United States Department of Agriculture

Agricultural Marketing Service

Stop 0253-Room 2610-S
1400 Independence Avenue, SW
Washington, DC 20250

AMENDMENT 1 TO ANNOUNCEMENT LS-133 **FEBRUARY 2008**

PURCHASE OF BEEF, SPECIAL TRIM (FRESH/FROZEN) FOR DISTRIBUTION TO CHILD NUTRITION AND OTHER FOOD AND NUTRITION PROGRAMS

This amendment is issued to modify the following sections:

1. Section I.A and B.	**2.** Section I.C., Offer prices and Evidence of Delivery
3. Section I.D.5., Documentation and Assessment Requirements	**4.** Section I.F. Domestic Products
5. Section II.E.4, Certifications	**6.** Section IV, Provisions of Contract
7. Section V, Product Specifications and Audit Services	**8.** Section VII, Contractor Certificate of Conformance and Checkloading
9. Section X, Invoices and Payment	**10.** Exhibit A, Checklist and References to Applicable Bid and Contract Provisions
11. Exhibit C, Certificate of Conformance	**12.** Exhibit E, Sample Offer Electronically Submitted
13. Exhibit G purchase schedule	**14.** Exhibit H, Production Plan Template
15. Attachment I, Item Description and Checklist of Requirements (IDCR)	

In the Announcement delete all references to Announcement LS-133 and Announcement and replace with "Announcement LS-133 and Amendment 1, dated February 2008.

In the Announcement, delete all references to "technical proposal" and replace with "production plan".

In the Announcement, delete all references to "Item Description and Checklist of Requirements (IDCR) for USDA Purchases of Beef, Special Trim, effective October 2007" and replace with "Item Description and Checklist of Requirements (IDCR) for USDA Purchases of Beef, Special Trim, effective February 2008"

Section I. A. General, delete second paragraph in its entirety and replace with:

> "The beef, special trim (fresh/frozen) will be purchased on a competitive bid basis from suppliers who have met the requirements described in Section I.D.5. Interested suppliers may submit a production plan at any time during this purchase program. Suppliers should allow 10 working days from receipt of production plan by USDA for notification of the results of the evaluation of the production plan from the Contracting Officer. A supplier is deemed eligible to bid after notification by the Contracting Officer."

Section I.B., General, delete first sentence in its entirety and replace with:

"Offerors are cautioned to carefully read this Announcement, Appendix-1, USDA-1, Invitations, IDCR, and applicable instructions of the Agricultural Marketing Services' (AMS), Meat Grading and Certification (MGC) and Audit, Review and Compliance (ARC) Branches."

Section I.C. Offer Price and Evidence of Delivery

Delete last two paragraphs in their entirety and replace with:

"The ASTM F1157-04 standard can be obtained through the following website: American Society of Testing and Materials: http://www.astm.org/cgi-bin/SoftCart.exe/index.shtml?E+mystore

Contracts, for the beef, special trim purchased under this Announcement, will be awarded on a f.o.b. destination basis with quality assurance determined by USDA through MGC product monitoring and evaluation program. Contractor must furnish, in support of the contractor's invoice, a Certificate of Conformance (see Exhibit C) and a copy of the signed commercial bill of lading indicating the carrier's receipt of the product covered by the invoice for transportation to the destination specified in the contract.

Section I.D.5. Documentation and Assessment Requirement

Delete entire section and replace with the following:

"To become an eligible supplier, the following must be submitted to the Contracting Officer, Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0253, Room 2610-South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250-0253, for evaluation and approval prior to bidding:

a. Production Plan Requirement:
   1) Include a description of the quality control program that includes procedures, records, form, pictures, etc. that demonstrates conformance to the requirements set forth in the IDCR.
      a) Cover page that contains the company's name and address, contact person's name, phone number, including emergency contact information, and e-mail address;
      b) Table of Contents listing the major areas as they appear in the production plan, and
      c) List of attachments, forms provided with the proposal, if appropriate.

   The COTR will review each production plan to determine if the proposal is adequate. The Contracting Officer will notify the supplier of the status of their production plan and their eligibility to bid.

b. Assessments by the ARC Branch

   After the production plan(s) are evaluated and approved, an ARC Branch auditor will perform an onsite assessment of the company's food defense plan to determine the supplier's ability to meet the food defense requirements stated in section I.D.4.

1) Food Defense Assessment

The food defense audit will include, but is not limited to, a thorough evaluation of the potential contractors' and subcontractors' food defense plan. Documentation must support the contractor's or subcontractor's food defense plan. Upon completion of the onsite capability assessment, the auditor will provide a report to the Contracting Officer for final review.

If the report demonstrates that the food defense plan is inadequate, the applicant will be notified by the Contracting Officer that they are ineligible to bid. The applicant will have an opportunity to correct identified deficiencies, modify their food defense plan and resubmit a brief description for further consideration. Eligibility will depend on whether the modifications demonstrate that they are in compliance with their food defense plan.

c. Meat Grading Monitoring and Evaluation Program

Eligible suppliers who receive contracts must have a MGC agent present during the production of the beef roasts. The MGC agent will monitor and verify the production based on the Contractor's approved production plan and the IDCR. .The contractor must provide a copy of the approved production plans and have the supporting documentation readily available for review by the COTR or AMS agents. Records may be maintained on hard copy or electronic media. However, records maintained as electronic media will be made available in printed form immediately upon request by AMS or its agents."

Section I.F., Domestic Products

Delete the fifth sentence in its entirety and replace with the following:

"Such segregation plan must be audited and made available to the MGC Branch agent."

<u>Section II. E. Section 4. Certifications</u>

Change roman numerals to standard numbers i.e. I to 1, II to 2, etc.

Certification number 3. A., change to 3.(b).

Certification 2, delete and replace with:

2. By submitting this bid, Offeror certifies it HAS read and DOES agree to the terms of LS-133, Amendment 1: Appendix-1; Inv.__; Exhibit A, dated February 2008; Contractor's production plan approved by the Contracting Officer; USDA-1, Rev. 2, and Amds. 1, 2, 3, and 4; and the Federal Acquisition Regulations (both boxes must be selected).

   ☐ HAS
   ☐ DOES

Section IV. Provisions of Contract

Delete the first paragraph in its entirety and replace with the following:

"The contract consists of Announcement LS-133; the applicable Invitation; Specifications as described in Exhibit A; applicable MGC and ARC Branch instructions; contractor's or subcontractor's (manufacturer's) production plan approved by the Contracting Officer, the contractor's offer including SF-129 and Appendix-1; the acceptance by USDA; USDA-1, and the Federal Acquisition Regulations, 48 CFR Section et. seq. The following USDA-1 articles are excluded: Articles 34, 49, 50, 64(c), and all of Part E."

Section V. Product Specifications and Audit Services

Delete part B and replace with:

"The cost of all audit and product monitoring and monitoring services performed by the AMS certification agents must be borne by the contractor. This includes, but is not limited to, examinations, supervision, official documentation, and related services."

Insert a new part D as shown below:

"D. Questions concerning charges and the availability of AMS agents should be discussed with the Office of Field Operations, Denver, Colorado (720) 497-2520."

Section VII. Contractor Certificate of Conformance and Checkloading:

Deleted part B. in its entirety and replace with the following:

"Contactor will perform an examination of the beef roast, frozen at their facility and complete a Certification of Conformance (COC) as described in Exhibit C, at the time of receipt and include with each shipment, a copy of the COC and Meat Grading's acceptance certificate to accompany each shipment that includes all of the following information:

1. Contract Number;
2. N/D Number;
3. Name of product;
4. Shipping Date/Delivery Date;

5. Production lot number(s) and date each lot was produced;
6. Count of shipping containers and total projected net weight in each production lot;
7. Identity of truck (trailer numbers, seals, truck license, etc.) as applicable;
8. Certification that product conforms with the IDCR; and
9. Count and projected net weight verified. "

Section X, Invoices and Payment
Delete Section X.A.3. in its entirety and place with:

3. Original Meat Grading final acceptance certificate issued at time of shipment; and

Exhibits

Deleted the following exhibits and attachment and replace with the respective attached exhibits and attachment: Exhibit A, Exhibit C, Exhibit E, Exhibit G, Exhibit H, and Attachment I.

This amendment is effective with offers submitted on or after February 28, 2008.

3/10/08

William T. Sessions
Associate Deputy Administrator
Livestock and Seed Program

United States Department of Agriculture
Agricultural Marketing Service
Stop 0253-Room 2610-S
1400 Independence Avenue, SW
Washington, DC 20250

CHECKLIST AND REFERENCES TO APPLICABLE BID AND CONTRACT PROVISIONS ANNOUNCEMENT LS-133, FOR BEEF SPECIAL TRIM

PRODUCT DESCRIPTIONS (SECTION 1. A. (GENERAL)					BID/CONTRACT PROVISIONS				
Product/ Commodity Box Code	Specifications Listed in Priority Order	Commodity Purchase Code	Packaging and Packing	Minimum Offer Unit Size/Shipping Unit	Tolerance Section VIII. B.	Shipping/Delivery Period Section II.C.; IV and VIII	Federal/State Plants Section I.D.3.	Competition (See Invitation)	Payment Section X
Beef Special trim, Frozen A-602	Item Description and Checklist of Requirements for USDA Purchases of Beef Special Trim, Effective February 2008	25-12-60	Product packed into leak proof shipping container to a net weight of 60 lbs. Net weight	42,000 lbs. 700 cases	NONE	First Half/Last Half of month shipping period	Federal Plants Only	Full & Open	Upon Shipment X.
Beef Special trim, Fresh A-612		25-38-01	Bulk packed into plastic lined combo-bins to a weight between 1850 to 2250 pounds	42,000 lbs. 20 combo-bins	NONE	3-day delivery period	Federal Plants Only	Full & Open	Upon Delivery X.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK AND SEED PROGRAM

CERTIFICATE OF CONFORMANCE FOR THE PROCUREMENT OF BEEF SPECIAL TRIM

CERTIFICATE OF CONFORMANCE

I certify the following:

(1) On [shipping date], [Contractor's name] furnished the beef special trim (fresh/frozen) called for by Contract Number via [Carrier] under Notice-to-Deliver Number _____ .

(2) The beef special trim is of the quality specified and conforms in all respects with the contract requirements, including [Contractor's name] Production plant as approved by the AMS/LS, Commodity Procurement Branch, Contracting Officer.

(3) Product identification, (i.e. 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 Announcement LS-133, section I.F.

Date:
Signature:
(Signed by an officer or representative authorized to sign offers on the current SF-129)
Title:

ANNOUNCEMENT LS-133 **EXHIBIT E**

SAMPLE OFFER ELECTRONICALLY SUBMITTED

Submitted at: 08/03/2007 - 10:19:19 am Central Time

JOHN JONES PACKING CO.
22 MAIN STREET
BERWYN, MAINE 55507

LS-120/100, FROZEN BEEF

Authorized Changes and Comments			
Date	**Time**	**USDA ID**	**Comments**

Plant 01- Jones Meat Packers, 224 Main Street, Berwyn, ME
Shipping Point 01- Jones Meat Packers, 224 Main Street, Berwyn, ME

Line Item	Pack Size	Destination	Shipping Period	Est. LBS	Price/LBS	Tran Mode
BEEFSPECIAL TRIM, FROZEN- FULL AND OPEN COMPETITION						
001	60LB CTN	VANDIVER, AL	09/01/2007 – 09/15/2007	84,000	1.9350	Truck
002	60LB CTN	DURAND, GA	09/01/2007 – 09/15/2007	420,000	1.9750	
003	60LB CTN	PALMDALE, FL	09/01/2007 - 09/15/2007	210,000	1.9550	
BEEF SPECIAL TRIM, FRESH - FULL AND OPEN COMPETITION						
004	20/2000 LB CTN	VANDIVER, AL	09/05/2007 - 09/07/2007	84,000	1.8750	

Constraints

Const #	Max Qty	Plant Location	Delivery Period	Product
1	15	01- Jones Meat Packers	09/01/2005 - 09/15/2005	BEEF-SPECIAL TRIM, 60 LB CTN
2	2	01 - Jones Meat Packers	09/05/2007 - 09/07/2007	BEEF SPECIAL TRIM, FRESH 2000 LB CNT

Certifications

For this bid your company is designated as: SMALL BUSINESS

Question	Answer
01) By submitting this bid, Offeror certifies it HAS read and DOES agree to the terms of LS-133 and Amendment 1, dated February 2008; Inv. 100; Appendix-1; Exhibit A, dated February 2008; Contractor's production plan approved by the Contracting Officer; USDA 1, Rev. 2, and Amnds 1, 2, 3, and 4 (Both boxes must be selected)	HAS DOES
02A) Annual Representations, Certifications and Warranties (Appendix 1) submitted to the Contracting Officer are current, accurate, and complete. Submitted to Contracting Officer (mm/dd/yyyy)	07/30/07
02B) If Appendix HAS been amended, enter date amended or N/A.	N/A
03) Offeror certifies that the company has completed the Online Representations and Certifications Application (ORCA) on (mm/dd/yyyy)	08/01/07
04) Offeror certifies that the SF-129 on file with the Contracting Officer is accurate and part of this offer.	DOES
05) All product required under existing USDA contract(s) or subcontract(s) with a Not Later Than Date prior to this bid opening HAS been delivered.	NO EXISTING CONTRACTS
06) By submitting this bid, offeror certifies that all product conforms with the Item Description and Checklist of Requirements, and no changes to the production plan have occurred without proper approval by the Contracting Officer.	DOES
07) Show name, title, fax number, and phone number of person submitting bid (must be an authorized company representative).	Edgar Kaufmann, President, Fax 705-347-8333 Phone 705-347-1715

High Bid Price: 1.9750 Line Item: 002
Low Bid Price: 1.8750 Line Item: 004
Sum of Bid Prices: 7.7400

PLANNED PURCHASE SCHEDULE
2007-08

NOTE: Notification of future invitations will be available on our website at: http://www.ams.usda.gov/lscp/beef/beefannounce.htm

Cover Page:
[Company Name]
[Company Address]
Contact Person, including title, phone number, including emergency contact information, e-mail address (must be authorized on the SF-129 to represent the company).

Production plan for: [Announcement Number] and [Specification]

Table of Contents (all pages and attachments must be number and identified--any attachments must be identified and referenced in the Production plan)

The production plan should document a quality control program that includes procedures, records, forms, pictures etc. that demonstrates conformance with the following checklist of requirements.

I. ITEM DESCRIPTION

Brief Description of what the company plans to do to meet the requirements stated in the applicable specification (including the applicable documents).

II. CHECKLIST OF REQUIREMENTS

A. MATERIALS – Please provide a brief description of the planning, production steps (do), check and corrective/preventive (act) measures that the company will do to assure compliance with the material section of the specification.

1) **Meat Component**
   a. Domestic Origin of Meat Component
   b. Harvesting (slaughtering))
      (1) Humane Handling
      (2) Non-Ambulatory Cattle
      (3) Pathogen Intervention Steps
      (4) Spinal Cord Removal
      (5) Carcass Testing
   c. Boneless Beef Requirements
      (1) Traceability
      (2) Handling
      (3) Objectionable Materials
   d. Mechanically Separated

2. **Non-Meat Components**
3. **Fat Limitations**
4. **Grade Requirement (N/A)**
5. **State of Refrigeration**

B. PREPARATION FOR DELIVERY

1. Packaging
2. Packing
3. Closure
4. Labeling

C. PALLETIZED UNIT LOADS

D. DELIVERY UNIT

E. DELIVERED PRODUCT

1. Size and Style of Container
2. Temperature
3. Sealing

F. PRODUCT ASSURANCE

1. Warranty and Complaint Resolution
   a. Warranty
   b. Complaint Resolution
2. NON-CONFORMING PRODUCT

Attachments or Appendixes

Please attach all referenced documents with the applicable document name and reference number.

USDA, AMS,
Livestock and Seed Program

APPROVED

ITEM DESCRIPTION AND
CHECKLIST OF REQUIREMENTS (IDCR)
FOR
Beef Special Trim,

Contracting Officer Technical Representative (COTR):

Standards, Analysis, and Technology Branch
Room 2607, Phone: (202) 720-4486

Effective February 2008

I. ITEM DESCRIPTION

Beef Special Trim will be limited to any combination of the following muscle systems:

Peeled Knuckle – The peeled knuckle shall include the *rectus femoris*, and *vastus lateralis*, and may include the *vastus medialis*, and *vastus intermedius*.

Beef Chuck Tender – The chuck tender shall consist of the *supraspinatus* muscle only.

Beef Shoulder Clod Arm Meat – The shoulder clod arm meat shall include the *triceps brachii* muscles (long, medial and lateral head) only.

II. CHECKLIST OF REQUIREMENTS

All items must be produced in accordance with Food Safety and Inspection Service (FSIS) regulations and the checklist of requirements. The contractor's production plan, submitted to the Contracting Officer, must adhere to the following checklist requirements.

A. MATERIALS

1. MEAT COMPONENT

The contractor's production plan shall describe the necessary processing steps (including pictures) to comply with the items below.

Beef Round, Knuckle, Peeled Or Beef Round, Knuckle, Full, Peeled -
This item consists of the full knuckle or posterior portion of the full knuckle (rectus femoris, vastus lateralis, and may include vastus medialis, vastus intermedius). The knuckle shall (1) have the tensor faciae latae removed (peeled); (2) be butterflied to expose and remove the heavy connective tissue within the rectus femorus muscle and between the rectus femoris and vastus lateralis; (3) have the tendinous ends removed; and (4) have the sartorius removed.

Beef Chuck Tender - This item consists of the supraspinatus muscle, which lies dorsal to the medial ridge of the blade bone. The chuck tender shall be separated from other muscles through the natural seams. The large end (anterior end) shall be butterflied to expose and remove the heavy connective tissue within the muscle.

Beef Chuck, Shoulder Clod Arm Meat - This item is derived from the beef shoulder clod and shall consist of the large muscle system of the thick end of the clod (*triceps brachii* – long, medial and lateral heads only). The shank end shall be butterflied to expose and remove heavy connective tissue associated with the elbow tendon.

a. Domestic Origin Of Meat Component – Beef must originate from U.S. produced livestock as defined in the applicable announcement.

b. Harvesting (Slaughtering) – Cattle will be harvested in facilities that comply with the following requirements:

   (1) Humane Handling – All cattle shall be humanely handled in accordance with all applicable FSIS regulations, directives, and notices.

   (2) Non-Ambulatory Cattle – Meat from carcasses of non-ambulatory cattle will not be included in USDA purchased boneless beef product.

   (3) Pathogen Intervention Steps – Include at least two pathogen intervention steps. One of the intervention steps shall be steam pasteurization, an organic acid rinse, or a 180°F hot water wash and must be a critical control point (CCP) in their FSIS recognized slaughter process Hazard Analysis Critical Control Point (HACCP) plan.

   (4) Spinal Cord Removal – Remove all spinal cord material during the harvesting process.

   (5) Carcass Testing – Routinely test carcasses for E. coli 0157:H7 to verify effectiveness of interventions at CCP.

c. Boneless Beef – Only fresh-chilled boneless special trim which comply with the following requirements and has never been previously frozen will be allowed:

(1) Traceability – Contractors are responsible for providing sufficient product traceability and must have records to verify the source of raw materials used in each production lot.

(2) Handling – All boneless beef must be maintained in excellent condition. The contractor's production plan shall include detailed production scheduling that addresses time and temperature controls necessary to maintain excellent condition of the boneless beef.

(3) Objectionable Materials – The following objectionable materials shall be excluded: Major lymph glands (*prefemoral, popliteal*, and *prescapular*), thymus gland, bone, cartilage, sciatic (*ischiatic*) nerve, heavy connective tissue (shoulder tendon, elbow tendon, silver skin, *sacrociatic* ligament, opaque periosteum, tendinous ends of shanks, *patellar* ligament (stifle joint).

d. Mechanically Separated – Beef that is mechanically separated from bone with automatic deboning systems or advanced meat (lean) recovery (AMR) systems is not allowed.

2. NON-MEAT COMPONENTS

Non-meat components such as spinal cord, organ tissue, and foreign material are not allowed.

3. FAT LIMITATIONS

Maximum average surface fat thickness – Peeled/Denuded, Surface Membrane Removed (90% lean exposed). Flake fat cannot exceed 1/8 inch in depth at any point.

4. GRADE REQUIREMENT

No grade requirement.

5. STATE OF REFRIGERATION

Fresh-Chilled or Frozen as specified in the announcement. When Fresh-Chilled is specified, product will be maintained and delivered at a temperature not less than 28°F (-2.2°C) or higher than 40°F (4.4°C). When frozen is specified, product will be frozen to an internal temperature of not higher than 0° F (-17.8°C) within 72 hours from the time of final fabrication of the lot.

B. PREPARATION FOR DELIVERY

The contractor will assure that all packaging, packing, labeling, closure, marking, and palletization comply with the National Motor Freight Regulations and FSIS regulations and the requirements listed below.

1. PACKAGING

For Beef Special Trim to be delivered frozen, product shall be bulk packaged without use of plastic liner material. When Beef Special Trim is to be delivered fresh-chilled, product shall be placed into plastic lined combo- bins.

2. PACKING

Frozen bulk packaged Beef Special Trim shall be packed into containers to a net weight of 60 pounds. Only one style and size of **leak proof** container will be used for each item within any one delivery unit. Fresh-chilled Beef Special Trim bulk packaged product shall be placed in plastic lined combo-bins to a weight of between 1850 to 2250 pounds.

3. CLOSURE

Sixty pound shipping containers shall be strapped. Combo-bins shall be sealed.

4. LABELING

Shipping container labels will be illustrated in the contractor's production plan and contain the following information:

a. USDA shield at least 2 inches high and appearing on the top of the container or on the principle display panel.

b. Applicable contract number.

c. A traceability code that is traced back to establishment number, production lot, and date.

d. Beef Special Trim product code: Fresh Chilled–A612, Frozen–A602

e. The words "For Further Processing Into Cooked Product" will appear on the principal display panel.

C. PALLETIZED UNIT LOADS

All products shall be stacked on new or well-maintained pallets and palletized with shrink wrap plastic, unless otherwise specified in the invitation.

D. DELIVERY UNIT

The delivery unit shall be 42,000 pounds (18,900 kg.) net weight (700 frozen shipping containers or 20 fresh-chilled combo-bins).

E. DELIVERED PRODUCT

1. SIZE AND STYLE OF CONTAINER

Only one size and style of shipping container may be used in any one delivery unit.

2. TEMPERATURE

Product temperature will not exceed 0° F at the time of shipment and delivery for frozen delivery, 40°F at the time of shipment and delivery for fresh-chilled delivery.

3. SEALING

All products must be delivered to AMS destinations under seal with tamper proof, tamper resistant, serially numbered, high security seals that meet the American Society for Testing and Materials Standard F 1157-04.

F. PRODUCT ASSURANCE

1. WARRANTY AND COMPLAINT RESOLUTION

a) Warranty – The contractor will warrant that the product complies with all specification requirements, production plan declarations, and provisions set forth in the program announcement.

b) Complaint Resolution – Customer complaint resolution procedures will be included in the production plan. These procedures will include: a point of contact, investigation steps, intent to cooperate with AMS, and product replacement or monetary compensation. The procedures will be used to resolve product complaints from recipient agencies or AMS.

2. NON-CONFORMING PRODUCT

The contractor must have documented procedures that assure nonconforming product identification, segregation, and disposition in order to prevent misuse and that nonconforming product is not delivered to USDA. The contractor will ensure that product which does not conform to product requirements is identified and controlled to prevent unintended use or delivery.

3. AMS MONITORING AND PRODUCTION ASSESSMENT

An AMS Meat Grading and Certification Branch agent must be present during the production of the finished product. The AMS agent will monitor and verify the processing steps, quality assurance activities, and corrective actions to assure that all requirements outlined in the approved production plan are complied with. The AMS agent will be conducting the monitoring and production verification in accordance with applicable MGC instructions. Any deviations to contractual requirements will be reported to the contractor and Contracting Officer.