

**Invitation for Bids# - 20051
WIC Infant Formula Rebate System
AMENDMENT #3**

February 23, 2021

The following are official modifications, which are hereby incorporated into IFB # - 20051 WIC Infant Formula Rebate System.

Deleted language appears in strikethrough ("~~xxx~~") and added language appears in red text. The information contained in this amendment prevails over the original IFB language.

Bidders should review all documents in their entirety to ensure all amended language and revised Attachments are incorporated and into proposals.

The following Attachments replace the current Attachments:

ATTACHMENT A

Attachment A to IFB # - 20051 is replaced with the **REVISED** Attachment A dated 2/22/21.

ATTACHMENT B

Attachment B to IFB # - 20051 is replaced with the **REVISED** Attachment B dated 2/22/21.

ATTACHMENT C

Attachment C to IFB # - 20051 is replaced with the **REVISED** Attachment C dated 2/22/21.

ATTACHMENT D

Attachment D to IFB # - 20051 is replaced with the **REVISED** Attachment D dated 2/22/21.

The following Attachments have been added to the listing of Attachments:

ATTACHMENT H

Attachment H – Active Vendor List is added to the IFB.

ATTACHMENT I

Attachment I – A50 Vendors by County is added the IFB.

ATTACHMENT J

Attachment J – WPM-1250 WIC Food Packages and Tailoring is added to the IFB.

ATTACHMENT K

Attachment K – WPM-1253 WIC Formulas is added to the IFB.

ATTACHMENT L

Attachment L – WPM-1255 Food Package III and Medical Documentation is added to the IFB.

Section 4.3. Contractor Product and Service Requirements is amended as detailed below:

a. Produce infant formula in the following forms: ~~42~~ 8-to-13-ounce concentrate, 12-to-16-ounce powder, and 30-to-35- ounce ready to feed in sufficient amounts to meet WIC requirements, as described in Section 3.0, "Minimum Qualifications to BID," for purchase with WIC benefits issued during the contract period. The Contractor will not be required to provide clinic samples to WIC local agencies. Comparably sized containers may also be acceptable; prospective Bidders producing such sizes should submit an inquiry about the acceptability of their container sizes via the process described in Section 5.2, (Questions) of this IFB. All these products shall be packaged in containers which are not different from the containers distributed by the Contractor to WIC authorized vendors for sale to the general public.

c. Remit to the State a rebate per unit for all non-exempt formulas produced by the contractor prior to or during the contract period and offered by the NYS WIC Program. The State is entitled to a rebate payment for all WIC benefits for such formulas issued to eligible WIC Program participants during the term of the contract and redeemed before or after the expiration date of the WIC benefits as the redemption period is defined within WIC Program procedures. The initial rebate for each such formula approved for issuance by the NYS WIC Program prior to the contract effective date will be computed as follows:

- Identify the ~~discount percentage~~ "Percent Rebate" for each formula form (concentrate, powder and ready-to-feed bid) using ~~Column C~~ from the Contractor's Bid Sheet (Attachment C – Milk or Attachment D – Soy, Page 1, Column J, depending upon milk or soy based).
- Multiply the lowest national wholesale price per unit for a full truckload of each of the Contractor's nonexempt formulas at the time of bid submission by the appropriate per-form discount percentage. The results will be the initial rebates for each formula.

Once established, the rebates will increase or change as described below in Section 4.3.e. of this IFB.

e. Remit to the State a revised rebate per unit when the Contractor changes its lowest national wholesale price for a full truckload of a rebateable NYS WIC-approved formula. The rebates resulting from the application of the percentage discount must remain the same throughout the contract period except for the cent-for-cent rebate adjustments. When the Contractor increases its lowest national wholesale price for a full truckload of a rebateable formula, the rebate will automatically increase for each affected formula product on a cent-for-cent basis. When the Contractor decreases its lowest national wholesale price for a full truckload of a rebateable formula, the rebate will automatically decrease for each affected formula product on a cent-for-cent basis. Cent-for-cent increases or decreases in rebate amounts will ~~take effect on the first day of the month in which the price increase or decrease occurs and will apply to all WIC benefits with dates valid on or after the first day of the month~~ apply to all redeemed food instruments with redemption dates on or after the date of the wholesale price increase or decrease. . Any increase or decrease in the lowest national wholesale price for a full truckload of a rebateable formula between the date of bid submission and the effective date of the contract will be added to or subtracted from the initial rebate amount for that formula according to the calculations described above in this section.

Section 4.4. New York State Product and Service Requirements, the final paragraph is deleted in its entirety as detailed below:

~~Failure to meet these Minimum Qualifications will result in a bid being found non-responsive and eliminated from consideration.~~

Section 5.3. Right to Modify IFB is amended as detailed below:

If the Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this IFB, the Bidder shall immediately notify DOH of such error in writing at ~~insert a BML or other contact information here~~ BSFP-FMS.Procure@health.ny.gov and request clarification or modification of the document.

Section 6.2.4. EEO Forms is amended as detailed below:

Submit completed **M/WBE Form #4 and Form #5** as directed in **Attachment 5**, “New York State DOH M/WBE IFB Required Forms”.

Section 9. ATTACHMENTS is amended as detailed below:

The following attachments are included in this IFB and are available via hyperlink or can be found at: <https://www.health.ny.gov/funding/forms/>.

1. Bidder’s Disclosure of Prior Non-Responsibility Determination
2. No-Bid Form
3. Vendor Responsibility Attestation
4. Vendor Assurance of No Conflict of Interest or Detrimental Effect
5. Guide to New York State DOH M/WBE Required Forms & Forms
6. Encouraging Use of New York Businesses in Contract Performance
8. DOH Agreement (Standard Contract)
- ~~10. Diversity Practices Questionnaire~~
11. Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

The following attachments are attached and included in this IFB:

- A. **REVISED** Bid Package Checklist
- B. **REVISED** Instructions for Completing the Bid Forms
- C. **REVISED** Bid Form – Milk Based Formula
- D. **REVISED** Bid Form – Soy Based Formula
- E. NYS Program Regions
- F. NYS WIC Infant Formula Rebate Invoices
- G. Bidder’s Certified Statements
- H. **Active Vendor List**
- I. **A50 Vendors by County**
- J. **WPM-1250 WIC Food Packages and Tailoring**
- K. **WPM-1253 WIC Formulas**
- L. **WPM-1255 Food Package III and Medical Documentation**

All other terms and condition remain in effect.