

Warehouse Sample
Contract No. _____
Date _____
See Instructions (3(b))

FORM APPROVED OMB NO. 0580-0013): According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0580-0013. The time required to complete this information collection is estimated to average 5 minutes per response and 1 minute of recordkeeping, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

UNITED STATES DEPARTMENT OF AGRICULTURE
GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION
FEDERAL GRAIN INSPECTION SERVICE

Warehouseman's Sample-Lot Inspection Service Contract Authority

United States Grain Standards Act, as amended (7 U.S.C. 71 *et. seq.*) and the regulations thereunder (7 CFR 800-810).

Description of Service

The warehouseman's sample-lot inspection service consists of (1) the official sampling of an identified lot of grain by a licensed employee of a grain elevator or warehouse using an approved diverter-type mechanical sampler; (2) the submitting of the sample and a completed sampling ticket by or for the applicant to an agency; (3) the inspection of the grain in the sample by official inspection personnel for official grade or for official factor, or for official criteria, or any combination thereof, in accordance with the regulations, the instructions, and the request for inspection; and (4) issuance by official inspection personnel of an official inspection certificate in accordance with regulations and instructions under the U.S. Grain Standards Act, as amended (Act), all pursuant to the terms of this contract.

Participants

FGIS – The Federal Grain Inspection Service of the Grain Inspection, Packers and Stockyards Administration, U.S. Department of Agriculture.

Agency – Any State or local government agency or person designated by the Administrator to conduct official inspection under the Act.

Warehouse – An operator of a grain warehouse or elevator who participates in the warehouseman's sample-lot inspection service under this contract.

Warehouseman Sampler – An employee of a contract warehouse licensed under the Act to obtain official samples and to submit them to an agency for official inspection under this contract. **NOTE:** A licensed warehouseman sampler, when performing the services for which he is licensed, shall operate under the direction and supervision of the contract warehouse.

Responsibilities

In carrying out their responsibilities, the parties agree as follows:

A. The FGIS will:

1. Supply each agency with instructional material and warehouseman's sample-lot inspection service contract forms.
2. Review contract forms for completeness.
3. License qualified warehouseman samplers.
4. Monitor the agency with respect to its assigned duties and responsibilities under this contract.
5. Assume the agency's functions and responsibilities in areas where field offices provide original inspection services.

B. The Agency will:

1. Provide specific inspection services in accordance with the provisions of the Act and the regulations and instructions, thereunder, which relate to the warehouseman's sample-lot inspection service. (See section 8 and 11 of the Act, sections 800.75(c), 800.161, 800.171, 800.174(a) (2), 800.185, and 800.186 of the regulations, and FGIS Directive 9180.36.)
2. Provide such personnel, equipment and resources as may be needed for the conduct of the warehouseman's sample-lot inspection service and maintain such records as FGIS may require. (See regulation 800.155(b).)
3. Handle requests for service under the program without delay and without discrimination. (See regulation 800.155(b).)
4. Upon request of an applicant, test the diverter-type mechanical sampling equipment for use in obtaining official samples under this contract.
5. Instruct each warehouseman sampler how to (a) obtain representative samples by using approved diverter-type mechanical samplers and (b) complete the sampling ticket.
6. Furnish instructional material and sampling tickets and, upon request of the warehouse, furnish shipping materials for use by warehouse samplers.
7. Recommend approval or denial of application for licenses.
8. Promptly certificate the results of inspections for warehouseman samples and, when requested, promptly furnish such information by telephone, facsimile or electronically (email). (A "Submitted Sample" certificate shall be issued if the sample is not received in accordance with section 5, Procedures for Warehouseman Samplers, FGIS Directive 9180.36.)
9. Schedule and perform a minimum of two review visits per year to each sampling site to determine whether the diverter-type mechanical sampler is operating in an approved manner. Make a written report summarizing the results of the review and make the reports available to the field office upon request.
10. Bill the warehouse (in accordance with published schedule of fees and charges) for services performed under items 4, 5, 6, 8, and 9.

C. The Warehouse will:

1. Install a diverter-type mechanical sampler (including a secondary sampler with an approved divider where needed to reduce the initial samples to representative portions of approximately 2,500 grams or 2 ½ quarts) for use in obtaining official samples under this contract; arrange with the agency for testing the sampling equipment; and, after approval assume responsibility for maintaining the authorized diverter-type mechanical sampler for use by licensed warehouse samplers in obtaining official samples under this contract.
2. Promptly notify the agency of changes or proposed changes (including significant repairs or alterations) in the mechanical sampling equipment or in the operation at the elevator or warehouse which could affect the flow of grain to or through the mechanical sampling equipment.
3. Provide for handling samples as submitted samples in the event the samples are not obtained in accordance with section 5, Procedures for Warehouseman Samples, FGIS Directive 9180.36.
4. Arrange with the agency and the field office for instructing and licensing of sampler-employee(s) to obtain official samples under this contract.
5. Provide for and permit only competent licensed samplers employed by him/her to obtain, handle and prepare official samples for submission to the agency.

6. Assume responsibility for his/her licensed sampler and provides adequate supervision to ensure that the licensed sampler performs his/her duties properly.
7. Obtain from the agency suitable plastic lined canvas mailing bags (as prescribed in section 5, Procedures for Warehouseman Samplers, FGIS Directive 9180.36) for submitting samples to the agency.
8. Remit prompt payment of the fees and charges to the agency.
9. Load grain, under this contract, only into those carriers or containers which have been examined immediately before loading and found to be substantially clean, dry, free of insect infestation, and other conditions that could contaminate or otherwise lower the quality of the grain.
10. Have general responsibility for making the service effective and efficient.

D. The Sampler will:

1. Perform official sampling services for only the designated warehouse and at only those locations where an authorized diverter-type mechanical sampler is available for use.
2. Obtain and handle each official sample in accordance with section 5, Procedures for Warehouseman Samplers, FGIS Directive 9180.36. (If the sample is not obtained in accordance with section 5, Procedures for Warehouseman Samplers, it may be forwarded to the agency as a “submitted sample.”)
3. Permit only licensed samplers to assist in obtaining and handling official samples and preparing official samples for submission to the agency.
4. Prepare an original and one copy of a prescribed “sampling ticket” for each official sample obtained under this contract and distribute the report as follows: Original: To accompany the sample. First copy: To the warehouse.

Termination

This contract may be terminated by any of the signatories upon notice in writing. The undersign accept the terms and provisions set forth above. Service under this contract shall commence on _____, 20____, and shall continue until terminated by one or more of the signatories.

Sampler See Instructions	Name and Mailing Address of Sampler	Signature	Date
Warehouse See Instructions	Name, Location & Mailing Address of Warehouse	Name of Warehouse Representative	Title
		Signature	Date
Agency See Instructions	Name and Mailing Address of Agency	Name of Agency Official	Title
		Signature	Date
FGIS See Instructions	Name and Mailing Address of Field Office	Name of Field Office Representative	Title
		Signature	Date

Contracting for Service. May be executed with FGIS for the performance of official sampling on identifiable lots of grain for warehouse sample-lot inspection once the warehouse manager complies with Section 4; a through c of FGIS Directive 9180.36.

The contract authorizes **only** the obtaining and forwarding of official samples of grain to official personnel. Contracts do **not** allow an elevator employee to obtain official samples of export grain, test grain, grade grain, or certificate the results of any official inspection.

- (1) Warehouse management may initiate a contract by:
 - (a) Obtaining Form FGIS-950, "Warehouseman's Sample-Lot Inspection Service Contract" from the agency;
 - (b) Having the warehouseman sampler sign the original and three copies of the form;
 - (c) Signing the original and all copies of the form; and
 - (d) Forwarding the original and all copies to the agency or FGIS field office having jurisdiction over the area in which the service is desired.

- (2) The agency manager will:
 - (a) Determine if the warehouse has an approved and currently checktested D/T sampler and other necessary equipment available for the licensed sampler's use; and
 - (b) Review the form, sign the original and all copies, if approved, and forward the signed form to the field office manager having jurisdiction over the circuit.

- (3) The field office manager will:
 - (a) Review form FGIS-950 for completeness. If the form is not completed properly, return it with completion instructions; and
 - (b) Sign the original and all copies of the properly completed form, assign a contract number, date the contract, and distribute the form as follows:

Original----Warehouse
1st copy----Licensed Warehouseman Sampler
2nd copy----Agency
3rd copy----Field Office

CONTACT INFORMATION:

Contact the field office responsible for the geographic area in which the service will be provided. Details for these locations can be found at:

<http://www.gipsa.usda.gov/GIPSA/webapp?area=home&subject=fc&topic=fsp>

The signed form should also be mailed to this location.

For further information on the Warehouseman's Sample-Lot Inspection Service Contract

CONTACT

Robert S. Lijewski, Director
USDA, GIPSA
Field Management Division
1400 Independence Ave. Rm. 2409 N
Washington, DC 20250-3630
Telephone: (202) 720-0224
Fax questions: to (202) 720-7883

Email questions:
robert.s.lijewski@usda.gov

