

Sample clauses for food donor agreements

Sample wording for clauses that can be used in a legal agreement between an FDO and food donor. These examples are provided with a recommendation they are reviewed with a lawyer for your organization. These examples should in no way take the place of legal counsel.

By this Agreement, entered on the ____ day of ____, 20____, it is understood that the undersigned **Donor** may donate prepared, perishable or non-perishable food to **this organization**. **This organization** will deliver food donated by the **Donor**, to recipient agencies. The **Donor** and **this organization** agree to the following:

1. Obligation of Donor

- 1.1. Responsible for selecting food - Notwithstanding the fact that **this organization** inspects the food selected by the **Donor** for donation, **Donor** bears the sole responsibility for deciding whether or not to provide the food to **this organization**, with the knowledge that **this organization** will deliver the food to the recipient agencies for consumption.
- 1.2. Compliance with Guidelines - **Donor** will comply with and observe all guidelines issued from time to time by **this organization** or the local Health Authority.

2. Warranties, Indemnity and Release

- 2.1. Warranties of Donor - The food donated by **Donor** to **this organization** shall be fit for human consumption:
 - 2.1.1. at the time of delivery to **this organization**; and
 - 2.1.2. in accordance with the instructions for consumption
- 2.2. Warranties of this Organization - As part of the Agreement, and throughout **Donor's** participation in **this organization's** program, **this organization** will have:
 - 2.2.1. adequate refrigeration and storage to ensure the safekeeping of all food; and
 - 2.2.2. staff with the necessary skills, ability and training to participate in the **this organization's** program and utilize adequate food handling procedures.
- 2.3. Release and Indemnity – To the extent permitted by law, the Agency hereby releases, discharges and indemnifies the Donor and its officers, directors, agents, volunteers and employees (the “**Releasees**”) of and from all liability for any and all actions, causes of action, suits, liabilities, costs, expenses, claims or demands whatsoever (the “**Claims**”), on account of any injury or illness, including death, of any person, or damage to any property, caused or alleged to be caused in whole or in part by any of the Releasees in connection with the consumption, handling or supply of Goods, including, without limitation, in connection with any acts or omissions of the Agency and/or its representatives in accessing or using facilities or equipment of the Donor for purposes of handling or collecting Goods.

3. General

- 3.1. [Amendment](#) – This Agreement may be amended with the written consent of all parties.
- 3.2. [Cancellation of Donor Participation](#) – Donor may cease donating food to **this organization's** program at any time at **Donor's** sole discretion.
- 3.3. [Entire Agreement](#) – This agreement supersedes all previous representations, warranties, dealings, agreements, understanding and expectations of all parties regarding the subject matter hereof. There are no other representations, warranties, understandings, conditions, agreements or expectations except as set out in herein.
- 3.4. [Parties, not Agents](#) – Except as otherwise expressly provided in this Agreements, neither party will act as the legal agent of the other, or otherwise cause the other to incur liability in any manner whatsoever.
- 3.5. [Law](#) – This Agreement will be governed by and construed in accordance with the laws of British Columbia.
- 3.6. [Severability](#) – If any covenant or provision of this Agreement or Section of the Agreement is determined by a Court of competent jurisdiction to be void or enforceable in whole or in part, then such void or unenforceable covenant or provision shall not affect or impair the enforceability or validity of the balance of the Agreement.

Print Name of Donor ↓

Name of Business ↓

Authorized Signature ↓

Title ↓

Representative of
this organization ➡
