



United States
Department of
Agriculture

Farm
Service
Agency

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

Date: August 15, 2007

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

COMMODITY EXCHANGE NO. 4I

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

CCC seeks up to 7,170 MT of vegetable oil for shipment to:
Pakistan 7,170 MT 6/4 Liter Round Tins

The contractor will receive the entire quantity of CCC-owned bulk soybean inventory in exchange for the offered quantity (up to 7,170 MT) of vegetable oil produced and packaged in accordance with Commodity Requirements Documents VO10.

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: October 1-15, 2007 for inland plants
 October 16-31, 2007 for plants located at the port

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

Offers and any modifications or withdrawals of offers must be received in the Kansas City Commodity Office (KCCO) by 2:30 p.m., CDT, August 20, 2007.

CCC will telephone contractor with notice of acceptance by 9:15 a.m., CDT, August 21, 2007.

Public release of award information will be no later than August 21, 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. 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 the vegetable oil for CCC-owned bulk soybeans.

The contractor will bid for the entire quantity of CCC-owned bulk soybeans listed on the CCC-owned bulk soybean listing, in exchange for an offered quantity (up to 7,170 MT) 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 an all or none basis for the total quantity of CCC-owned soybeans. 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 the 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 packaged commodity, 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 multiple delivery locations for the vegetable oil; however, the entire quantity up to 7,170 MT must be delivered to one location.

Bids must be submitted by facsimile. In all cases, bids shall be addressed to: **Kansas City Commodity Office, International Procurement Division Bid Box: Commodity Exchange No. 4I**

- 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 the quantity 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 entire quantity of CCC-owned soybeans in exchange for a quantity of up to 7,170 MT of vegetable oil. The quantity of vegetable oil to be delivered 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

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

/s/ Kenneth Martin, Acting Chief
International Procurement Division

Attachment

Commodity Exchange No. 4I

In accordance with Commodity Exchange No. 4I, dated August 15, 2007, the undersigned offers the following:

Seller certifies that the packaged commodity to be delivered is 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:

Total Net Bushels Offered _____

Part Two - CCC Receives From Offeror:

Total quantity CCC is to receive: _____ Metric Tons
Commodity and pack size: Vegetable Oil packaged in 6/4 Liter Round Tins
Shipped to CCC approved location: Location A: _____
or
Location B: _____
or
Location C: _____
If Offeror requires more delivery locations, please submit an additional offer form.

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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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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.