

**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

Date: 7-19-22

GOLD STAR

BY: *Scott Salmon*

Name: C. Scott Salmon

Title: CAO & Secretary

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:

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
57	10.18
58	10.18
59	10.18
60	10.18
61	10.18
62	10.18
63	10.18
64	10.18
65	10.18
66	10.18
67	10.18
68	10.18
69	10.18
70	10.18
71	10.18
72	10.18
73	10.18
74	10.18
75	10.18
76	10.18
77	10.18
78	10.18
79	10.18
80	10.18

85	10.18
86	10.18
87	10.18
88	10.18
89	10.18
90	10.18
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

ATTACHMENT 9B
RFP 551-00488

Form I

Price Proposal

Bid for Region 3

a. Per case price for Dry Storage at Contractor's Warehouse (after 60 days) of USDA Foods and Processed commodities	<u>\$ 0.95/case/per month</u>
b. Per case price for Chilled Storage at Contractor's Warehouse (after 60 days) of USDA Foods and Processed commodities	<u>\$ 0.95/case/per month</u>
c. Per case price for Frozen Storage at Contractor's Warehouse (after 60 days) of USDA Foods and Processed commodities	<u>\$ 0.95/case/per month</u>
d. Per case price for pick-up by a Recipient Agency (also known as CE) at Contractor's Warehouse	<u>\$ Same per case fee as delivery</u>
e. Per case price for handling USDA Foods Delivered	This price shall be included in 9A (form J) delivery rates.

Offer made by:

Gold Star Foods

Company

3781 East Airport Drive

Mailing Address

Street Address (if different from mailing address)

Ontario, CA 91761

City, State, Zip Code


Signature of Company Officer

Chief Executive Officer
Title

2/24/2021
Date

909-843-9600
Telephone

