

SUPPLEMENT FOR CHICKEN PRODUCTS DISTRIBUTED FOR FEDERAL FOOD AND NUTRITION ASSISTANCE PROGRAMS

Effective: August 2022

100 Overview

110 This document provides additional program certification requirements for the following chicken products purchased by the Department of Agriculture (USDA), including the applicable Federal Purchase Program Specification (FPPS) and all Exhibits:

- Consumer Pack Chicken
- Chicken Parts
- Oven Roasted Chicken
- Chicken Strips
- Chicken Fajita Strips
- Chicken Fillet
- Canned/Pouch Chicken

111 Actual purchases shall be described in the AMS Master Solicitation for Commodity Procurements – Domestic Programs (MSCP-D) and Solicitations.

120 For contract compliance and certification of product, the contractor shall ensure that all raw material is graded or certified by the USDA AMS Grader. For all processing steps following raw material certification, the contractor may request the use of either Option A – AMS QAD Grading-based Monitoring and Certification service, or Option B – QAD Audit-based Verification service, for assessing contract compliance of the finished product. AMS shall seek to honor the request of the contractor but reserves the right to make a final determination.

121 When an option is implemented, the contractor shall remain under that service until completion of the contract, at which time it may request a change in oversight option for any subsequent contract.

130 The cost of all grading, auditing and certification services performed by AMS agents shall be at the expense of the contractor. This includes, but is not limited to, audits, examinations, supervision, official documentation, and related services.

140 Questions concerning charges and the availability of AMS agents can be directed to a USDA/AMS, LP Program's Quality Assessment Division (QAD) field office or to USDA, AMS, LP, QAD Business Operations Branch, 10809 Executive Center Drive, Suite 318, Little Rock, AR 72211-6022; phone: 501-312-2962 or email: QAD.BusinessOps@usda.gov

200 AMS Contract Compliance Option A: Grading-Based Monitoring and Certification

210 QAD Grading-Based Monitoring and Certification

211 Monitoring of production and processing and product certification shall be conducted through the direct continuous supervision of a AMS Grader in accordance with the requirements listed in the FPPS and AMS/LP/QAD Policies and Procedures for certifying USDA commodity foods. A technical proposal is not required to be submitted when the contractor is operating under Option A. All raw materials will be subjected to the certification process prior to being utilized in manufacture finished products.

220 Pre-Production Onsite Plant Survey

221 QAD shall contact the contractor to set-up a pre-production plant survey, including review of food defense and production capability, and discuss production and certification requirements.

230 Post-Award Monitoring and Certification

231 The AMS Grader shall be present at all times during production and processing of the commodity.

232 The AMS Grader may select samples for laboratory analyses or inspect the commodity at any point in transit and after delivery to point of destination.

233 The contractor or AMS Grader shall perform checkloading examinations as described in the FPPS at the time of shipment and issue an acceptance document to accompany each shipment.

234 The AMS Grader shall oversee certification of compliance with the requirements of the FPPS including, but not limited to, raw material, formulation, marinating, cooking, freezing, packaging and packing, metal detection, labeling and marking and net weight.

300 AMS Contract Compliance Option B: Audit-Based Verification

310 Audit-Based Verification

311 Verification of production and processing shall be conducted through routine audits performed by QAD according to the contractor's and/or subcontractor's approved

technical proposal (see section – 360 Technical Proposal Requirements) and the applicable FPPS. All raw material shall be under applicable USDA oversight and/or certification as outlined in the FPPS.

- 311.1 Interested contractors may submit sample(s) and technical proposal (outlined in Sections 350 and 360) at any time during the pre-bid period. Contractors should allow 10 working days, from USDA's receipt of the product sample(s) and technical proposal for notification of evaluation results. A contractor is deemed eligible upon notification of approval of the sample(s) and technical proposal by SSD. Submission of sample(s) and technical proposal is not binding on USDA.
- 311.2 Once a contractor is notified by SSD that the technical proposal meets the applicable criteria, QAD shall contact the contractor to set up a pre-bid onsite capability assessment audit.
- 320 Pre-Bid Onsite Capability Assessment Audit
- 321 QAD shall conduct an onsite capability assessment that shall consist of reviewing:
 - 321.1 Food Defense Requirements – QAD shall conduct a food defense audit that shall include, but is not limited to, a thorough evaluation of the contractor's and/or subcontractor's food defense plan. Documentation shall support the contractor's and/or subcontractor's food defense plan and meet requirements of Section 4A52.246-2 of the MSCP-D for Commodity Procurements.
 - 321.2 Production of the commodity that complies with the applicable FPPS and approved technical proposal or production plan,
 - 321.3 records related to purchasing, receiving, production, quality control, inventory, shipping, and,
 - 321.4 interviews with management and production personnel.
- 322 Upon completion, QAD shall provide SSD either with a verbal or email notification of the audit findings. SSD shall notify the vendor of their status based on the audit findings as well as QAD and the Commodity Procurement Program (CPP). The official final audit report shall be sent to the contractor once released from QAD.
- 323 After bid opening, CPP shall contact QAD and SSD to determine that contractors have met all requirements to deem the bids responsive or non-responsive.
- 324 For bids that are determined to be non-responsive bids, CPP shall notify the contractor(s) directly.
- 330 Post-Award Assessment Audit
- 331 Contractors who receive contracts shall have their required documentation readily available for review upon request by SSD, QAD, or other AMS agents. Records may be maintained in hard copy or electronically. However, records maintained

electronically shall be made available immediately upon request.

- 332 QAD shall conduct an onsite audit of the contractor's and/or subcontractor's facility(s) and processes when production commences for the first contract awarded. Additional audits, and their frequency, shall be conducted as determined by QAD, but not less than once per month for contractors or subcontractors with continuous or multiple contracts, or once per contract for intermittent contractors. At the discretion of QAD, more frequent audits may be conducted when audit deficiencies are detected.
- 340 Post-Award Actions
- 341 Any deviation from contractual requirements shall be immediately reported by the contractor to the Contracting Officer and SSD. The Contracting Officer or SSD shall notify the contractor regarding eligibility to continue to participate as a contractor.
- 342 Contractor shall assure that the delivered product complies with the provisions of the FPPS, the applicable assessment by USDA, and the contractor's technical proposal approved by SSD.
- 343 In the instance that any non-conformance is cited by the AMS Auditor, or when a complaint is received by commodity recipient agencies, the contractor shall submit a cause and effect analysis and corrective actions to address the non-conformance or complaint.
- 350 Product Sample (When Requested)
- 351 Potential contractors shall submit samples that are produced in accordance with their submitted technical proposal.
- 352 Contractor shall submit one 5-pound sample (or two samples if a sample unit is less than 5-pounds) along with a legible product label which illustrates the ingredient statement, Nutrition Facts, and safe handling instructions, and allergen declaration (if applicable). All samples shall arrive in the frozen state (0°F or lower) as outlined in the FPPS.
- 360 Technical Proposal Requirements
- 361 The contractor shall submit a Technical Proposal that meets the following Requirements:
- 361.1 Include a detailed description of the chicken products offered and each of the production steps that are taken to meet or exceed the minimum product requirements set forth in the FPPS. (Plan/Do)
- 361.2 Describe all the quality assurance methods used to verify conformance to all requirements. This shall include the monitoring and measurements taken during the process to verify conformance with each requirement. All measurement results shall be recorded and made available to AMS. (Check)

- 361.3 Identify all corrective actions to be taken if deviations from contractual and specification requirements occur during production, and all preventative actions to be taken to preclude a reoccurrence. (Act)
- 361.4 The technical proposal shall follow the format as shown in **Exhibit A**. Technical proposals should be brief and concise.
- 361.5 The technical proposal shall be preceded by the following, as required by the template:
- 361.5.1 Table of Contents listing the major areas as they appear in the technical proposal; and
- 361.5.2 List of attachments, forms provided with the technical proposal, if appropriate with the applicable document name and reference number.
- 362 SSD shall review each technical proposal to determine if the proposal is adequate and shall notify the contractor of the status of their technical proposal and their eligibility to bid.
- 363 Instructions for Submission of Technical Proposal
- 363.1 The following procedures establish the acceptable minimum requirements for the format and content of the technical proposal:
- 363.1.1 The Government has provided a technical proposal format which is to be used in preparing the technical proposal (see **Exhibit A**). The contractor shall submit the technical proposal as an email file attachment to AMS, (Terry.Lutz@usda.gov and Anjeanette.Johnson@usda.gov).
- 363.1.2 The technical proposal shall be saved in a non-portable document file format (not PDF; e.g., Microsoft Word). The technical proposal shall be submitted in its entirety. If the file size of the technical proposal is too large to send in a single email, it may be divided and sent in multiple emails (i.e., Part 1, Part 2, Part 3, etc.). The collection of attachments and appendices shall be submitted as a separate document as well.
- 363.1.3 The technical proposal shall be submitted by an authorized agent of the company.
- 363.1.4 While it is not the desire of the Government to penalize an offeror for non-compliance with formatting instructions, technical evaluators may have difficulty evaluating the technical proposal to the fullest extent possible if the proposal is not presented in the proper format. Technical evaluators shall not be required to search other subsections or sections of the offeror's technical proposal for information requested in the evaluation.
- 364 Technical Proposal Revisions
- 364.1 Changes to a contractor's technical proposal may be submitted at any time or at the request of SSD. All technical proposal revisions shall meet the following criteria:

- 364.2 Any changes to a technical proposal made by the contractor after its initial submittal shall be accomplished by submitting an entire technical proposal. A cover letter shall be submitted with the changes identified and an explanation of the need for the change. The contractor shall include the revision date and the appropriate page number(s).
- 364.3 Changes to original technical proposal shall be **highlighted** and deletions in ~~strikeout~~.

400 Inspection and Checkloading at time of Shipping

- 410 Based on the certification option selected, the Contractor shall utilize either USDA Grader or Contractor Checkloading to certify. The Contractor shall notify USDA AMS QAD Supervisor prior to production. The requirements for selection are as follows:
- 411 USDA Grader Checkloading Requirements – Inspection for contract compliance shall be made by a USDA representative, in accordance with 7 CFR § 70, FSIS regulations, and this FPPS, at site of processing, both during and after processing and packaging. Inspection records shall be complete and made available to USDA, as requested, to assure contract compliance.
- 411.1 Procedures – The inspection and checkloading shall be performed by the AMS Grader. Procedures to be followed and a schedule of fees for these services may be obtained by contacting the nearest QA Division field office or the Director of QAD, LP Program, AMS, USDA, 1400 Independence Avenue, Room 2092-S, STOP 0258, Washington, DC 20250-0258, telephone (202) 690-3147.
- 411.2 The quality, quantity, weight, packaging, packing, and checkloading of the commodity shall be evidenced by certificates issued by the AMS Grader. Contractor shall not ship the commodity unless informed by the AMS Grader that the designated commodity to be shipped meets the requirements of the AMS MSCP-D, Solicitation, and this FPPS.
- 412 Contractor Checkloading Requirements – Inspection for final contract compliance shall be made by the Contractor, in accordance with 7 CFR § 70, FSIS regulations, and this FPPS. The quality, quantity, weight, packaging and packing of the commodity shall be evidenced by a Certificate of Conformance that verifies the designated commodity to be shipped meets all the requirements as stated in this FPPS, MSCP-D and Solicitation.
- 412.1 Procedures – The contractor shall perform checkloading examinations at the time of shipment – as described in this FPPS starting at the section labeled Loading and Shipping Frozen Commodity and sections thereafter – and shall issue a corresponding Certificate of Conformance (**See Exhibit B**). The Contractor is required to provide an acceptance document to accompany each shipment. Additional details are found in the Bill of Lading Notations Section of the MSCP-D.

412.2 Contractors inspection records and checkloading documentation shall be complete and maintained, including the Certificate of Conformance, and made available to USDA, as requested, to assure Contractor Checkloading compliance. Contractor checkloading activity shall be reviewed by USDA under AMS LP QAD 623 Contractor Checkloading Surveillance Program at the cost of the contractor.

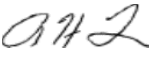
Approved by  RHL
Date Issued: 08/03/2022

EXHIBIT A
Technical Proposal Format

Cover Page:

Company Name

Company Address

Contact Person, including title, phone number, including emergency contact information, e-mail address (must be authorized to represent the company).

Technical Proposal for: [FPPS]

Table of Contents (all pages and attachments shall be numbered and identified – all attachments shall be identified and referenced in the Technical Proposal).

The technical proposal should document a quality control program that includes procedures, records, forms, pictures, etc., which demonstrates conformance with the following checklist of requirements for all Sections and Subsections therein:

- 100 ITEM DESCRIPTION
- 200 APPLICABLE DOCUMENTS
- 300 CHECKLIST OF REQUIREMENTS MATERIALS
- 400 HARVESTING
- 500 PROCESSING
- 600 PACKAGING AND PACKING
- 700 LABELING
- 800 FINAL EXAMINATION OF PACKAGING AND PACKED COMMODITY
- 900 PALLETIZED UNIT LOADS
- 1000 SHIPMENT AND DELIVERY
- 1100 DESTINATION EXAMINATION
- 1200 PRODUCT ASSURANCE AND COMPLAINT RESOLUTION

Attachments or Appendixes - Please attach all referenced documents with the applicable document name and reference number.

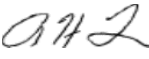
Approved by  RHL
Date Issued: 08/03/2022

EXHIBIT B

Contractor Checkloading and Certificate of Conformance Requirement

**UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK AND POULTRY PROGRAM**

**CERTIFICATE OF CONFORMANCE FOR
THE PROCUREMENT OF
(Commodity Name)**

CERTIFICATE OF CONFORMANCE

I certify the following:

(1) On [delivery date(s)], [Contractor's name] furnished the (insert the appropriate commodity description) called for by Purchase Order Number _____ via [Carrier] under Sales Order Number/Item number(s): _____.

(2) The (insert the appropriate material name) is of the quality specified and conforms in all respects with the purchase order requirements, including the FPPS, Master Solicitation for Commodity Procurement – Domestic Programs (MSCP-D), and Solicitation.

(3) Product identification, (i.e. production lot number(s)) is in the quantity shown on the attached acceptance document.

(4) Contractor assures all meat or meat products used in fulfilling this contract was produced in the United States as defined in the AMS MSCP-D.

Date: _____

Signature: _____

(Signed by an officer or representative authorized to sign offers)

Title: _____