

U.S. Department of Agriculture (USDA) Department of Defense (DoD) Fresh Program Connecticut Contract SPE30021R0004

This document summarizes the contract agreement between the DoD and Frank Gargiulo & Son, Inc. for the USDA's DoD Fresh Fruit and Vegetable Program in Connecticut. Districts that participate in the USDA Foods Program can use up to 100 percent of their entitlement dollars toward this program every school year. Schools must elect to use this program and provide the dollar amount requested to the Connecticut Food Distribution Program (FDP) yearly upon request.

Order Placement, Lead Time, and Adjustments/Cancellations of Orders

- Minimum order for delivery is \$150 per drop.
- **Schools shall place orders to accommodate a lead time of four business days.** For example, if a customer has a Friday delivery day, an order must be placed by close of business (COB) on Monday.
- All invoice pricing will be based on the unit price in the Fresh Fruits and Vegetables Order Receipt System (FFAVORS) at the time of order by the customer. For example, for any item ordered on a Friday to be delivered on the Friday of the following week, pricing will be based on the day of order price, regardless of whether the unit price for that item changes as part of a weekly catalog update.
- An order may be cancelled by the customer up to 24 hours before delivery via written notification to the vendor and the Defense Logistics Agency (DLA) contracting office. When it is less than 24 hours from delivery, an order may be cancelled by mutual agreement between the customer and the vendor. In the event of an act of God, such as extreme weather, the specific situation regarding a cancelled delivery will be dealt with in an equitable manner by the DLA contracting officer, who has the ultimate authority and discretion to resolve the issue.

Item Availability

- The Contractor must have access to items in sufficient quantities to fill all ordering activity requirements. Partial shipments are acceptable if the customer is notified in advance and agrees to the partial shipment; however, the unfilled quantity is to be reported as "not in stock" (NIS). The Contractor must have procedures in place for handling NIS situations. The

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Contractor is required to stipulate timeframes in which the NIS item will be identified to the customer prior to delivery, in order that the substitute item may be requisitioned via a new order. Only substitutes of comparable description, quality, and price may be offered to the customer.

- The Contractor shall notify the customer within 72 hours of order delivery date/time of the non-availability of any item. The customer may choose to replace the non-available item with another item from the contract catalog by placing a new, separate order for the item in FFAVORS.

Delivery Instructions

- Drivers are required to have identification cards from the Contractor.
- The Contractor shall ensure that the personnel loading and delivering the product provide professional, prompt, and efficient service to the customer. Failure to adhere to these standards should be reported to the Contractor, the state agency and the DLA Representative by the affected customer(s) whereby appropriate corrective action will be coordinated with the Contractor.
- Contractors shall ensure all products are delivered in sanitary trucks that are of a commercially acceptable standard. All delivery trucks must be equipped with a lift gate to expedite the offloading of products. Trucks shall maintain proper temperatures in accordance with standard commercial practices. Deliveries shall be FOB Destination to all delivery points. Delivery will be completed when the Contractor has unloaded the order(s) from the vehicle and placed them on the dock, and customer receiving personnel has accepted the delivery ticket. All items will be delivered to customer locations free of damage and with all packaging and packing intact. The Contractor shall make the pallet accessible to check the delivery, and shall remove all excess pallets used for delivery from the delivery point.
- The customer's delivery schedules, routes, and stop-off sequence will be coordinated and verified by the customers. The customers will receive weekly deliveries. Deliveries shall be made between 6:00 a.m. and 2:30 p.m.

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Receiving Instructions

- Inspection and acceptance of products will be performed at the destination by the customer. The inspection is normally limited to identify count and condition; however, this may be expanded if deemed necessary by the customer.
- Failure to identify latent defects or similar issues at the time of acceptance will not absolve the Contractor of its liability or preclude the customer from obtaining appropriate remedy upon the timely discovery of said defects or issues after the fact. In this circumstance, the customer shall notify the DLA customer representative, the Contractor, and the state agency **within 24 hours** of delivery to receive credit. If possible, provide photos of the issues. Once the customer notifies the Contractor, they must go into FFAVORS to document in the receipt that the product is defective/damaged.
- **The customer at each delivery point is responsible for inspecting and accepting products as they are delivered. The delivery ticket shall not be signed prior to the inspection of each product.** All overages/shortages/returns are to be noted on the delivery ticket by the customer. The customer's signature and printed name on the delivery ticket is required for acceptance of the product. All signatures and printed names must be legible.
- **Customer shall reject any non-domestic produce.**

Invoicing

- **The customers must receipt in FFAVORS within two business days of delivery.** The customer can revise a receipt within five business days of delivery. On the sixth day, the customer will need to contact the DLA customer service representative to make any adjustments.
- **To request to add new items to the catalog, contact the Contractor, the Connecticut FDP staff, and the DLA.**

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Holidays

- All orders are to be delivered on the specified delivery dates, except for federal holidays outlined below. When a scheduled delivery day falls on one of these days, the delivery should occur on the next business day, unless otherwise agreed by the customer.
- Holidays include New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Juneteenth Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day. Saturday holidays are normally observed on the preceding Friday. Sunday holidays are normally observed on the following Monday.

Product Quality – USDA No. 1 or Better (Domestic only)

- **Shelf life:** All products delivered shall be as fresh as possible and within the grower/packer's original shelf life, i.e., Best If Used By date, Expiration Date, or other markings. Applicable products shall be identified with readable open code such as Best If Used By date, Sell By Date, Date of Production, or similar marking indicating the end of the guaranteed freshness date.
- **Fresh-cut Fresh Fruits and Vegetables/Ready to Eat Salads/Coleslaw/etc.:** Individual bags/containers must be marked with a 14-day shelf life from the date of production. **All products must be received by the customer with at least 50 percent of recommended shelf life remaining.** If the manufacturer recommended shelf life is less than 14 days, the contracting officer must be notified in advance and approve shelf life. Any deviation from these requirements must be approved prior to customer delivery, in writing, by the DLA contracting officer.

Recall Procedures

- In the event that a product recall is initiated the Contractor will notify the customers that received the recalled product and the DLA contracting officer.
- At the discretion of the customers, the Contractor shall either replace at no additional cost, or adjust the invoice quantity for any recalled product. Delivery of replacement product shall occur at the discretion of the customer.

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Adding New Customers

- Customers will be added within the geographic distribution region/zone (Connecticut is a zone). DLA contracting has sole decision on adding new customers within the region/zone.

Value Added Services

- The Contractor is required to provide the customer and DLA contracting officer a weekly produce market forecast bulletin on Friday which outlines the following week information regarding supply availability, product quality, associated growing areas, price trends, weather conditions, and handling tips.

Local Purchases

- The contractor is encouraged to source local produce taking into consideration price, availability, quality, and other factors.
- Local purchase is defined as product purchased from growers and manufacturers within the state the customer is located, within the contract zone, or from a state bordering the state in which the customer is located.
- **The Contractor is required to include state of origin information for all products in the FFAVORS catalog.**

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Contact Information

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For more information on USDA Foods, visit the CSDE's [Food Distribution Program \(USDA Foods\)](#) webpage or contact the [FDP program staff](#) at the Connecticut State Department of Education, Bureau of Child Nutrition Programs, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841. This document is available at https://portal.ct.gov/-/media/sde/nutrition/fdp_usda_dod_fresh_program_connecticut_contract.pdf.

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1. mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. fax: (833) 256-1665 or (202) 690-7442; or
3. email: program.intake@usda.gov

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