

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE
J

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2. AMENDMENT/MODIFICATION NO. P00009		3. EFFECTIVE DATE See Blk. 16C	4. REQUISITION/PURCHASE REQ. NO. See Block 14	5. PROJECT NO. (If applicable)
6. ISSUED BY DLA TROOP SUPPORT SUBSISTENCE SUPPLY CHAIN 700 ROBBINS AVENUE PHILADELPHIA PA 19111-5096 USA Initiator: Matthew Conroy DMC0025 Tel: DSN312-444-9042 Email: Matthew.Conroy@dla.mil	CODE	SPE3S1	7. ADMINISTERED BY (If other than Item 6) DLA TROOP SUPPORT SUBSISTENCE SUPPLY CHAIN 700 ROBBINS AVENUE PHILADELPHIA PA 19111-5096 USA	CODE SPE3S1

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) BAXTERS NORTH AMERICA, INC. DBA THE WORNICK COMPANY 4700 CREEK RD CINCINNATI OH 45242-2808 USA	(X)	9A. AMENDMENT OF SOLICITATION NO.
		9B. DATED (SEE ITEM 11)
	X	10A. MODIFICATION OF CONTRACT/ORDER NO. SPE3S1-21-D-Z130
		10B. DATED (SEE ITEM 13) 2021 JUL 01
CODE 9Y162	FACILITY CODE	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
 (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

<u>CHECK ONE</u>	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
X	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103 (b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return 0 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

See Continuation Sheet

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Matthew Conroy
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED
16B. UNITED STATES OF AMERICA Matthew Conroy (Signature of Contracting Officer)	16C. DATE SIGNED 2023 AUG 15

I. The following applies to contract SPE3S1-21-D-Z130:

A. SOLICITATION SPE3S1-20-R-0002.

1. Page 45 of 114. Delete paragraph titled "E-4-D. Operational Ration Component Lot Number and Lot Inspection" in its entirety and insert the following paragraph E-4-D:

"E-4-D. Operational Ration Component Lot Number and Lot Inspection

The component lot number for thermally processed (retorted), high-pressure processed, and hot-filled products packaged in flexible pouches and for food items classified by Natick Soldier Center (Natick) as primary components of operational rations shall be defined as the Julian lot number assigned at the origin manufacturer's plant and the inspection lot shall include only product produced in one work-shift.* (See attachment for listing of primary, secondary, and ancillary operational rations component products). For products packaged in tray pack containers (metal/poly) and other products (including the FRH, food component lots not composed of, as classified by Natick, primary components, final assembled lots, and items listed under candies in the attachment), a lot number is defined as the quantity of finished product produced/assembled within a production day (Julian date) and the inspection lot shall include product produced in no more than one production/assembly day. The Government QAR reserves the right to separate an inspection lot into smaller inspection lots. The Sample for Government and contractor's end item lot inspection may be drawn after all units comprising the lot have been produced or samples may be drawn during production of the lot. If stratified sampling is utilized (drawing subsamples from each sub-lot/sub-code during production of the lot), the sub-samples must be drawn at random from the sub-lot and not inspected until all the sub-samples are combined to make-up the complete sample for the applicable lot size (the formation of the lot and lot size is defined as the manner in which the lot is to be presented for Government end item verification inspection). NOTE: Producers of components classified as "primary components" may petition the contracting officer, on a product-by-product basis (product identity includes NSN), for permission to define a product's lot number as the quantity of finished product produced/assembled within a production day (Julian date) and the inspection lot shall include product produced in no more than one production/assembly day.

* The Contracting Officer shall notify the Government QAR when to begin inspection of primary components, other than thermally processed (retorted), high-pressure processed, and hot-filled products packaged in flexible pouches, using inspection lots consisting only of product produced in one work-shift. The Contracting Officer shall notify Government QAR when, in the best interest of the Government, it is determined to permit GQAR inspection of primary components using inspection lots consisting of product produced in no more than one production/assembly day. This footnote does not apply to thermally processed (retorted), high-pressure processed, and hot-filled products packaged in flexible pouches; for which, component lot numbers shall be defined as the Julian lot number assigned at the origin manufacturer's plant and the inspection lot shall include only product produced in one work-shift."

2. Page 46 of 114. Delete the entire text of part "E-4-E. Periodic Review Samples" and insert the following for part E-4-E:

"All food components that are inspected by USDA/AMS will be subject to periodic review sampling and examination/testing during contract production in accordance with the following criteria: For each periodic review schedule of production, the USDA/AMS inspector will randomly select ten sample units from a conforming lot of each item (i.e. each type, flavor, etc.) produced and inspected for product examination by USDA/AMS. As instructed by DLA Troop Support, the USDA/AMS inspector shall ship seven of the samples, at the contractor's expense, to the addresses below:

Four samples selected by USDA/AMS will be sent to:
Operational Rations Marketing Specialist, Anthony Foresi (one sample)
Operational Rations Marketing Specialist, Louis Obot (one sample)
Operational Rations Marketing Specialist, Luke Smith (one sample)
USDA Area Office Officer-in-Charge (one sample)

Three samples selected by USDA/AMS will be sent to:
DEPARTMENT OF THE ARMY
FCDD-SCC-EMR
Attn: Jill Bates (Bldg 36 Rm E107)
COMBAT CAPABILITIES DEVELOPMENT COMMAND - SOLDIER CENTER
10 GENERAL GREENE AVENUE
NATICK, MA 01760-5056
POC: (508) 233-5037

The USDA/AMS inspector shall retain three samples for standby use and return them to contractor if not needed."

3. Page 49 of 114. Delete the entire text of sub-paragraph (c) and insert the following for sub-paragraph E-4-G-B,2, (c):

"(c) Thermal process deviations or deviations from the preparation, formulation or critical factors cited in the approved process schedule must be accompanied by a detailed letter from the plant's Processing Authority. The involved subcode(s), the deviation, and the disposition of the product shall be clearly identified, including if the deviant product being offered received an adequate thermal process, when the complete lot is presented for Government end item verification inspection."

4. Page 49 of 114. Delete the entire text of sub-paragraph (d) and insert the following for sub-paragraph E-4-G-B,2, (d):

"(d) Rework/Post-rework Testing of product that, at any time, tested positive for food borne pathogens, aflatoxin, histamine, methylmercury, is not authorized.

(i). This prohibition applies to the forementioned compounds and to any food borne pathogen to include but not limited to Listeria Monocytogenes, Salmonella, and E. coli. Unless Contracting Officer decides that circumstances dictate otherwise, APC, SPC, HPC, Total Coliforms, Yeast, and Mold are excluded from this prohibition.

(ii) Upon notification of the National Science Laboratory test results and/or USDA-AMS of a potential positive/positive for Listeria Monocytogenes, Salmonella, or E. coli., the contractor shall commence actions recommended/required, as applicable, by attachment "MICROBIOLOGICAL TEST RESULTS QUESTIONNAIRE". Questions regarding completion of the recommended/required actions are to be directed to the responsible office, Food Safety Office (FTW) through FTFC.

(iii) Upon the issuance of a microbiological presumptive positive or test failure, the Government reserves the right

to suspend Government inspection for sufficient time to allow the DLA Food Safety Officer to determine that the offeror has adequately demonstrated that the food safety risk of products being offered have been satisfactorily remediated."

5. Page 49 of 114. Delete the entire text of paragraphs "3. Container integrity defects:" through and including "5. Nonconformances Noted During Government Inspection for End Item Compliance:" and insert the following for sub-paragraphs E-4-G,B,3,4,5:

"3. Container Integrity Defects: All reworks due to and/or involving the presence of critical container integrity defects noted during the producer's end item inspection of finished product component lots and/or final assembly lots; noted during Government final lot end-item verification inspections; noted during Government or assembler receipt inspections of finished product component lots, or noted when the established action number/level (as cited in the contractor's QSP) is exceeded during the in-process assembly/subassembly operation must be approved by the applicable contracting officer. All containers exhibiting the same or other container integrity defects must be removed during a container rework and noted on the rework paperwork. Reworked lots will be inspected or re-inspected, as applicable, by the GQAR at the location of the rework using the next larger sample size in the case of tests and exams not assigned an AQL by a specification's sampling plan (for example, from 200 samples to 315, or if a second rework, from 315 samples to 500 samples). Government end-item verification inspection results shall serve as the basis for increasing the severity of inspections of reworked lots. Rework results must be included with other paperwork when the lot is presented for Government end item verification inspection. NOTE: A contractor may submit a Standard Rework Procedure (SRP) for Container Integrity Defects to FTRC for approval and incorporation in the contractor's QSP.

4. Second Time Reworks: All second time reworks must be approved by the applicable FTR contracting officer. Applicable to combinations of contractor and government end-item and receipt inspection results involving reworks due to exam and or test rejections not due to the presence of critical defects or foodborne pathogens. When determining what constitutes a second time rework, consider the first Government lot rejection to be the initial rejection and its subsequent rework to count as the "first rework". Any second lot rejection, by either the contractor or the Government, rejected for the same examination or test that occasioned the "first rework" shall be cause for asking approval of "second rework". When an inspection examines or tests for the presence of a critical defect, refer to preceding sub-part "3. Container Integrity Defects."

5. Nonconformances Noted During Government Inspection for End Item Compliance: All rework requests submitted for defects noted during Government inspection for end item compliance, including defects noted during Government receipt inspection at assembly, must be approved by the applicable contracting officer. Reworked lots will be inspected or re-inspected, as applicable, by the GQAR at the location of the rework using the next larger sample size in the case of tests and exams not assigned an AQL by a specification's sampling plan (for example, from 200 samples to 315 for a first verification inspection after rework, from 315 samples to 500 samples for a second verification inspection after rework), and using tightened inspection criteria in the case of exams performed in accordance with a specification's sampling plan citing an AQL. Government end-item verification inspection results shall serve as the basis for increasing the severity of inspections of reworked lots. Rework results must be included with other paperwork when the lot is presented for Government end item verification inspection. NOTE: A contractor may submit a Standard Rework Procedure (SRP) to FTRC for approval and incorporation in the contractor's QSP."

II. The specifications listed below have been updated and incorporated into this contract. The specifications are available on the Subsistence Frozen Site: <http://www.dla.mil/TroopSupport/Subsistence/Operational-rations/frozen/>

1. MIL-PRF-44073 Packaging of Food in Flexible Pouches