



December 7, 2010

REGION 8 TIPS Commodity Processing
Proposal No. 01012711

To Vendor Addressed:

Region 8 TIPS Commodity Processing Co-op referred to as REG8 TIPS CPC, invites your competitive sealed proposal on Processing of USDA Commodity Foods. Proposals/Pricing must be **submitted via the internet at www.bidforge.com no later than 3:00 p.m. CST, Thursday, January 6, 2011** and verified with a completed printed BID Forge Submission Report. **In addition** to the online submission, the following **Accepted and signed Original documents** are to be delivered to Region 8 before 3 p.m. CST Tuesday, January 11, 2011.

- 1.) **RFP Terms & Conditions, all attachments in hard copy, completed and signed.**
- 2.) **Printed BID Forge Submission Report with January 6, 2011 verification date.**
- 3.) **CD or flash drive loaded with all the current Nutrition Facts, CN labels and/or product analysis sheet. And current End Product Data Schedules.**

The deadline for these items to be received at Region 8 ESC is: No later than 3:00 p.m. CST, Tuesday January 11, 2011. Please note that Region 8 offices are completely closed from noon, December 17—January 3, 2011. Competitive locked proposals will not be awarded on opening but after study and consideration by the REG8 TIPS CPC Advisory Committee and approved by the Region 8 ESC Board of Directors. Region 8 TIPS CPC reserves the right to hold proposal prices ninety (90) days after the proposal opening without acting on them. Any proposal received after the submission deadline will not be accepted. Region 8 TIPS cannot accept proposals not entered into Bid Forge. If technical support for BidForge is needed, please send an email to bidforgesupport@fidelis-systems.com. For additional information, please contact:

Region 8 ESC
Donna Hornbuckle
Food Co-op Manager
2230 N. Edwards
Mt. Pleasant, Texas 75455

Phone: (903) 572-8551 Ext. 2612
Direct Line: (903) 575-2612
Fax: 866.929.4406
Email: dhornbuckle@reg8.net

The REG8 TIPS CPC reserves the right to accept or reject in part or in whole any proposals submitted, to waive technicalities, and to make awards in the best interest of the REG8 TIPS CPC members.

Please note the attached conditions of the proposal. No Federal or State tax or fuel surcharges are to be included in the quoted price, or added upon delivery. REG8 TIPS CPC requires that all proposals be submitted via the internet at www.bidforge.com. No Foreign meat products will be considered.

Orders are compiled through REG8 TIPS CPC and the Texas Department of Agriculture (TDA). No advance payment will be made to vendors receiving an award. Payments will be processed through receiving entity. In accordance with Federal law and United States Department of Agriculture (USDA) policy, these programs are prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

Sincerely,

Harvey Hohenberger

Executive Director

**REGION 8 TIPS COMMODITY PROCESSING CO-OP
PROCESSING OF USDA COMMODITY FOODS**

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I. GENERAL INSTRUCTIONS AND CONDITIONS TO VENDORS:

1. All proposals must be submitted via the internet at www.bidforge.com no later than 3:00 p.m. CST, Thursday January 6, 2011. Accepted and signed "Terms & Conditions" and the BidForge Submission Report must also be received at the REG8 TIPS CPC Office at stated address no later than 3:00 p.m. CST, Tuesday, January 11, 2011. Proposals will be unlocked/opened/viewed at 3:00 p.m. CST, Tuesday, January 11, 2011,
2. Detailed specifications are included. Compliance with all specifications and conditions is required. All proposals must include a detailed statement of exceptions taken to any part of the request.

3. **PROPOSAL ACCEPTANCE:**

Proposals must be submitted via the internet at www.bidforge.com

**Region 8 TIPS Commodity Processing Co-op Proposal No. 01012711
"PROCESSING OF USDA FOODS (commodities)"**

DUE: 3:00 p.m. CST, Thursday, January 6, 2011

Accepted and signed signature pages and the BidForge Submission Report must be hard copy mailed with original signatures and received enclosed and sealed in an envelope clearly marked:

**Region 8 TIPS Commodity Processing Co-op Proposal No. 01012711
"PROCESSING OF USDA FOODS (commodities)"**

DUE: 3:00 p.m. CST, Tuesday January 11, 2011

ATTN: Donna Hornbuckle, REG8 TIPS Food Co-op Manager

Please note that our offices are closed from noon Dec.17, 2010 – Jan. 3, 2011. No PO deliveries or ground deliveries during that time. Only proposals received by the date and time specified above will be considered.

4. Type of Contract: Unit price for processing of USDA Foods (commodities).
5. Term of Contract: Period for proposal is the 2011 – 2012 processing period for USDA commodity foods July 1, 2011 – June 30, 2012. Contracts can be renewed annually for up to total of 2 years. We reserve the right to 'rollover' the contract if all parties are agreeable.
6. Minimum Order to processor: Orders will be in "truckload" quantities or shared with another co-op to fill.
7. **Minimum Order to warehouse: No minimum order to warehouse for REG8 TIPS CPC from processor. Deliveries to warehouse may be shipped with other Co-Op deliveries.**
8. Any change to this proposal document must be in a written addendum and signed by Donna Hornbuckle, Region 8 TIPS CPC. For any questions pertaining to the proposal specifications, please contact:
Donna Hornbuckle
Email: dhornbuckle@reg8.net
Phone: (903) 572- 2612
8. REGION 8 TIPS CPC will not accept "factory seconds", reworks or otherwise inferior goods and reserves the right to return such item(s) within thirty days of receipt at vendor's expense. Region 8 TIPS CPC will only purchase domestic products.
9. REGION 8 TIPS CPC reserves the right to accept or reject any or all proposals.

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PROCESSING OF USDA COMMODITY FOODS**

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10. REGION 8 TIPS CPC reserves the right to hold proposals ninety days (90) after proposal opening before board action and to award the proposal most advantageous to the Co-op members'. Tentative award date is Thursday, January 27, 2011. Proposal is for the 2011-2012 commodity processing period. No substitutes will be accepted **after** item(s) have been awarded as specified.
11. You may offer an equal item, but it must be identified in the applicable space. All vendors must submit sufficient literature and/or specifications with their proposal for REGION 8 TIPS CPC to make a proper evaluation. Furnish sufficient information to enable an intelligent comparison.
12. Any catalog, brand name or manufacturer's reference, used in this proposal is descriptive, not restrictive; it is intended to indicate type and quality desired. Proposals on brands of like nature and quality will be considered. If offering on other than referenced specifications, proposal must show manufacturer, brand, item code, etc., of article covered. If other than brand specified is offered, complete descriptive information of each article being proposed must be included with the proposal. If vendor takes no exception to the specifications or references data, the vendor will be required to furnish brand names, models, etc. as specified. When applicable, **REG8 TIPS CPC will grant first consideration to bid items with lower sodium, more whole grain and reduced fat.**
13. To expedite evaluation of the proposals, REGION 8 TIPS CPC forms on BidForge **must** be used to submit pricing information, via the internet at www.bidforge.com.
14. Please offer each item separately. Provide unit price on quantity specified and extended amount. In case of error in extensions, the unit price shall govern. All vendors and products proposed must be approved and registered with USDA and TDA to be considered. Products are to be received from USDA and processed for the 2011-2012 school year.
15. Additional items available for processing may be added to the proposal by the vendor, assuming those items have been approved through USDA and TDA, and are appropriate to the Child Nutrition Program, with proper documentation to include processing fee, complete product description, CN label and approved End Product Data Schedule.
16. New items available for processing during the proposal term will be considered with proper documentation to include processing fee, complete product description, CN label and an approved End Product Data Schedule.
17. REGION 8 TIPS CPC purchasing entities reserve the right to reorder from awarded vendors, as long as there are no price increases and service and quality of merchandise remains unchanged throughout the length of the contract.
18. The proposal price will include all shipping and handling charges. No fuel surcharges are to be added. Districts are exempt from Federal Excise, State and Local Taxes. Do not include tax in the proposal. Tax exemptions certificates will be furnished on request from the REGION 8 TIPS CPC member entities.
19. Equal Employment Opportunity: All vendors shall be in compliance with the Executive Order 11246, entitled "Equal Employment Opportunity" as amended by the Executive Order 11375, and as supplemented in Department of Labor Regulations (41 CFR Part 60).
20. REGION 8 TIPS CPC member entities reserve the right to increase or decrease the number of truckloads of each commodity on the basis of the unit price proposal, unless to do so will increase unit

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PROCESSING OF USDA COMMODITY FOODS**

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proposal price. The processor must stipulate in the proposal whether the increase or decrease will affect proposed price.

21. Awarded products are to be delivered to Region 8 TIPS CPC member designated storage locations. Proposal prices remain firm for all pounds of donated USDA Foods purchased July 1, 2011 – June 30, 2012.
22. Payment for first shipment of finished product will be billed to each member district no earlier than September 1, 2011. Districts financial years begin September 1 and end July 30. If goods are received in August they may not be billed with an invoice date prior to September 1, 2011.
23. No cash advance discount will be considered.
24. REGION 8 TIPS CPC members are the only authorized entities to use this contract. Other entities may be added with approval by REGION 8 TIPS CPC and awarded vendors will be given confirmation of any additional members (**SEE ATTACHMENT A**).
25. Failure to respond to proposal will disqualify a vendor from providing products or services for the term of the contract.

II. INSTRUCTIONS TO VENDORS:

1. **PROPOSAL WITHDRAWAL:** No Proposal may be withdrawn for a period of ten (10) days subsequent to proposal opening date without the expressed consent of REGION 8 TIPS CPC.
2. **COMPLIANCE WITH SPECIFICATIONS AND REGION 8 TIPS CPC RIGHT OF SELECTIONS:** The vendor shall comply with the true intent of the specifications and not take advantage of any unintentional error or omission. Vendors shall submit complete data on each item contained in the proposal, including:

- 1) **Ingredient list**
- 2) **Nutritional analysis**
- 3) **Approved CN label information, and/or Current Product Analysis Sheet**
- 4) **Most Current End product data schedule**

3. **EVALUATION OF PROPOSAL:** All Proposals shall be evaluated on all factors as provided in Education Code Chapter 44.031 (b), i.e., price, quality, service, reliability, etc., whichever is in the best interest of REGION 8 TIPS CPC members. Products that have “or equal” to commercial products used by the Child Nutrition Programs will be considered “advantageous” to REGION 8 TIPS CPC members.

In event of a tie, preference will be given to TEXAS MADE products, when known, as provided by HB 597 Bidding Preference Statute.

4. **DEVIATIONS FROM SPECIFICATIONS:** All deviations from the specifications must be noted in writing, in detail by the vendor at the time of submittal of the proposal and throughout the proposal period. The absence of a written list of specification deviations will hold the vendor strictly accountable to REGION 8 TIPS CPC to the specifications as written. Any deviations from the specifications as written not previously submitted, as required, will be grounds for rejection of the end product when delivered and pick up at vendors expense. Allowable deviations are reduced sodium, reduced sodium and/or increased whole grain content.

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5. **"OR EQUAL" INTERPRETATION CLAUSE:** Any time a particular manufacturer's name brand may be specified, it shall mean any product of equal quality. Proposals shall be considered on all other brands submitted and on equal quality product of other manufacturers. On all such proposals, the vendor shall indicate clearly the product on which he is offering, and shall supply sufficient data on his/her own letterhead to enable an intelligent comparison to be made with the particular brand or manufacturer specified. If after analyzing the proposal, it is found that the vendor did not offer the brand and model specified and a statement to the contrary is not submitted, the item will not be considered.
6. **REPRESENTATIONS:** The vendor represents that the items and/or services provided by the vendor hereunder shall conform to the presentation of same as represented and described in the attachments. Notwithstanding anything to the contrary herein, if for any reason REGION 8 TIPS CPC determines in its sole discretion, that part or all of such items fail to meet the expectations of said co-op, REGION 8 TIPS CPC may, on ten (10) days notice terminate this Agreement and receive the pro-rata portion of the contract sum paid to the vendor by REGION 8 TIPS CPC for the unexpired term of this Agreement.
7. **TERMS OF ASSESSMENT:** The lowest proposal will not necessarily be the successful proposal. Proposals will be assessed not only in terms of the cost of the items, but also in terms of reliability, quality and service of the processor and products.
8. **ERRORS IN PROPOSALS, RELIEF OF PROPOSAL:** Vendors or their authorized representatives are expected to fully inform themselves as to the conditions, requirements and specifications before submitting proposals: failure to do so will be at the vendor's own risk and vendor cannot secure relief on the plea of error. Neither law nor regulation make the allowance for errors of omission or commission on the part of vendors. In case of error extension of prices in the proposal, the unit price shall govern.
9. **RESPONSIBLE VENDOR:** Vendors having a history of inconsistent service and unreliability will not be considered by REGION 8 TIPS CPC to be a responsible vendor.
10. REGION 8 TIPS CPC Reserves the right to review and renew and/or terminate contract at the expiration of each proposal period. The contract is for current revenues only.
11. IF TERMINATION OF CONTRACT IS NECESSARY, THE SUCCESSFUL VENDOR WILL NOT ADD ANY TERMINATION PENALTIES OF SAID CONTRACT.

Local Government Code §271.005

All contracts and agreements between vendors and REGION 8 TIPS CPC members shall strictly adhere to the statutes as set forth in the Uniform Commercial Code as last amended in 1990 by the American Law Institute in the National Conference of Commissioners on uniform state laws. Reference: Uniform Commercial Code, 1990 Official Text, 2/Sales.

If legal action or judgment is required during the above stated period, the County of Titus will be the County of Judication.

III. PROPOSAL AWARD:

1. REGION 8 TIPS CPC shall award the proposal based on Fee For Service (FFS), Modified Fee For Service (MFFS), Indirect Discount Option (NOI), and/or Indirect Refund Sale (Rebate) extension and

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total servings per truckload, and best overall value to the REGION 8 TIPS CPC members. In case of extension errors, unit price shall govern. If proposing other than “Fee for Service”, vendor must provide explanation of program and method of delivery and billing. Proposal prices will remain firm from July 1, 2010 – June 30, 2011, unless pounds are banked during the year for back to school orders in August of 2011. All proposals shall include labor, materials and delivery.

2. After proposal is awarded and vendor(s) default(s) in meeting the general instructions to vendors and/or fails to comply with the contract agreement, the REGION 8 TIPS CPC may serve written notice of its intention to terminate this contract and, unless within ten (10) working days of receipt of the written notice corrective action(s) satisfactory to the REGION 8 TIPS CPC are made, this contract shall cease and terminate.

IV. SPECIAL CONDITIONS AND DELIVERY INSTRUCTIONS:

1. Vendor must be an approved commodity processor by the USDA and TDA, and the USDA food item shall be processed in accordance with the agreement between the vendor company and the State of Texas. All foods must be domestic. We buy American.
2. Product will be diverted to the approved vendor if and when USDA completes purchase of the product allocated to REGION 8 TIPS CPC members.
3. For products awarded under Fee for Service at the quoted price per service based on finished weight received, the vendor shall agree to deliver processed product in palletized loads FOB to members requiring direct to district destinations, (currently 3 districts) in addition to state contracted warehouses or food banks. Warehouses now in use by this co-op are: PFS, Grand Prairie Texas, and Gold Star Warehouse in Houston, Texas. **Vendor may send shipments with other Co-Op shipments to warehouse. No minimum to REG8 TIPS CPC going to Gold Star in Houston.** Our membership in that area is small and requiring a minimum REG8 TIPS CPC shipment is not acceptable. Vendor will notify REG 8 TIPS CPC Manager when commodity is received and before the finished product is shipped. Vendor customer service OR brokerage firm will enter Fee for Service orders according to the monthly schedule on this contract and noted on each P506 entered into TCS.
4. Notice of Processed Shipment (NPS) must be submitted to TDA and REGION 8 TIPS CPC Manager Notified (cc) prior to delivery, including Direct to District Shipments.
5. End Products from total pounds diverted are to be delivered to designated warehouse in time for monthly shipments to be received by member districts and/or direct to district in monthly shipments August – June or as special request from member districts and approved by REG8 TIPS CPC Manager. ***this is a variation from previous years.***
6. End product must be received in a designated storage facility within six weeks of receipt of product at the processing plant. If product is not received within the six-week period at the designated storage facilities, a **penalty will be assessed to the processor in the amount of \$1,000 per day.**
7. Manufacturers, which have products that qualify for the Modified Fee For Service (MFFS), Indirect Discount Option (NOI) and/or Indirect Sale Refund (Rebate) through a distributor warehouse, shall have the correct number of donated USDA commodity food pounds as found on the REG8 TIPS CPC P506 forms from the State for each school district to the specified distributor by July 1, 2011. Failure to have specified pounds input into the distributor system by July 1st may incur **a penalty of \$1,000 per day** unless manufacturer receives written permission from Donna Hornbuckle (903) 572-8551 ext. 2612 or dhornbuckle@reg8.net for a delayed date.

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8. If the vendor cannot guarantee a standard yield under the standard yield program, vendor shall guarantee a yield of finished product. It is understood that the actual yield of finished product may be greater than the guaranteed yield. Vendor will invoice each individual REGION 8 TIPS CPC member for their individual finished weight. If the actual yield is less than guaranteed yield, vendor will reimburse each REGION 8 TIPS CPC member for the excess USDA product used, using the USDA established price.
9. Awarded company will invoice the REG 8 TIPS CPC member entities for the case price of the end product to be received by each member district from their commodity allocation based on a list provided by the REG 8 TIPS CPC Manager and the P506's in TCS.
10. Receiving Information: REG 8 TIPS CPC member entities shall be responsible for ensuring product received is the item awarded. Product that is not the awarded contract item, or product that is damaged or otherwise not in good condition, should be refused at the time of delivery. In instances of damaged case goods, entities should accept the product that is in good condition and return the portion of the shipment that is damaged. If shortages occur due to refusal of damaged products or otherwise at the fault of the vendor, entities may purchase needed items locally on an emergency purchase basis. The awarded contract vendor shall be responsible for the difference in cost between the contract item and the emergency purchased item. Should the entity determine an awarded product does not meet the specifications listed; the entity should immediately contact the REGION 8 TIPS CPC Coordinator. The entity should retain the product case, label intact, under appropriate storage conditions until product is secured for inspection.
11. Product Specific Conditions: **Chicken** – Wing meat not allowed in conversion specifications must be purchased by the processing company and that dollar amount credit shall be determined by the URNER BARRY rate at the time of delivery to the processing plant. “LB of DF per Case” should equal full truckload (36,000 lbs) divided by “Finished Cases Per Truck”. **Turkey** – Turkey skin and comminuted turkey not being used in conversion of specifications must be purchased by the processing company and that dollar amount credited back to the member districts as credit on account or commercial product exchange. Credit shall be determined by the market rate, at the time of delivery to the processing plant. If “substitution” is being offered, please include special delivery options as well as an explanation of how your specific program operates. Payment to member districts must be paid by the end of the contract period or immediately following final shipment, whichever is first, or a **penalty will be assessed to the processor in the amount of \$1,000 per day.**

USDA Chicken and turkey shall be hand de-boned for processing. Any mechanical de-boning process is unacceptable.

No re-worked product or culls will be acceptable.

12. Processing Options:

a) **Fee For Service Option (FFS):** This option shall be structured as such: USDA purchases truck designated for the REGION 8 TIPS CPC, delivery of raw product to designated manufacturer, processed product(s) as approved on the P506 shall be delivered to the appropriate state commodity warehouse which will then deliver product to the district. Manufacturer will provide pricing for approved processed products. The following information shall be provided: brand and code number, product size and case count, servings per case, price per case, price per serving and serving size, net weight per case and the minimum production run, as well as requested nutritional information as specified on each item. End Product Data Schedule shall be provided for each product.

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No other deviation of Fee For Service may be utilized without express written consent of REGION 8 TIPS CPC Coordinator.

b) **Modified Fee For Service Options (MFFS):** This option shall be structured as such: USDA purchases truck designated for the REGION 8 TIPS CPC, delivery of raw product to designated manufacturer, processed product(s) as approved on the P506 shall be delivered to the appropriate awarded grocery vendor which will then deliver product to the district. Manufacturer will provide pricing for approved processed products. The following information shall be provided: brand and code number, product size and case count, servings per case, price per case, price per serving and serving size, net weight per case and the minimum production run, as well as requested nutritional information as specified on each item. End Product Data Schedule shall be provided for each product. MFFS delivery charges by awarded grocery vendor with per case delivery charge, no added surcharges allowable and price remains in effect for the contract period.

c) **Indirect Discount Option (NOI):** Preference is given to manufacturers who can offer cost savings associated with approved USDA Full Substitution and/or Standard Yield Programs as well as distribution through the commercial food distributor for the Indirect Discount Option (NOI) for deliveries. Processor inventories or “banks” approved donated USDA commodity food pounds and then draws down from the REGION 8 TIPS CPC member’s inventory based on the requested and approved end products. Distributor’s invoice lists the commercial price per case with the discounted value of the donated food used per case (as per the USDA Commodity File Report issued in November), resulting in the net cost per case. Participating REGION 8 TIPS CPC members are eligible for the discount until their inventoried or “banked” donated food pounds are depleted. **Manufacturer shall state the verification system utilized to track donated food pounds and end products, such as Processor link or K12.** The REGION 8 TIPS CPC Manager shall have access to the inventoried or “banked” donated food pounds data or will provide a monthly report for all participating member’s usage.

Pricing used for Indirect Discount Option (NOI) shall come from the USDA Commodity File Report issued in November.

d) **Indirect Refund Sale (Rebate):** The manufacturer shall make arrangements to receive electronic sales data from REGION 8 TIPS CPC member or Distributor at the end of each month and in return issue a rebate based on that sales data to each receiving member district as designed in final bid award within 30 days of receipt of distributor data. A summary report of all rebates/commodity usage will be made available to the REGION 8 TIPS CPC on a monthly basis. Members will have the option of submitting their rebate form (instead of e-rebate) and be issued a check upon verification of vendor. Vendor will provide a template rebate form.

e) **Back-haul Option:** Manufacturer will provide product listing for all products that are offered as a back-haul option. This listing shall provide the following information: brand and code number, product size and case count, servings per case, price per case, price per serving and serving size, net weight per case, the minimum production run and minimum back-haul poundage. There are no quantities given for this option, it will be utilized as needed by districts.

13. **Donated Foods:** This request for proposal is for further processing of a diverted full truckload of quantities of USDA Commodities, to include: Beef: A594 and A704, Pork: A632, Chicken: A518 A521, A522; Turkey: A534; Fish, Pollock A747. Cheese: B049, B077, and B072, Fruits to include: A365, A380, A409, A434, A444, A47; as well as all Bonus fruit that becomes available. Peanut Butter: B480; Egg: A566; Potato, bulk: A232; Sweet Potatoes ,bulk: A212, Tomato: A245 totes ; and Flour, bulk B321, and finally all other Bonus Items offered by USDA. Orders will be placed based on USDA purchase and offering of each commodity.

14. **Special consideration may be given to processors or manufacturers who utilize Processor Link**

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for ordering, sales verification and tracking of USDA Foods. Co-Op Member Districts requested this option due to ease of “just in time” ordering, tracking features and user friendliness.

V. BILLING AND PAYMENT INSTRUCTIONS FOR MEMBER ISD'S

Invoices to REGION 8 TIPS CPC **Member Entities** must include:

- a) Purchase Order Number
- b) Truck DO Number
- c) Marked –

Processing of USDA Commodity Foods

- d) Copy of signed delivery ticket

VI. BILLING AND PAYMENT INSTRUCTIONS FOR VENDORS

Vendor Participation Fee: The members of this co-op do not pay a membership fee and it is not funded by either state or federal funds. Therefore it operates using vendor participation fees. Members see a great benefit for a non pricing operation and it allows us to build more participation. The successful processor agrees to a vendor participation fee equal to \$.02 per pound of USDA donated food (raw weight). This fee will be due in three (3) installments payable on October 1, 2011, Jan 1, 2012, and May 1, 2012. Vendor participation fees for all truckloads coordinated after initial orders are placed for the year, will be assigned to the balance due over the next available payment due dates. Vendor participation fees will also be invoiced for raw pounds of DF from our members that are submitted on ANY/ALL P506 truckloads whether they be submitted by this office or shared with another co-op. Region 8 will not invoice for pounds loaded on our trucks for coordinators of other Texas co-ops. (School Districts that are not part of our membership).

The successful processor will be issued an invoice for vendor participation fee at least thirty (30) days prior to the due date. Payment terms to be Net (30).

See Attachment “C” for signature to show acceptance of Vendor Participation Fees.

Region 8 TIPS CPC reserves the right to make amendments to this proposal for ten (10) days following December 7, 2010. Reg 8 TIPS CPC will notify each invited processor through Bidforge of changes within twenty-four (24) hours of posted change.

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Invoices are payable to:

Region 8 TIPS FOOD CO-OP/ Attention Donna Hornbuckle

Mailing Address:

Shipping Address:

P.O. Box 1894

2230 N. Edwards

Mt. Pleasant, Tex 75456

Mt. Pleasant, Tex 75455

CONTACT FOR ACCOUNTS PAYABLE:

NAME: _____ PHONE: _____

FAX: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

***Region 8 Contacts are; Donna Hornbuckle (903)575-2612 dhornbuckle@reg8.net
Fax 866.929.4406***

NON-COLLUSIVE OFFERING CERTIFICATION

I/We have read instructions to vendor and specifications. My/Our proposal conforms with all proposal specifications, conditions, and instructions as outlined by REGION 8 TIPS CPC. Signing the Acknowledgment Form confirms that our company will enter into a binding contract with REGION 8 TIPS CPC for item(s) awarded to our company. I/We have read instructions to vendor and specifications.

The undersigned Vendor, by signing and executing this proposal, certifies and represents to the REGION 8 TIPS CPC that the Vendor has not been offered, conferred or agreed to confer any pecuniary benefit, as defined by §1.07(a)(6) of the Texas Penal Code, or any other thing of value as consideration for the receipt of information or any special treatment or advantage relating to this proposal; the Vendor also certifies and represents that Vendor has not offered, conferred or agreed to confer any pecuniary benefit or other things of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this proposal; the Vendor certifies and represents that Vendor has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent of employee of the REGION 8 TIPS CPC concerning this proposal on the basis of any consideration not authorized by law; the Vendor also certifies and represents that Vendor has not received any information not available to other vendors so as to give the undersigned a preferential advantage with respect to this proposal; the Vendor further certifies and represents that Vendor has not violated any state, federal or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that Vendor will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value to any officer, trustee, agent or member of the REGION 8 TIPS CPC in return for the person having exercised the person's official discretion, power or duty with respect to this proposal; the Vendor certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent or member of REGION 8 TIPS CPC in connection with information regarding this proposal, the submission of this proposal, the award of this proposal or the performance, delivery or sale pursuant to this proposal.

VENDOR PREFERENCE CERTIFICATION

ANSWER THE FOLLOWING QUESTIONS:

1. Is your principle place of business in TEXAS? YES NO
2. If NO, in which state is your principle place of business? _____
3. If NO, does your state favor resident Vendors by a dollar increment or percentage? YES NO
4. If YES, what is the dollar increment or percentage? _____

For information these questions, see Article 601g of the Texas Civil Statues.

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FELONY CONVICTION NOTIFICATION

State of Texas Legislative Senate Bill No. 1, Section 44.034, Notification of Criminal History, Subsection (a), state "a persons or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner/operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony."

Subsection (b) states "a school district may terminate a contract with a person/business entity if the district determines that the person/business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person/business entity for service performed before the termination of the contract".

THIS NOTICE IS NOT REQUIRED OF A PUBLICLY-HELD CORPORTATION

CHECK ONE OF THE FOLLOWING:

- My firm is a publicly-held corporation, therefore, this reporting requirement is not application.
- My firm is not owned nor operated by anyone who has been convicted of a felony.
- My Firm is owned or operated by the following individual(s) who has been convicted of a felony.

Name of Felon(s): _____

Details of Conviction: _____

CERTIFICATION REGARDING TEXAS FAMILY CODE

As per Section 14.52 of the Texas Family Code, added by S.B. 84, Acts, 73rd Legislature, R.S. (1993), all vendors must complete and submit with the proposal the following affidavit:

I, the undersigned vendor, do hereby acknowledge that NO sole proprietor, partner, majority shareholder of a corporation, or an owner of 10% or more of another business entity is 30 days or more delinquent in paying child support under a court order or a written repayment agreement. I understand that under this doe, a sole proprietorship, partnership, corporation or other entity in which a sole proprietor, partner, majority shareholder or a corporation, or an owner of 10% or more of another entity is 30 days or more delinquent in paying child support under a court order or a written repayment agreement is NOT eligible to proposal or receive a state contract.

Organization Name

Mailing Address

Printed Name & Title of Authorized Representative

Signature

Date

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION –
LOWER TIER COVERED TRANSACTIONS**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency with which this transaction originated. (Before completing certification, read attached instructions)

5. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
6. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**APPLICABLE TO GRANTS, SUBGRANTS, COOPERATIVE AGREEMENTS, AND
CONTRACTS EXCEEDING \$100,000 IN FEDERAL FUNDS.**

**REGION 8 TIPS COMMODITY PROCESSING CO-OP
PROCESSING OF USDA COMMODITY FOODS**

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Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails to file the required certification shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies, to the best of his/her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "disclosure Form to Report Lobbying", in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all covered subawards exceeding \$100,000 in Federal funds at all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

**COMPLIANCE CERTIFICATION TO EPA REGULATIONS APPLICABLE TO GRANTS, SUBGRANTS,
COOPERATIVE AGREEMENTS AND CONTRACTS THAT EXCEED \$100,000 IN FEDERAL FUNDS.**

I, the vendor, am in compliance with all applicable standards, orders or regulations issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act, as amended (33 U.S.C. 1368), Executive Order 117389 and Environmental Protection Agency Regulation, 40 CFR Part 15 as required under OMB Circular A-102, Attachment O, Paragraph 14(l) regarding reporting violations to the grantor agency and to the United States Environment Protection Agency Assistant Administrator for the Enforcement.

Organization Name

Mailing Address

Printed Name & Title of Authorized Representative

Signature

Date

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VENDOR CHECKLIST

Proposal No. 01012711

ITEMS CHECK LIST:

	<u>YES</u>	<u>NO</u>
1. Acknowledge that REGION 8 TIPS Commodity Processing Co-op forms and BidForge information must be completed and submitted no later than 3:00 p.m. CST, Tuesday, January 6, 2011.	<input type="checkbox"/>	<input type="checkbox"/>
2. Proposal price is firm ninety days after proposal opening, without board action.	<input type="checkbox"/>	<input type="checkbox"/>
3. Acknowledgment Form shows full name address and contact information of Vendor.	<input type="checkbox"/>	<input type="checkbox"/>
4. Acknowledgment Form signed by authorized representative.	<input type="checkbox"/>	<input type="checkbox"/>
5. Updated , literature submitted (nutrition facts and CN labels)the most current reflecting item(s) being proposed. To include updated signed E.P.D.S.	<input type="checkbox"/>	<input type="checkbox"/>
6. I/We understand REGION 8 TIPS CPC reserves the right to reorder from company awarded the proposal as long as there are no price increases and service and quality of merchandise remains unchanged.	<input type="checkbox"/>	<input type="checkbox"/>
7 I /We acknowledge and have read and understand:		
I. General Instructions and Conditions to Vendors, Items 1-13.	<input type="checkbox"/>	<input type="checkbox"/>
II. Instructions to Vendors, Items 4-5.	<input type="checkbox"/>	<input type="checkbox"/>
III. Proposal Award, Items 6.	<input type="checkbox"/>	<input type="checkbox"/>
IV. Special Conditions and Delivery Instructions, Items 6-9.	<input type="checkbox"/>	<input type="checkbox"/>
V. Billing and Payment Instructions, District to Vendor and Vendor to Region 8 TIPS FOOD CO-OP.	<input type="checkbox"/>	<input type="checkbox"/>
8 I/We have read, understand and acknowledge Vendor Preference and Texas Family Code Certifications, and the Felony Conviction Notification.	<input type="checkbox"/>	<input type="checkbox"/>
9 I/We have read, understand and acknowledge Non-Collusion, Debarment, Lobbying and EPA statements.	<input type="checkbox"/>	<input type="checkbox"/>
10. Signature Page	<input type="checkbox"/>	<input type="checkbox"/>
11. Attachment "C"	<input type="checkbox"/>	<input type="checkbox"/>

Required Original Signature Page

**REGION 8 TIPS COMMODITY PROCESSING CO-OP
PROCESSING OF USDA COMMODITY FOODS**

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Company Name: _____

Company Web Address: _____

Authorized Signature: _____

Authorized **Printed** Name: _____

Email Address of Authorized Representative: _____

Mailing Address: _____

City / State / Zip: _____

Telephone Number: _____ Fax Number: _____

Customer Service Rep assigned to the Contract that can be called upon to answer questions:

Name: _____ **Phone:** _____

EMAIL: _____ **FAX:** _____

BILLING CLERK

Name: _____ **Phone:** _____

EMAIL: _____ **FAX:** _____

Region 8 Educational Service Center

Harvey Hohenberger, Executive Director

Date

**REGION 8 TIPS COMMODITY PROCESSING CO-OP
PROCESSING OF USDA COMMODITY FOODS**

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1. Type of Federal Action: a. contract b. grant <input type="checkbox"/> c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
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**Attachment 'C'
VENDOR PARTICIPATION FEE**

Vendor participation fees are necessary for the continued growth of the Region 8 CPC and new business for processors. Co-operatives, such as this one, are supported with local funds only. Absolutely no state or federal funds support the continued communication with current members and recruitment efforts for new members. This participation fee makes it possible for this activity to be done without districts being charged a membership fee. Schools districts see that as a great benefit and therefore we have more participating with us each year.

A vendor participation fee will be assessed to all processors awarded processing contracts for the 2011-2012 school year.

This fee is equal to \$.02 per raw commodity pound donated to the processor.

The vendor participation fee is due in three (3) equal installments due October 1, 2011, February 1, 2011 and June 1, 2011.

A bill will be sent to the processor for the vendor participation fee no less than 30 days prior to the due date. DO#'s will be included. All fees are payable directly to the Region 8 ESC TIPS office.

All donated food pounds diverted to the processor, from our member districts, whether on Region 8 TIPS CPC or another cooperative P506 trucks, will be included on billing.

Name and Address of Processor: _____

Signature of Authorized Representative Date _____

Printed Name of Authorized Representative _____

REGION 8 TIPS COMMODITY PROCESSING CO-OP

PROCESSING OF USDA COMMODITY FOODS

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

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<p>4. Name and Address of Reporting Entity:</p> <p>Prime _____ Subawardee _____ Tier____, if known:</p>	<p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known:</p>
<p>6. Federal Department/Agency:</p>	<p>7. Federal Program Name/Description: CFDA Number, if applicable: _____</p>
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known: \$ _____</p>
<p>10. a. Name and Address of Lobbying Entity(if individual, last name, first name, MI):</p>	<p>b. Individuals Performing Services (including address if different from No.) Last name, first name, MI):</p>
<p>11. Amount of Payment (check all that apply) \$ _____ actual _____ planned 12. Form of Payment (check all that apply): <input type="radio"/> cash <input type="radio"/> in-kind; specify: nature _____ value _____</p>	<p>13. Type of Payment (check all that apply): <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other, specify: _____</p>
<p>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Members(s) contacted, for Payment Indicated in Item 11: (attach Continuation Sheet(s) SF-LLL-A, if necessary)</p>	
<p>15. Continuation Sheet(s) SF-LLL-A attached: Yes No</p>	
<p>16. Information requested through this form is authorized by article 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p>	<p>Signature: _____ Print Name: _____ Title: _____ Telephone: _____ Date: _____</p>
<p>Federal Use Only</p>	<p>Authorized for Local Reproduction Standart Form-LLL</p>