



United States  
Department of  
Agriculture

Farm  
Service  
Agency

Kansas City Commodity Office  
Post Office Box 419205  
Kansas City, Missouri 64141

Date: July 24, 2007

FAX NO. (816) 926-6381 or (816) 926-6767

### SOYBEAN EXCHANGE NO. 01 – AMENDMENT 1

The Commodity Credit Corporation (CCC) desires to exchange CCC-owned bulk soybeans for packaged vegetable oil under the McGovern Dole Food for Education Program as follows:

CCC seeks 2,410MT of vegetable oil for shipment to:

Guinea Bissau	770 MT	20 Liter Pails
Guinea Bissau	1,640 MT	20 Liter Pails

The contractor will receive CCC-owned **bulk soybeans in exchange for vegetable oil produced and packaged in accordance with Commodity Requirements Document VO10. The total quantity of vegetable oil (2,410 MT) shall be evaluated and awarded on an “all or none” basis.** For this exchange only, Section 2.2 Containers and Materials of VO10, is amended to read as follows:

#### 2.2 CONTAINERS AND MATERIALS

- A. The contractor shall maintain records to verify that during the contract delivery period, at the point of packaging, the containers and packaging materials were in compliance with the Government’s requirements.
- B. The containers and packaging materials shall be constructed to meet the requirements of the FDA for safe contact with the packaged product.
- C. All markings and labels shall be in English.
- D. Neither the package nor container shall display country of origin labeling. Phrases similar to but not inclusive of, “Made in (Name of Country.)” or “Product of (Name of Country.)” are strictly prohibited.

Shipment Period: August 15 - 31, 2007

Delivery points considered will only be those f.a.s. vessel and intermodal bridge (excluding Lakes “L”) locations approved and listed on the KC-362.

[http://www.fsa.usda.gov/Internet/FSA\\_File/kc0362.pdf](http://www.fsa.usda.gov/Internet/FSA_File/kc0362.pdf)

Offers and any modifications or withdrawals of offers must be received in the Kansas City Commodity Office (KCCO) by 2:00 p.m., CDT, July 30, 2007.

CCC will telephone contractor with notice of acceptance by: 9:15 a.m., CDT, July 31, 2007.

All CCC-owned bulk soybeans are available for exchange. A list of Uniform Grain and Rice Storage Agreement (UGRSA) warehouse names and locations together with the quality and net

quantity of CCC-owned bulk soybeans is available at [http://www.fsa.usda.gov/Internet/FSA\\_File/soybeans\\_p.pdf](http://www.fsa.usda.gov/Internet/FSA_File/soybeans_p.pdf). KCCO strongly urges prospective contractors to contact the storing warehouse operator to arrive at the terms and conditions applicable for delivery of the soybeans prior to exchanging vegetable oil for CCC-owned bulk soybeans.

The contractor will bid for a quantity of CCC-owned bulk soybeans listed on the CCC-owned bulk soybean listing, designating a specific lot number(s) in exchange for the quantity of vegetable oil as requested on the attached offer form. In formulating the offer, the offeror should note that CCC-owned bulk soybeans will be received by the contractor instore, at storage locations specified in the CCC-owned bulk soybean listing.

Offers must be made on a lot by lot basis and not contingent on the acceptance of another lot. Only entire warehouse lot net quantities may be included in a bid, except that **one** warehouse lot may be split in order to arrive at the intended bid quantity. CCC may accept or reject any or all offers.

All costs for transportation/manufacturing/handling of vegetable oil from the contractor's plant to the f.a.s. vessel location are for the contractor's account.

- "F.a.s. vessel" means free of expense to the Government delivered alongside the ocean vessel and within reach of its loading tackle at the specified port of shipment, or on the floor of a USDA -approved warehouse/berth/terminal transload facility as designated by ocean carrier.
- Exception: The following f.a.s. delivery points shall be defined as free of expense to the Government delivered free on board the conveyance (truck or railcar) to the USDA - approved warehouse/berth/terminal transload facility as designated by ocean carrier:
  - f.a.s. Houston, TX (HOUS)
  - (The ocean carrier shall be responsible to pay all handling costs to unload the conveyance and all associated terminal/port charges.)
- "Intermodal bridge" means delivered free of expense to the Government delivered in transportation conveyance obtained by the vendor to locations where steamship lines have established and published intermodal rates from a U.S. point to a U.S. port and a foreign destination.

CCC will transfer title to the CCC-owned bulk soybeans within 2 business days of receipt of the following documents which are to be provided to CCC at no additional cost:

1. Certificate of Analysis (COA) - a COA must be submitted for each lot,
2. KC-366 Shipment Log (used as Proof of Delivery), and
3. Statement certifying commodity conforms to the provisions of the Federal Food, Drug, and Cosmetic Act and all parts of VO10 with the exceptions as indicated on Page 1 of this "Exchange for Offers".

CCC will pay for storage charges through the date the title is transferred. The stop storage date on lots released to the contractor will be shown on the transfer of title notification. Warehouse receipts will be mailed to the storing warehouse operator using overnight mail. CCC will instruct the storing warehouse operator to cancel the warehouse receipts and hold the soybeans in open storage for the contractor's account. If interested, the contractor may request that the storing warehouse operator issue new warehouse receipts to the contractor.

Contractor is responsible for paying load out charges, plus any storage charges incurred after CCC transfers title to the CCC-owned bulk soybeans instore. The storage and handling rates contained in the CCC Schedule of Rates will apply to soybeans until loaded out, provided the transferee, in writing, orders the soybeans loaded out for immediate shipment within 30 days after the date title is transferred. If the transferee does not request, in writing, load out within 30 days after the date title is transferred, the storage and handling rates applicable to the transferee for the soybeans shall not exceed CCC's Schedule of Rates in effect at the time of title transfer until the earlier of: 1) 60 days, or 2) title to the soybeans is transferred by the transferee to another party, or 3) the transferee loads the soybeans out of the warehouse.

Any differences between quantity and quality of CCC-owned bulk soybeans received by the contractor are to be settled between the storing warehouse operator and the contractor. CCC will not facilitate this settlement.

Any actual damages suffered by CCC resulting from any failure or refusal of contractor to perform shall be for the account of the contractor. Such actual damages shall include, but not be limited to: the fair market value of the vegetable oil, as determined by CCC, vessel demurrage, handling, wharfage charges, storage, fumigation costs, and excess replacement costs.

The vegetable oil delivered must be entirely produced in the United States from commodities produced in the United States. Produced in the United States means manufactured, processed, mined, harvested, or otherwise prepared for sale or distribution, from components originating in the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Trust Territories of the Pacific Islands (hereinafter referred to as the United States). Components originating in the United States that have been exported, and subsequently imported back into the United States, will not be considered as having been produced in the United States. The contractor will maintain records evidencing product origin and will make such records available for review by the Government.

#### SUBMISSION OF OFFERS

CCC reserves the right to refuse to consider an offer if KCCO does not have adequate information to determine the responsibility of offeror, financially or otherwise. First time CCC offerors, for vegetable oil contracts, should notify CCC prior to submission of an offer.

Offeror may bid for delivery to alternate delivery locations; however, **the entire quantity of 2,410MT must be delivered to one location. Offerors may submit multiple offers with different combinations of lots for exchange with the 2,410MT of vegetable oil delivered to an approved location.**

Bids must be submitted by facsimile. In all cases, bids shall be addressed to: **Kansas City Commodity Office, International Procurement Division Bid Box: Soybean Exchange 01**

- Facsimile Numbers are 816-926-6381 or 816-926-6767. For facsimile submission assistance, please
- KC Administrative Office Communications Center at 816-823-1012.

The time recorded by the facsimile as offeror's transmission time will be used to determine the time of receipt by CCC. OFFERORS ARE RESPONSIBLE FOR THE TIMELY RECEIPT OF OFFERS AND ANY AMENDED OFFERS. No offers, modifications, or withdrawals will be accepted by telephone.

#### EVALUATION OF OFFERS

Offers will be evaluated based on metric tons of vegetable oil offered in relation to the value of CCC-owned bulk soybeans to be acquired by the offeror in this exchange, as determined by CCC. The lowest-landed cost to the Government to deliver the products to overseas destination shall be used as a factor to evaluate offers. Offers for which the Government has not received matching ocean freight offers/indications shall not be considered. CCC reserves the right to accept offers most advantageous to the Government, which may not necessarily reflect the lowest exchange ratio or the lowest-landed cost. **Offers will be evaluated on an “all-or-none” basis for the quantity of packaged vegetable oil. The entire quantity of 2,410MT will not be split between multiple delivery locations.**

Further information on this “Exchange for Offers” may be obtained by contacting:

Kansas City Commodity Office  
International Procurement Division  
P.O. Box 419205, Stop 8738  
Kansas City, Missouri 64141-6205  
Cita D. Trice - Telephone (816) 926-1438  
[Cita.Trice@kcc.usda.gov](mailto:Cita.Trice@kcc.usda.gov)

**Questions regarding storage rates and/or specific warehouse contact information may be obtained by contacting Verna Garrett - Telephone (816) 926-6198.**

/s/ Nelson Randall, Chief  
International Procurement Division

Attachment

In accordance with Soybean Exchange No. 1, dated July 18, 2007, the undersigned offers the following:

Seller certifies that the vegetable oil to be delivered was or will be manufactured in the United States.

Firm Name \_\_\_\_\_

Address \_\_\_\_\_

Plant Location \_\_\_\_\_

Contact Name \_\_\_\_\_

Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

**Part One - CCC Delivers Instore To Offeror:**

Lot No. \_\_\_\_\_ Net Bushels \_\_\_\_\_

Location \_\_\_\_\_  
(City) (State) (UGRSA Warehouse Code)

Lot No. \_\_\_\_\_ Net Bushels \_\_\_\_\_

Location \_\_\_\_\_

Lot No. \_\_\_\_\_ Net Bushels \_\_\_\_\_

Location \_\_\_\_\_

Lot No. \_\_\_\_\_ Net Bushels \_\_\_\_\_

Location \_\_\_\_\_

Split Lot No. \_\_\_\_\_ Net Bushels \_\_\_\_\_

Location \_\_\_\_\_

Total Net Bushels Offered \_\_\_\_\_

**Continued On Next Page**

**Part Two - CCC Receives From Offeror:**

Total quantity CCC is to receive: 2,410 Metric Tons  
Commodity and pack size: Refined Vegetable Oil packaged in 20 Liter Pails  
Shipped to CCC approved location: Location A: \_\_\_\_\_  
or  
Location B: \_\_\_\_\_  
or  
Location C: \_\_\_\_\_  
or  
Location D: \_\_\_\_\_  
**If Offeror requires more delivery locations, please submit an additional offer form.**

Shipment period: August 15 - 31, 2007

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. Furnishing the requested information is required to be a responsive offer. Failure to furnish the requested information will result in a non-responsive offer. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.

Federal agencies may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U. S. Department of Agriculture, Clearance Officer, OIRM (OMB No. 0560-0177), Stop 7630, Washington, D.C. 20250-7630.

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