

USDA COMMODITY REQUIREMENTS

**PBD3
PACKAGED BUTTER
FOR USE IN DOMESTIC PROGRAMS**

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Part 1 COMMODITY SPECIFICATIONS

Section 1.1 COMMODITIES

A. Commodity Specifications

- (1) Salted Butter. The product shall:
 - (a) be U.S. Grade A or higher and conform to the United States Standards for Grades of Butter which is available at <http://www.ams.usda.gov/standards/Butter.pdf>.
 - (b) not contain starter distillate or diacetylene.
 - (c) be processed from fresh cream. The cream shall not have been neutralized and shall have an acid degree value (ADV) of 1.5 or less.
 - (d) be one solid piece in each container and the surface shall be smoothly finished. The product will be subject to a keeping quality test of seven days incubation at 72 degrees F to be performed by Agricultural Marketing Service (AMS) at time of grading.
- (2) Light Butter shall comply with the USDA Specifications for Light Butter which is available at <http://www.ams.usda.gov/dairy/litebutr.pdf>.

B. Production Requirements

- (1) The product delivered to the Government shall have been manufactured and packaged in the United States from milk that was produced in the United States and not previously owned by the Government, and in plants that have been inspected and approved by the Dairy Grading Branch, Dairy Programs, AMS.
- (2) The product shall be not more than 60 days old on the date of shipment.
- (3) The butter shall be placed in refrigerated space immediately after packaging to reduce the temperature to 20 degrees F, or lower, and held at such reduced temperature until shipment. If such refrigerated space is unavailable at the packaging plant, the contractor may transport the product to a freezer facility at another location provided that the shipment to such facility is completed with 24 hours after packaging and is transported in carriers which are maintained at temperatures not higher than 35 degrees F. The product shall not be crushed or misshapen during transport from the plant to the freezer facility. At the time of delivery to the Government, the product shall have a temperature of no higher than 20 degrees F.

C. Liability

The contractor shall be liable for losses for downgrades to Grade B due to a whey flavor or other latent defects which are discovered within 180 days of the date of delivery to the Government.

Section 1.2 KOSHER ONLY PRODUCTS

“Kosher Only” products will be identified in the solicitation. Offerors shall not bid on these products unless they are properly certified to produce Kosher products. If awarded a contract, contractors shall:

- (1) Comply with applicable dietary (Kosher) laws as established by the “613 Council of Kashruth,” and
- (2) Contact the Board of Jewish Education of Greater New York at 646-472-5365. A rabbinic supervisor will be sent to visit the plant to certify compliance with the applicable dietary (Kosher) laws.

Section 1.3 QUALITY ASSURANCE

- A. AMS shall perform the product testing and quality analysis to ensure that the product meets the commodity specifications. The quality, date(s) of manufacture, and weight will be evidenced by grading certificates issued by AMS.
- B. If the product fails to meet contract specification on one or more factors on the first inspection, the contractor may arrange with AMS for subsequent inspections. The inspections may be conducted at origin or a subsequent point of delivery if the provisions of 7 CFR 58.22 through 58.32 issued under the Agricultural Marketing Act of 1946, as amended, with respect to retest, appeal, and new inspections can be met. At the option of the contractor, rejected lots may be reworked including correcting packaging deficiencies and removing unsatisfactory containers, and such reworked lots may be resubmitted for AMS inspection. When subsequent inspections are made, the results of the last inspection shall be used as the basis of payment under the contract.
- C. Examination and certification by AMS does not relieve the contractor of its responsibility to deliver the product which complies with all contractual and specification requirements.
- D. Contractors shall notify the Government immediately of lots that fail to meet contract requirements.

Section 1.4 PACKAGING AND NET WEIGHT REQUIREMENTS

- A. The product shall be packaged with 1-pound solid prints, 1/4-pound solid prints, patties, or 25 kilograms, whichever is stated in the solicitation.
- B. Shipping containers shall be packed with 36/1-pound prints, 36 1/4-pound cartons (4 1/4-pound prints per carton), 18 1/4-pound cartons (4 1/4-pound prints per carton), 6/5-pound units of patties, or 25 kilogram containers.
- C. Individual shipping containers packed with:
 - (1) 36/1-pound prints or 36 1/4-pound cartons shall weigh not less than 35.75 net pounds;
 - (2) 18 1/4-pound cartons shall weigh not less than 17.75 net pounds;

- (3) 6/5-pound units of patties shall weigh not less than 29.75 net pounds;
 - (4) 25 kilograms shall weigh not less than 55.115 net pounds.
- D. The total net weight of all shipping containers test weighed by AMS within a lot shall not vary more than one-tenth (0.1) of one percent under the aggregate marked net weight of all shipping containers within the lot.
- E. Discounts for Test Weight Shortages
- (1) Any lot with test weight shortage in excess of one-tenth (0.1) of one percent, but not more than one (1.0) percent, under the marked net weight of all shipping containers within the lot, shall be accepted by the Government in accordance with the discounts in the table below.

Discounts for Test Weight Shortage	Discount Per Lot
Greater than 0.1% Up to and Including 0.2%	\$25.00
Greater than 0.2% Up to and Including 0.3%	\$50.00
Greater than 0.3% Up to and Including 0.4%	\$75.00
Greater than 0.4% Up to and Including 0.5%	\$110.00
Greater than 0.5% Up to and Including 0.6%	\$145.00
Greater than 0.6% Up to and Including 0.7%	\$180.00
Greater than 0.7% Up to and Including 0.8%	\$230.00
Greater than 0.8% Up to and Including 0.9%	\$280.00
Greater than 0.9% Up to and Including 1.0%	\$330.00

- (2) Any lot with test weight shortages in excess of one (1.0) percent of the aggregate marked net weight of all shipping containers within the lot shall be rejected or, at the discretion of the contracting officer, accepted at discounts to be determined by the Government.
- (3) In addition to the discounts specified above, individual shipping containers included in the sample test weighed in a lot which do not meet the minimum net weight requirements as specified herein shall result in discounts by the Government of \$10.00 for the first shipping container and \$5.00 for each additional shipping container.
- (4) An amendment shall not be required to reduce the contract quantity to reflect the aggregate of test weight shortages.

Part 2 CONTAINER AND PACKAGING REQUIREMENTS

Section 2.1 GENERAL

This part provides the container specifications and packaging materials requirements used under the contract.

Section 2.2 COMMERCIAL PACKGING REQUIREMENTS

- A. Contractors shall supply commercial brand products only (including USDA-Approved Grade Label packaging) and shall certify at the time of submission of an offer that the commercial product being delivered has a history of successful

distribution and use in domestic commercial channels and is sold on the commercial market with an established level of consumer acceptance.

- B. Container and packaging requirements are those used in the current commercial shipping practices and shall comply with:
 - (1) Unitization requirements in Section 2.4.
 - (2) At contractor's option, a statement such as "Not for Retail Sale" may be printed on the principal display panel of the food label.
 - (3) The manufacturer's lot code/lot identification number shall be shown on the commercial bill of lading.
 - (4) Shipping containers shall be marked to show the maximum safe stacking height. It is the responsibility of the contractor in cooperation with the shipping container manufacturers to determine the safe stacking height.
 - (5) For identification upon receipt at delivery warehouses, all commercial-labeled product shipping documents shall specify "FOR USDA FOOD DISTRIBUTION PROGRAMS."

- C. A company name or brand name shall be shown on all shipping containers.

Section 2.3 CONTAINERS AND MATERIALS

- A. **All containers and packaging shall be constructed to meet the requirements of the Food and Drug Administration (FDA) for safe contact with the packaged product. The contractor shall obtain and maintain documentation from the container or packaging material manufacturer to verify that the containers and packaging materials used in this contract were in compliance with the Government's regulatory requirements for safe contact with food products as required in the Master Solicitation, Part 3, Section A, Number 3.**

- B. **Questions concerning the containers and materials should be directed to:**
 - USDA/FSA/DACO**
 - Room 5755 – South Bldg, STOP 0551**
 - 1400 Independence Avenue SW**
 - Washington, DC 20250-0551**
 - ATTN: Packaging**

- C. **If the contractor purchases packaging and container ingredients from a foreign country and/or the package and container is manufactured in a foreign country, the package and container SHALL NOT display country of origin labeling. Phrases similar to but not inclusive of, "Made in [Name of Foreign Country.]" or "Product of [Name of Foreign Country.]" are strictly prohibited.**

Section 2.4 UNITIZATION REQUIREMENT

Shipments shall comply with the following unitization requirements:

- A. Unless otherwise specified by the Government, all shipments of packaged products shall be unitized (palletized and stretch wrapped).

- B. Pallets shall be:
 - (1) Constructed to facilitate the safe handling and transportation of the packaged product, as a unit, without loss or damage.
 - (2) A Number 2, four-way, reversible flush stringer with no broken runners or slats.
 - (3) Suitable for use in the shipment of food products.

- C. Plastic stretch wrap shall be:
 - (1) Constructed of a plastic film which is to be stretched a minimum of 50 percent beyond its original length when stretched around the pallet load.
 - (2) Applied as tightly as possible around all tiers of the palletized shipping containers. The shipping containers shall be held firmly in place by the stretch wrap.

- D. Pallet loads shall be:
 - (1) Stacked in such a way as to minimize the amount that shipping containers overhang the edges of pallets.
 - (2) Blocked and braced or otherwise loaded into the conveyance in a manner that prevents shifting during transit.

Section 2.5 MONTH/YEAR OF PACK

- A. The month/year of pack shall be shown on all shipping containers.

- B. A date fill code may be applied in addition to, but not in lieu of, the month/year of pack.

Section 2.6 LOT CODE/CERTIFICATE NUMBER

A lot code or official inspection certificate number shall be legibly marked on all primary shipping materials. Contractors may use any type of lot coding system, provided a unique code is used to identify each lot under a contract. When requested contractors shall provide to the Government an explanation of the lot coding system utilized.

Section 2.7 STATE AND PLANT NUMBER

The State and plant number shall be printed on each shipping container. The State and plant number is assigned by the State and reported by AMS in “Dairy Plants Surveyed and Approved for USDA Grading Service.”