E. HALEY - Contracting Officer |
| 15B. CONTRACTOR/OFFEROR | 16B. UNITED STATES OF AMERICA |
| 15C. DATE SIGNED | 16C. DATE SIGNED |
| <i>(Signature of person authorized to sign)</i> | <i>(Signature of Contracting Officer)</i> |

The following are provided to clarify and/or revise the answers previously provided in Amendment 0008. Offerors are reminded that all answers are provided for clarification purposes only and do not change the requirements in the solicitation.

1. The answer to question 9 is replaced as follows:

REFERENCE: DLAD 52.216-9064 ECONOMIC PRICE ADJUSTMENT (EPA) – ACTUAL MATERIAL COSTS FOR SUBSISTENCE DELIVERED PRICE BUSINESS MODEL – DLA TROOP SUPPORT SUBSISTENCE PRIME VENDOR (SPV) CONTIGUOUS UNITED STATES (CONUS) (FEB 2013)

- 9. VENDOR QUESTION:** Is there any restriction on the mechanism or entity through which Private Label Holders set the price for invoices that establish delivered price? For example:
 - a. May such distributors set the price of their products through intermediaries who do not directly manufacture or grow the product?

DLA Troop Support Answer: Yes. A distributor that meets one of the definitions of Private Label Holder may set its price as it sees fit, provided it is done in a commercial marketplace and the price is input in its system as the starting basis for all customer pricing, as required in the definition of Delivered Price.

- b. May such distributors set price through the use of a distributor business unit or affiliated organization?

DLA Troop Support Answer: Yes; see above answer.

- c. May such distributors set price through the use of a price list?

DLA Troop Support Answer: Yes; see above answer.

2. Questions 54 and 61 are revised as follows:

REFERENCE: SUPPORTING PRODUCT INFORMATION, A. Invoices/Quotes.

- 54. VENDOR QUESTION:** Is there any minimum number of weeks that a quote must last to be considered valid?

DLA Troop Support Answer: To be considered a valid quote, the price should be in effect for a period of time consistent with the period of time a quote for such item is normally valid in the commercial marketplace, and the offeror must be willing to hold this price through final proposal revisions (at least as long as the 271 day period specified for Period for Acceptance of Offers in paragraph 2 of the Addendum to FAR 52.212-1). If awarded the contract, the quoted price (or

lower price if available) must be held through the initial catalog and the product must be available to our customers.

61. VENDOR QUESTION: Confirm that there is no minimum time for the duration of a quote period.

DLA Troop Support Answer: To be considered a valid quote, the price should be in effect for a period of time consistent with the period of time a quote for such item is normally valid in the commercial marketplace, and the offeror must be willing to hold this price through final proposal revisions (at least as long as the 271 day period specified for Period for Acceptance of Offers in paragraph 2 of the Addendum to FAR 52.212-1). If awarded the contract, the quoted price (or lower price if available) must be held through the initial catalog and the product must be available to our customers.

3. Questions 55, 58, and 59 remain unchanged. DLAD 52.216-9064 and related pricing provisions define Delivered Price as the most recent “commercial price per unit to the Contractor, inclusive of all standard freight, that is input in the Contractor’s purchasing system as the starting basis for its pricing to customers...” and require that “the delivered price to [the contractor’s] delivering warehouse” is “identical to the delivered price of such product sold at the same time to its other customers.” The definition of Standard Freight states that standard freight may include interdivision transfers between the contractor’s warehouses “provided the delivered price (inclusive of standard freight) of a product at a given time is identical to the delivered price of the same product at the same time to other commercial customers in the SPV Contractor’s electronic purchasing system.” This language requires delivered price to be identical to the single price in the contractor’s system for its delivering warehouse, not a or any price into the contractor’s corporate distribution network.