This Agreement is subject to the terms and conditions set forth in the National Processing Agreement made by and between the U.S. Department of Agriculture, Food and Nutrition Service and  (Processor).

 (Processor) duly attests that no alterations have been made to the Oregon State Participation Agreement (Oregon SPA).

|  |  |
| --- | --- |
| State Distributing Agency (SDA): **Oregon Department of Education** | Processor:    |
|  | Federal EIN:        |
| Name Damasita Sanchez | Name       |
|  |  |
| Title USDA Foods Program & Procurement Manager | Title       |
|  |  |
| Address 255 Capitol ST NE | Address       |
|  |  |
| City, State, Zip Salem, OR 97301 | City, State, Zip        |
|  |  |
| Contact Damasita Sanchez | Contact       |
|  |  |
| Phone 503-881-3978 | Phone       |
|  |  |
| E-mail ode.usdafoods@ode.oregon.gov | E-mail       |
|  |  |
| Web Address [ODE USDA Foods](https://www.oregon.gov/ode/students-and-family/childnutrition/USDAFoods/Pages/default.aspx) | Web Address       |
| **SDA Signature** | **Processor Signature** |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date:       | Date:       |
|  |  |

**Type of Agreement:**

 [ ]  Permanent Agreement [x]  Designated Period

 Effective July 1, 2025, to June 30, 2030

This agreement may be permanent or with a designated period. Processor’s information provided in this Agreement are updated **annually** through the ODE SPA Renewal Period in preparation for the next school year. Any processor’s information changes occurring prior to renewal should be provided immediately to the State Distributing Agency.

**1. Agreement Termination:** This agreement may be terminated by either party upon 30 days written notice. This agreement may be terminated immediately if the processor does not comply with the terms and conditions set forth in this agreement and the National Processing Agreement. Disposition of the USDA Foods inventory shall be in accordance with 7 CFR 250.35 (f).

**2. Processor Agreement(s) with Distributors:** In accordance with §250.30(i), the Processor will enter into an agreement with any and all distributors delivering processed end product to recipient agencies and will share data, reporting and crediting information of donated foods. §250.30(j) permits states to add additional requirements for processor agreements. This requirement will be monitored by third party auditors.

**3. Hold/Recall Contact Information:**

SDA Hold/Recall Primary point of contact:

* Name: Damasita Sanchez (USDA Foods Program & Procurement Manager)
* Phone: 503-881-3978
* E-mail: Damasita.Sanchez@ode.oregon.gov

SDA Hold/Recall Back-up contact if the primary is unavailable:

* Name: Dustin Melton (CNP Director)
* Phone: 503-510-6147
* E-mail: Dustin.Melton@ode.oregon.gov

Processor Hold/Recall Primary point of contact:

* Name:
* Phone:
* E-mail:

Processor Hold/Recall Back-up contact if the primary is unavailable:

* Name:
* Phone:
* E-mail:

**4. Value Pass Through Systems**: The State Distributing Agency will indicate which value pass through systems are acceptable in their State. Processor will indicate which value pass through systems they desire to use in the State and have been approved by USDA in the NPA.

|  |  |  |
| --- | --- | --- |
| Permitted by State | Value Pass Through Systems | Selected by Processor |
| x | Refund or Rebate to Recipient Agency |       |
| x | Direct Discount to Recipient Agency |       |
| x | Indirect Discount (NOI) to Recipient Agency |       |
| x | Fee for Service – Direct Ship to Recipient Agency |       |
| x | Fee for Service – through a distributor |       |
|       | Alternative Method Approved by FNS and DA |       |

**5. Summary End Product Data Schedules (SEPDS):** The SEPDS contains summary information from approved EPDS and a master SEPDS approved by USDA. Processor may select specific EPDS for processing in a given state. Processor will provide the SEPDS, listing only the end products that may be sold in the State, through the SDA upload form system.

Do you use a subcontractor for the production of any items covered in this agreement?

 [ ]  Yes [ ]  No

If yes, please identify the subcontractor by name, address, USDA plant number, and each item produced. Per 250.30(h), processors are prohibited from subcontracting without explicit written permission from the State agency or FNS, as appropriate:

Processor must provide written notification to the SDA of any change(s) to the SEPDS including the nature of the change(s); notification may be made electronically.

**Procedures for State-level SEPDS submission and approval are as follows:**

* **CN Labeling/Crediting**: Products, which contribute toward the school meal pattern requirements, may qualify for CN labeling. The SDA should check those that apply:

[x]  CN Labeling is optional. Recipient agencies may request CN labeled products.

[ ]  CN Labeling is required, if applicable, for the processed product.

[x]  Submit CN labels with SEPDS.

**or**

[x]  Submit Manufacturers Product Formulation Statement with SEPDS (must meet USDA criteria)

* **Nutritional Information**: Recipient agencies need nutritional information to comply with USDA regulations. The SDA should check those that apply:

[ ]  Processor must provide nutrition information to RA upon request.

[ ]  Processor’s nutrition information has been submitted to USDA Database.

[x]  Processor’s nutrition information is available on their web site.

Provide the web address:

**or**

[x]  Processor must submit nutrition information with the SEPDS.

**6. Grading.** Red Meat grading will be performed under Full Certification.

**7. By products.** If by products are produced, describe method of valuation and credit.

**8. List of Eligible Recipient Agencies:** The SDA will provide a current list of eligible recipient agencies to the Processor upon SDA approval of the State Participation Agreement.

**9. Backhauling of USDA Foods.** If backhauling is permitted, the processor will not substitute or commingle backhauled donated foods and will provide end products processed from such donated foods only to the distributing or recipient agency from which the food was received. Processor must notify the SDA before backhauling products. The SDA may or may not permit backhauling.

SDA permits backhauling [ ]  Yes [x]  No

Backhauling permitted from [ ]  State Warehouse [ ] Recipient Agency

SDA requires a form for requesting approval to backhaul [ ]  Yes [ ]  No

**10. Special Instructions for Delivery of End Product to Designated Delivery Locations:** Processor must communicate with Recipient Agencies to identify the product, the quantity to produce, when and where to deliver the end product, and, depending on the Value Pass Through method used, who is responsible for invoicing Recipient Agencies for processing and delivery fees (if applicable).

**11. Electronic Receipting for USDA Foods:** Processor must register on the USDA’s Web Supply Chain Management (WBSCM) or other applicable USDA system(s). Please register immediately after receiving business partner identification number.

Processor is required to enter all shipment receipts within two calendar days of delivery, using the Web Supply Chain Management (WBSCM) Shipment Receipt function.

**12. Additional SDA Requirements:** The processormust provide the distributor with a list of eligible recipient agencies and either:

1. The quantities of approved end products that each recipient agency is eligible to receive;

**or**

1. The quantity of donated food allocated to each recipient agency and the raw donated food (pounds or cases) needed per case of each approved end product.

The processormust provide the Commodity Calculator during the ODE SPA Renewal Period as notified by the SDA.

Per the requirements of 250.36(h), please outline your mechanism for providing recipient agencies information with the associatedquantities of raw donated food that is available to each recipient agency.

Monthly Performance Reports (MPR) must be sent electronically in USDA approved Excel format only to the following e-mail address: ode.usdafoods@ode.oregon.gov

* Method processor uses to create MPR:

Processor Link [ ]  K12 [ ]  Other [ ]  If other describe

Monthly Performance Report point of contact for Processor:

* Name:
* Phone:
* E-mail:

Does the processor frontload RA pounds or allocate pounds as trucks are received?

Frontload [ ]  Allocate as trucks are received [ ]

What is the processor’s end product delivery minimums?

|  |  |
| --- | --- |
| Direct Ship/Direct Orders Minimum: |  |

To which Value Pass Through does your minimum apply to?

Is the quantity pooled by delivery location (ex. multiple RA orders delivered to a distributor) to meet minimum?

Yes [ ]  No [ ]

Does the Processor have agreements with distributors?

Yes [ ]  No [ ]

If yes, please list the distributors with whom you have an agreement:

Processor/Broker Contacts

(contacts are published in the [ODE USDA Diversion-Processing website](https://www.oregon.gov/ode/students-and-family/childnutrition/USDAFoods/Pages/Processing-Diversion.aspx))

**Processor Contact #1:**

|  |  |
| --- | --- |
| Processor Name |       |
| Contact Person |       |
| Phone Number |       |
| E-mail |       |

**Processor Contact #2**

|  |  |
| --- | --- |
| Processor Name |       |
| Contact Person |       |
| Phone Number |       |
| E-mail |       |

**Contact for Recipient Agencies (if no broker)**

|  |  |
| --- | --- |
| Processor Name |       |
| Contact Person |       |
| Phone Number |       |
| E-mail |       |

**Broker Contact #1**

|  |  |
| --- | --- |
| Brokerage Name |       |
| Contact Person |       |
| Phone Number |       |
| Email |       |

**Broker Contact #2**

|  |  |
| --- | --- |
| Brokerage Name |       |
| Contact Person |       |
| Phone Number |       |
| Email |       |

Destination Verification for the Delivery of USDA Foods

All USDA Foods products listed on the SEPDS submitted must have a delivery destination specified (aka WBSCM Ship-to). One USDA material processed can be shipped to only one destination. One destination can receive more than one USDA material.

**Destination #1**

Name of Processor:

Federal Establishment #:

USDA Foods Product Description:

USDA Foods Product Code:

USDA Foods WBSCM Delivery Location #:

Facility Name:

Facility Address:

*Example: Large Chickens, 100103, WBSCM #5001740, Chicken Warehouse, Clucks Lane, Oregon*

Contact Person:

Email:

Telephone Number (include area code):

Plant location if different from the facility listed above. If processing at more than one plant, please specify USDA commodity and end product for each plant location.

* Contact Person:
* Email:
* Telephone Number (include area code):

*If you have more than one delivery location, please use the next 4 pages for more delivery locations (you can add up to 4 destinations; contact the SDA if you have more than 5 destinations).*

**Destination #2**

Name of Processor:

Federal Establishment #:

USDA Foods Product Description:

USDA Foods Product Code:

USDA Foods WBSCM Delivery Location #:

Facility Name:

Facility Address:

*Example: Large Chickens, 100103, WBSCM #5001740, Chicken Warehouse, Clucks Lane, Oregon*

Contact Person:

Email:

Telephone Number (include area code):

Plant location if different from the facility listed above. If processing at more than one plant, please specify USDA commodity and end product for each plant location.

* Contact Person:
* Email:
* Telephone Number (include area code):

**Destination #3**

Name of Processor:

Federal Establishment #:

USDA Foods Product Description:

USDA Foods Product Code:

USDA Foods WBSCM Delivery Location #:

Facility Name:

Facility Address:

*Example: Large Chickens, 100103, WBSCM #5001740, Chicken Warehouse, Clucks Lane, Oregon*

Contact Person:

Email:

Telephone Number (include area code):

Plant location if different from the facility listed above. If processing at more than one plant, please specify USDA commodity and end product for each plant location.

* Contact Person:
* Email:
* Telephone Number (include area code):

**Destination #4**

Name of Processor:

Federal Establishment #:

USDA Foods Product Description:

USDA Foods Product Code:

USDA Foods WBSCM Delivery Location #:

Facility Name:

Facility Address:

*Example: Large Chickens, 100103, WBSCM #5001740, Chicken Warehouse, Clucks Lane, Oregon*

Contact Person:

Email:

Telephone Number (include area code):

Plant location if different from the facility listed above. If processing at more than one plant, please specify USDA commodity and end product for each plant location.

* Contact Person:
* Email:
* Telephone Number (include area code):

**Destination #5**

Name of Processor:

Federal Establishment #:

USDA Foods Product Description:

USDA Foods Product Code:

USDA Foods WBSCM Delivery Location #:

Facility Name:

Facility Address:

*Example: Large Chickens, 100103, WBSCM #5001740, Chicken Warehouse, Clucks Lane, Oregon*

Contact Person:

Email:

Telephone Number (include area code):

Plant location if different from the facility listed above. If processing at more than one plant, please specify USDA commodity and end product for each plant location.

* Contact Person:
* Email:
* Telephone Number (include area code):