

**Invitation for Bids# - X041761/X041792
WIC Infant Formula Rebate System
AMENDMENT #2**

July 24, 2025

The following are official modifications, which are hereby incorporated into IFB # - X041761/X041792 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 into proposals.

The following Attachments replace the current Attachments:

ATTACHMENT A

Attachment A to IFB # - X041761/X041792 is replaced with the revised Attachment A dated 7/24/2025.

ATTACHMENT C

Attachment C to IFB # - X041761/X041792 is replaced with the revised Attachment C dated 7/24/2025.

ATTACHMENT D

Attachment D to IFB # - X041761/X041792 is replaced with the revised Attachment D dated 7/24/2025.

Section 4.1 Definitions is amended as detailed below:

“Contract effective date” refers to the earliest benefit start date loaded on the EBT card under the terms of the awarded contract(s). The desired notification of award is ~~December 30, 2025,~~ **January 9, 2026**, to select a vendor for a contract execution date of October 1, 2026.

“Non-exempt formula” refers to any contract **brand infant** formula eligible for a rebate.

4.3.e Product or Service Requirement is amended as detailed below:

Remit to the Department a rebate per unit for all non-exempt formulas produced by the contractor and offered by the NYS WIC Program as of the contract effective date. The Department is entitled to a rebate payment for all WIC benefits for such formulas issued to eligible WIC Program participants, including infants as well as women and children receiving Food Package III, 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 “Percent Rebate” for each formula form (concentrate, powder and ready-to-feed bid) from the Contractor’s Bid Form (Attachment C – Milk or Attachment D – Soy, Page 1, ~~Column J~~ **Column I**).

4.3.f Product or Service Requirement is amended as detailed below:

Remit to the Department a rebate per unit for all non-exempt formulas newly approved for issuance by the NYS WIC Program after the contract effective date. With the exception of the primary contract infant formula specified on the Contractor's Bid Form (see Attachment C or D, depending upon milk or soy based), which will be approved by the NYS WIC Program, the Department reserves the right to determine whether any infant formula produced by the Contractor at the time of bid submission or any new infant formula introduced by the Contractor during the term of the contract will be approved for use in the NYS WIC Program. In the event that an existing or new non-exempt infant formula is approved by the NYS WIC program during the contract term, the rebate for the added product will be computed as follows:

- Identify the "Percent Rebate" for each formula form (concentrate, powder and ready-to-feed bid) from the Contractor's Bid Form (Attachment C – Milk or Attachment D – Soy, Page 1, Column J ~~Column I~~).

4.3.j Product or Service Requirement is amended as detailed below:

Rebate the Department for the non-exempt infant formula products on each redeemed food instrument used to purchase another company's infant formula product when the primary contract infant formula is unavailable to WIC authorized vendors and another company's infant formula must be substituted to provide the participant(s) with his/her monthly prescription, such as in the event of a product recall or supply chain disruption. The rebate shall be calculated to yield the same net wholesale cost per ounce to the Department as the product which is unavailable. ~~If only one form—concentrate or powder—of the primary contract infant formula is unavailable, Department will issue the available form (concentrate or powder) of the primary contract infant formula prior to issuing another company's infant formula.~~ **If the primary contract infant formula is unavailable, the Department will first seek to issue another form of the primary contract infant formula or another appropriate contract infant formula prior to making another company's infant formula available.**

4.3.l Product or Service Requirement is amended as detailed below:

Notify the Department, in writing, of any intent to dispute or investigate a potential error in the rebate invoice within 30 days of receipt of the invoice. After this 30-day period, any requirement to return funds to the Contractor as a result of a dispute or overbilling error is waived. All disputes must be settled by closeout of the fiscal year in which the dispute occurred. If an overbilling error occurs, the Department will make every effort to validate the error, including through independent reviews of the records if necessary. **Following validation of the overbilling error, the Department will provide written notification to the Contractor within 30 days.** Upon resolution of dispute, the Department will promptly disburse any funds due to the Contractor.

Payments cannot be withheld by the Contractor in the event of a dispute or billing error. The Contractor may not withhold rebate payments based on rebate invoices issued by the Department under any circumstances.

6.2.7 State Finance Law Consultant Disclosure Provisions is amended as detailed below:

~~6.2.7 State Finance Law Consultant Disclosure Provisions~~

~~In accordance with New York State Finance Law Section 163(4)(g), State agencies must require all Contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract.~~

~~The successful bidder for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment from Contract Start Date through End of Contract Term" in order to be eligible for a contract.~~

~~The successful bidder must also agree to complete a "State Consultant Services Form B, Contractor's Annual Employment Report" for each state fiscal year included in the resulting contract. This report must be submitted annually to the Department of Health, the Office of the State Comptroller, and Department of Civil Service.~~

~~Submit State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report, available at:~~

~~<http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and~~

~~<http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.~~

6.2.8 Sales and Compensating Use Tax Certification (Tax Law, § 5-a) is amended as detailed below:

6.2.87 Sales and Compensating Use Tax Certification

6.2.9 Freedom of Information Law – Bid Redactions is amended as detailed below:

6.2.98 Freedom of Information Law – Bid Redactions

Section 7 Bid Submission is amended as detailed below:

The table below outlines the requested format and volume for submission of each part. Bids should be submitted in **one of the formats** prescribed below. **If both electronic and paper submissions are received, the Department will defer to the paper submission in the event of any discrepancies.**

	Electronic Submission	Paper Submission
Bid Package	Submit one (1) password protected PDF proposal with Bidder's name, IFB Number and IFB Title to BSFP-FMS.Procure@health.ny.gov BSFP-FMS.WICBidSubmissions@health.ny.gov . Provide the password under separate cover in a separate email from the one containing the protected PDF.	Submit one (1) paper bid to the IFB Permissible Subject Matter Contract: Cheryl Nary New York State Department of Health Bureau of Supplemental Food Programs 150 Broadway Suite 600 Albany, NY 12204

6. All paper bid submissions should be printed on 8.5" X 11" white paper (single sided) and be clearly page numbered on the bottom of each page.

7. Paper Bid Submissions should be submitted in a sealed envelope or box.

Submission of bids in a manner other than as described in these instructions (e.g., fax, ~~mail~~) will not be accepted.