

**TEXAS DEPARTMENT OF AGRICULTURE  
AND  
Gold Star Foods, Inc.**

**AMENDMENT NO. 2**

**CONTRACT NO. 551-21-00488-C-00-FN  
COMMERCIAL WAREHOUSE AND FOOD DISTRIBUTION SERVICES  
FOR USDA FOODS  
Region 3**

**I. PARTIES**

The Texas Department of Agriculture (“TDA”), an agency of the State of Texas, and Gold Star Foods, Inc. (“Contractor”), located at 3781 Airport Drive, Ontario, CA 91761, (collectively referred to as the “Parties”), agree to amend Contract No. 551-21-00488-00-FN, Standard Contract for Commercial Warehouse and Food Distribution Services for USDA Foods (“Contract”), executed April 21, 2021, to provide services as described in TDA’s Request for Proposal (RFP) No. 551-20-00488 issued on December 11, 2020, and Contractor’s response thereto.

**II. PURPOSE**

Pursuant to the Contract, the purpose of this Amendment No. 2 is to revise the food delivery rates due to significant changes in volume and/or services.

**III. CONTRACT DOCUMENTS**

Collectively, the original agreement signed on April 21, 2021, Annual Amendment 2022-2023 signed on April 14, 2022, and this Amendment No. 2, including the attached Form J Schedule of Rates for Delivery Service are referred to herein as the “Contract.”

**IV. RATE SCHEDULE AND PAYMENT UNDER THE CONTRACT**

Contractor shall deliver USDA Foods pursuant to the Contract at the delivery rates approved by TDA for Region 3, and Contractor shall be paid by the applicable regional Contracting Entity (CE) according to the approved specified rates for the region, as set forth in the attached Form J, Schedule of Rates for Delivery Service.

**V. CONFLICT OF TERMS**

If there is any conflict or inconsistency among terms, the Contract as amended, followed by TDA’s RFP terms and conditions, shall control.

**VI. FORCE AND EFFECT**

Except as amended herein, the Contract shall remain in full force and effect throughout the contract term.

**VII. EFFECTIVE WHEN EXECUTED**

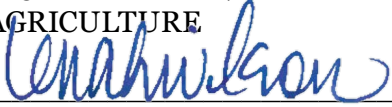
This Amendment No. 2 is not effective unless and until it is signed by authorized representatives of TDA and Contractor.

**VIII. NO WAIVER**

The Parties agree that the execution of this amendment does not waive any requirements, terms or conditions of the Contract, or any other independent benefits, rights, remedies, or other claims which may be available to TDA or the state, whether legal or equitable.

**Accepted and agreed:**

TEXAS DEPARTMENT  
OF AGRICULTURE

BY:   
Lena Wilson  
Assistant Commissioner  
Food & Nutrition

GOLD STAR

BY: 

Name: C. Scott Salmon

Title: CAO & Secretary

Date: 7-19-22

Date: 7-19-22

**Attachment A**

**Schedule of Rates for Delivery Service**

**Form J**

**RATE SCHEDULE CHART**

Schedule 0	
Case (s)	Delivery Rates
1	15.04
2	15.04
3	15.04
4	15.04
5	15.04
6	15.04
7	15.04
8	15.04
9	15.04
10	15.04
11	10.18
12	10.18
13	10.18
14	10.18
15	10.18
16	10.18
17	10.18
18	10.18
19	10.18
20	10.18
21	10.18
22	10.18
23	10.18
24	10.18
25	10.18
26	10.18
27	10.18
28	10.18
29	10.18
30	10.18
31	10.18
32	10.18
33	10.18
34	10.18
35	10.18
36	10.18
37	10.18
38	10.18

**Co. Name:**            **Gold Star Foods**

43	10.18
44	10.18
45	10.18
46	10.18
47	10.18
48	10.18
49	10.18
50	10.18
51	10.18
52	10.18
53	10.18
54	10.18
55	10.18
56	10.18
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80	10.18

85	10.18
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91	10.18
92	10.18
93	10.18
94	10.18
95	10.18
96	10.18
97	10.18
98	10.18
99	10.18
100	10.18
150	10.18
200	10.18
250	10.18
300	10.18
350	10.18
400	10.18
450	10.18
500	10.18
600	10.18
700	10.18
800	8.87
900	8.87
1000	8.87
1200	8.87
1400	8.87
1600	8.87
1800	8.87
2000	8.87
2000+	8.87

**Attachment A**

39	10.18
40	10.18
41	10.18
42	10.18

81	10.18
82	10.18
83	10.18
84	10.18