

USDA COMMODITY REQUIREMENTS

**MX2S
ASEPTICALLY-PACKAGED READY-TO-SERVE SOUP
FOR USE IN DOMESTIC PROGRAMS**

Effective Date: **12/11/09**

**USDA COMMODITY REQUIREMENTS
MX2S
ASEPTICALLY-PACKAGED READY-TO-SERVE SOUP
FOR USE IN DOMESTIC PROGRAMS**

Table of Contents

<u>Part 1 COMMODITY SPECIFICATIONS</u>	1
<u>Section 1.1 COMMODITIES</u>	1
<u>Section 1.2 WARRANTY</u>	1
<u>Section 1.3 QUALITY ASSURANCE</u>	1
<u>Part 2 CONTAINER AND PACKAGING REQUIREMENTS</u>	4
<u>Section 2.1 GENERAL</u>	4
<u>Section 2.2 COMMERCIAL PACKAGING REQUIREMENTS</u>	4
<u>Section 2.3 CONTAINERS AND MATERIALS</u>	5
<u>Section 2.4 UNITIZATION REQUIREMENTS</u>	5
<u>Section 2.5 MONTH/YEAR OF PACK</u>	6
<u>Section 2.6 LOT CODE/CERTIFICATE NUMBER</u>	6

Part 1 COMMODITY SPECIFICATIONS

Section 1.1 COMMODITIES

A. Regulatory Requirements for Commodities

The commodity shall conform to the applicable provisions of the "Federal Food, Drug, and Cosmetic Act" (21 U.S.C. 301 et. seq.), as amended, and the relevant regulations. The contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations related to its performance under this contract.

B. Quality of Product

- (1) The ready-to-serve soup shall be Type I, Type II or Type VI, Package type 2 (Aseptic package), Size h (32 oz.), aseptically processed and packaged in 32 oz. Cartons, and shall contain milk or a milk-derivative as an ingredient. Flavor(s) shall be as stated in the Exchange Solicitation, and meet the specifications of the Commercial Item Description (CID) A-A-20145C, in effect on the date of the solicitation, which is available at:
<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELDEV3006109>
- (3) Pursuant to Section 7 of the CID, the manufacturer/distributor shall certify that the soups provided shall meet the salient characteristics of the CID, conform to their own specifications, standards, and quality assurance practices, and be the same soup offered for sale in the commercial market. USDA reserves the right to require proof of conformance.

C. Production Requirements

The product delivered to the Government shall have been processed in the United States from ingredients which were produced in the United States.

Section 1.2 WARRANTY

The product shall have a shelf life in non-refrigerated storage of at least six months from date of delivery to the Government. Product shall not be manufactured more than 30 days prior to delivery.

Section 1.3 QUALITY ASSURANCE

- A. Consistent with Section 9.1 and Subsection 9.1.1 of the CID, Government Quality Assurance will be conducted by USDA/FSA through the completion of a plant systems audit after contact award but prior to contract performance in accordance with Section 1.3 of this document. The goal of this plant systems audit is to provide Government surveillance of the contractor's/subcontractor's quality control system, to verify the system's effectiveness, and to ascertain the contractor's ability to deliver product meeting contract requirements. This plant systems audit shall be used to determine contractor compliance with the technical and performance requirements.

(1) Quality Assurance Surveillance (QAS) Methodology:

- a. Government contract quality assurance shall be performed at the discretion of the Government at such times (including any stage of manufacture) and places (including subcontractors' plants) as may be necessary to determine that the supplies conform to contract requirements.
- b. QAS may include a review of the contractor's quality management system. Quality assurance may be conducted:
 - On first time contractors/subcontractors
 - At new plant locations
 - On existing contractors/subcontractors
 - At existing plant locations
 - At Contracting Officer (CO) discretionary request
 - To verify nonconformance corrections
- c. QAS may include the following:
 - Opening meeting
 - Plant walk-through, which includes detailed facilities and equipment assessment, and review of production activities
 - Interviews and observation of plant employees
 - Review of documentation and procedures
 - Review of records
 - Review of contract requirements
 - Preparation of QAS report and, if applicable, a nonconformance report
 - Observation of product and packaging condition
 - Collection of samples
 - Exit meeting (summary of findings)

(2) Nonconformances:

- a. Nonconformances identified during the quality assurance surveillance process will be documented and forwarded to the CO for action. The CO may issue a nonconformance report to the contractor. Nonconformances will be categorized as:
 - Critical Nonconformance: A nonconformance that is likely to result in hazardous or unsafe conditions for individuals using, maintaining, or depending upon the supplies or services; or is likely to prevent performance of a vital agency mission.
 - Major Nonconformance: A nonconformance, other than critical, that is likely to result in failure of the supplies or services, or to materially reduce the usability of the supplies or services for their intended purpose.
 - Minor Nonconformance: A nonconformance that is not likely to materially reduce the usability of the supplies or services for their intended purpose, or is a departure from established standards having little bearing on the effective use or operation of the supplies or services.
- b. If nonconformances are found, it is the responsibility of the contractor to make all necessary corrections as required by the CO. The CO will determine when the nonconformance has been resolved.

(3) **Standards:**

a. The contractor shall have in place a quality control system consistent with the following ISO principles specified in ANSI/ISO/ASQ Q9001-2000 “Quality Management Systems Requirements”¹:

- 4, Quality Management System
- 5.1, Management Commitment
- 5.3, Quality Policy
- 5.5, Responsibility, Authority, Communication
- 5.6, Management Review (Limited to 5.6.1 and 5.6.2)
- 6, Resource Management
- 7.1, Planning of Product Realization
- 7.2, Customer Related Processes
- 7.4, Purchasing Process
- 7.5, Production and Service Provision
- 7.6, Control, Monitoring and Measuring Devices
- 8, Measurement, Analysis and Improvement

(The ISO 9001-2000 standard can be ordered from the ANSI Electronics Standards Store at: <http://www.ansi.org>.)

¹- Official ISO certification is not required.

(4) **References:** The documents listed below form the basis for QAS:

a. Acts:

- United States Grain Standards Act (as amended)
- Agricultural Marketing Act of 1946
- Federal Food, Drug and Cosmetic Act (21 U.S.C. 301-392)
- Homeland Security Act of 2002

b. Regulations:

- Current Good Manufacturing Practices (GMPs) as amended (21 CFR Part 110)

c. Manuals:

- U.S. Department of Health and Human Services, Public Health Service, Food Code 2005, Chapter 8, Annex 4 “Management of Food Safety Practices-Achieving Active Managerial Control of Foodborne Illness Risk Factors (HACCP)”

d. The Contract

(5) Except as otherwise provided in the contract, the Government will bear its own expense of Government quality assurance.

(6) When the contractor’s quality control system is not ready at the time specified by the contractor for performance of quality assurance at source, the CO may charge the contractor the additional cost of quality assurance.

(7) The CO may also charge the contractor for any additional cost of quality assurance when prior nonconformance makes re-surveillance necessary.

- (8) The CO may require or permit correction in place, promptly after notice, by and at the expense of the contractor.
- B. The contractor shall perform the product testing and quality analysis to ensure that the product tendered for acceptance under this contract meets or exceeds the contract requirements and certify to such, pursuant to Section 9.2 of the CID. The quality, date(s) of manufacture, and weight shall be evidenced by a Certificate of Analysis (COA), demonstrating that the delivered product complies with the contractor's own commercial product quality specifications.
- C. Contractors shall notify the Government immediately of lots that fail to meet contract requirements.

Part 2 CONTAINER AND PACKAGING REQUIREMENTS

Section 2.1 GENERAL

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

Section 2.2 COMMERCIAL PACKAGING REQUIREMENTS

- A. Contractors shall supply commercial brand products only 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 materials shall be constructed to meet the requirements of the Food and Drug Administration for safe contact with the packaged product. In addition, all containers and packaging materials shall be constructed to comply with the sum concentration levels of lead, cadmium, mercury, and hexavalent chromium addressed by the Coalition of Northeast Governors (CONEG) model legislation. The sum of the concentration levels of lead, cadmium, mercury, and/or hexavalent chromium present in any package or packaging component shall not exceed 100 parts per million. Concentration levels shall be determined using American Standard of Testing Materials test methods, as revised, or U.S. Environmental Protection Agency test methods for evaluating solid waste, S-W 846, as revised. 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 above.

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 REQUIREMENTS

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.