



MISSISSIPPI STATE DEPARTMENT OF HEALTH

April 03, 2017

MEMORANDUM

To: WIC Program Nutritional/Infant Formula Bidders

From: Jennifer Dotson, Director JD
Facilities, Property and Purchasing

Subject: WIC Nutritional Products/Infant Formula Invitation to Bid
Revised Due Date: 2:00 PM CST, Tuesday, April 18, 2017

For your information, enclosed is a listing of Bidder's questions and Mississippi State Department of Health's answers/responses to these questions concerning the above mentioned invitation to bid.

Enclosure

March 16, 2017

MEAD JOHNSON & CO.

Jennifer Dotson

Email – Jennifer.Dotson@msdh.ms.us

SUBJECT: Questions on the Mississippi State Department of Health Invitation to Bid RFX#3160001437

Dear Ms. Dotson:

Listed below are questions from Mead Johnson & Company, LLC for clarification with regard to the Mississippi State Department of Health, Invitation to Bid RFX#3160001437.

1. Page 1 - Does the State intend to distribute formula directly to participants through the distribution sites for the duration of the contract and possible extension? **Yes**
2. Does the State anticipate moving to an EBT/retail system during the contract term? **Yes, partially – the Mississippi WIC Program is in the process of moving to an EBT Retail system for food distribution. The timeline is not yet set and is dependent on approval and funding from USDA. Tentative plans are to pilot this project in one public health district beginning in February, 2019 and have it implemented statewide by the end of 2019.** If so, please explain the expected implications on the contract.
3. Page 2 - Please confirm that the state will adhere to the contractor's normal vendor payment term requirements (i.e. Net 30). **Payment terms are addressed in page 1, paragraph 4 and page 2, paragraph 1.**
4. Page 3 – Please confirm that a bidder's signature on the bid proposal is sufficient to indicate compliance with the E-Verify requirements. If not confirmed, please identify what document is required. **Yes, confirmed.**
5. Page 4 – The revised page 4 from Amendment #3 is missing the last three lines that were on the original page 4. Please send a revised page 4 that includes those three lines of text. **This is being corrected – please see "Revised April 3, 2017" ITB packet.**
6. Page 4 – Please add the provision to allow a manufacturer termination rights with one year advance written notice. **Not agreed to.**
7. Page 5 – Bid Submission Requirements. The ITB requires that bids be submitted on-line and in hard copy. Please remove the online submission requirement. If not removed, please respond to the following questions.
 - a. Please confirm that if there are any differences between the on-line and hard copy versions of bids, the hard copy version will govern. **Yes, confirmed.**
 - b. If not confirmed, please explain how differences between the hard copy and on-line versions of bids will be reconciled.

- c. Please describe how the on-line bid submissions will be kept secure and unaccessed until the official bid opening time. [MAGIC is a secure e-procurement system. Agency staff will not have access to the bids until the date and time of the opening.](#)
 - d. Identify everyone that will have access to the online bid submissions before the bid opening. [N/A](#)
 - e. Please identify the processes in place to ensure that the MAGIC system is functioning properly. [N/A](#)
 - f. Explain what a vendor can do in case of difficulty uploading the on-line version of the bid and include a contact name and number for technical assistance. [Technical assistance is available. Early submission is advisable. We direct you to:
<http://www.dfa.ms.gov/dfa-offices/mmrs/mississippi-suppliers-vendors/>](#)
 - g. Please confirm that if technical difficulties prevent a vendor from submitting the online bid, that a vendor will not be rejected as non-responsive for such failure as long as the hard copy bid is submitted as required. [Yes, confirmed.](#)
8. Page 6 – Please confirm that only pages 6,7,8,9 and 10 are required for a bid response. If not confirmed, please provide a checklist of all documents that are required for bid submission. [Pages 6,7,8,9 and 10 were listed in error in the ITB – the correct pages for bid submission are 7,8,9,10 and 11 and copies of all amendments that were issued.](#)
9. Page 6 - Please provide the date when the successful bidder will be notified of the award, the date when the unsuccessful bidders will be notified, and how that notice will be provided. [Estimated time of award is the 4th or 5th of May, 2017 for the successful bidder and the unsuccessful bidders. Written notices will be issued.](#)
10. Page 8 (revised with Amendment #2) – To accommodate the current product size of ready to feed milk based infant formula available, please add a case size for 4/6 X 8 oz. with the appropriate bid quantity. [Agree to revise product size of Ready to Feed Milk-base Formula](#)
11. Page 8 (revised with Amendment #2) - To accommodate the current product size of ready to feed soy based infant formula available, please add a case size for 4/6 X 8 oz. with the appropriate bid quantity. [Agree to revise product size of Soy-base Formula](#)
12. Please advise what the State would do with any remaining inventory of product if the State chooses to terminate the contract. [Products will be issued to WIC participants.](#)
13. Please confirm the following:
- a. The State will not issue quantities of infant formula in excess of the monthly maximums prescribed by federal law for each WIC participant.
 - b. If the State does issue quantities in excess of the federal monthly maximums, the discount amount associated with the over issuance and redemption will be reimbursed to the Contractor upon

discovery. Mississippi WIC is not a retail system. No reimbursements will be made.

- c. If any portion of above is not confirmed, please provide a detailed explanation of why the state would issue quantities that exceed the monthly maximums stated in the Federal Regulations for the WIC Program. N/A
14. Please indicate what percentage of infants that are enrolled in the WIC program were enrolled with incomes higher than 185% of the Federal poverty level. Not applicable. All participants are income eligible per Federal Regulations.
15. Please indicate what percentage of infants that are enrolled in the WIC program were enrolled via adjunctive eligibility (i.e., they demonstrated active participation in SNAP, TANF, Medicaid or CHIP). Not applicable. All participants are income eligible per Federal Regulations.
16. The State has provided a two page document titled "State of Mississippi, MS Dept of Health, Invitation for Bid. Please answer the following questions concerning that document.
 - a. Is this document required for bid submission with the hardcopy documents? No
 - b. What number should be entered in the Vendor No: field, the MAGIC Vendor Number or the SAAS Vendor Number? MAGIC
 - c. Is this document in the online system for completion? Yes If so, please identify where it is located in the bid submission section. When registered vendors select respond, MAGIC will generate fillable line items for the responses to be entered.
 - d. Please confirm that only the Product No./Mfg. Part No. column would be required for completion. Yes, confirmed.
 - i. If not confirmed, please provide additional details on what information would be appropriate for the Change Indicator and Delivery/Req. Date columns.
 - e. To accommodate the current product size of ready to feed milk-based infant formula available, please add a case size for 4/6 X 8 oz. with the appropriate bid quantity. Agreed
 - f. To accommodate the current product size of ready to feed soy-based infant formula available, please add a case size for 4/6 X 8 oz. with the appropriate bid quantity. Agreed
 - g. This sheet currently does not list all of the powder sizes for all bidders, only the 12 oz is listed. Please confirm that all manufacturers are to complete the line listed as 12 oz even though the item they are bidding may be a different size (12.5 or 12.9 oz). Yes, confirmed. We listed the size as "6/12oz., etc." due to the fact that there are so many different "12 oz." sizes.
 - i. If not confirmed, please provide the appropriate lines for all the relevant sizes referenced for both the milk and soy powders on pages 8 and 9 of the ITB.
17. Please provide a checklist for what is required for completion of the online version.

- a. Does a signed certification document (page 7) need to be uploaded for the online bid? Yes
- b. Does the total on the RFx tab require completion or does this calculate based on the price per entered? If not, please confirm the appropriate total amount entered should match what is entered on Page 10 from the ITB. The system will total the bid and put it in the RFx target value.

We thank you for your consideration of these questions and your responses. If you seek clarification to our questions, please do not hesitate to contact me at 812-429-5210, or in my absence please ask for Ms. Cheryl Cook, Manager, at 812-429-5789.

Sincerely,
J. Michael Milligan
Director, WIC Business Team

March 17, 2017
RE: MS WIC Formula bid: RFx# 3160001437
Mississippi State Department of Health
Purchasing Department, Room 137A
The Underwood Building
570 E. Woodrow Wilson
Jackson, MS 39216

ABBOTT LABORATORIES

Dear Ms. Dotson:

In response to the above mentioned bid, Abbott Laboratories, on behalf of its Nutrition Division, submits the following set of questions seeking clarification to bid specifications:

1. **Page 1 of 11 (Paragraph 1)–**

"The agency reserves the right to extend this bid for a period of from one month up to twelve months (one month up to one year) effective July 1, 2019 through June 30, 2020, with the mutual agreement of the manufacturer."

Will the State please confirm that the contract will be extended by mutual **written** consent?
[Yes, Confirmed](#)

2. **Page 1 of 11 (Paragraph 1) –** Will the State please consider only allowing an extension for a full year? If not, please specify the reasons why. As this contract requires a special label, it is very important to the manufacturers to understand how much volume to produce. [As of this date we feel a full year's extension will not be required, at the end of the new two-year agreement, as the program will be changing to the EBT system in the future.](#)

3. **Page 1 of 11 (Paragraph 4) –**

Please explain the process under which SUPERVALU orders product for Mississippi WIC as part of this contract. [The process is explained in this paragraph](#)

Please explain how SUPERVALU ensures this product is not comingled with product SUPERVALU may order for their traditional retail business. [We feel this is explained in this paragraph – "The agent will work with and provide, to the winner of the MSDH infant formula bid, access to books, records and documents for audit purposes which relate to WIC product sales in a time frame agreeable for both parties and up to 90 days after the end of the infant formula contract."](#)

4. **Page 1 of 11 (Paragraph 4) –** Does the State anticipate moving to a retail system in the near future? If yes, please specify the timeline. Are there specific reasons the State does not utilize the more common WIC retail system for delivering WIC foods to its participants? [The Mississippi WIC Program is in the process of moving to an EBT Retail system for food distribution. The timeline is not yet set and is dependent on approval and funding from USDA. Tentative plans are to pilot this project in one public health district beginning in February, 2019 and have it implemented statewide by the end of 2019.](#)

5. **Page 1 of 11 (Paragraph 4) –** Please explain how the State performs MSDH WIC facilities compliance checks and ensures that the amount of formula provided to participants matches the benefit. [Physical inventories of distribution centers are completed by local staff. Centers maintain records of on-hand stock, accounting for orders received, food distributed, and ending](#)

balance of every item. MSDH Internal Audit conducts annual monitoring of centers and WIC state office staff monitor inventories.

6. **Page 2 of 11 (Paragraph 3)** – If there is a change in manufacturer, when does the State currently project to deplete inventory of the previous manufacturer's product? [Within 90 days of the new bid's effective date.](#)
7. **Page 2 of 11 (Paragraph 3)** –
Please provide additional information regarding the transition from the current manufacturer to a potential new manufacturer.
 - (a) Will the existing contractor's products be provided to WIC participants after July 1, 2017?
[There will likely be some products of the previous manufacturer issued to WIC participants after July 1, 2017.](#)
 - (b) When does the State anticipate the transition from the current contract to the new contract will be fully implemented? [All products from the previous manufacturer should be issued by September 30, 2017.](#)
 - (c) How much stock (in weeks) is currently in the system (at agent or WIC-store level)? Will all of this stock be distributed to WIC participants? [All remaining products will be issued to WIC participants.](#)
 - (d) Please provide any additional information that permits potential bidders to fully understand the transition period. [Pertinent information is included in the bid document.](#)
8. **Page 3 of 11 (Paragraph 2)** – Please provide a description of the billing process to be utilized by the State or its agent. How will the provider be billed for the products provided to the program? Would the State be willing to send invoices via e-mail, as well as, "certified mail—return receipt requested"? [This question is unclear. The MSDH will not be utilizing a "billing process" or billing anyone for products purchased under this agreement.](#)
9. **Page 4 of 11 (Paragraph 1)** – What is the State's process for addressing supply issues for the primary contract formula? What is the State's process for addressing supply issues for non-primary or alternate to the primary infant formulas? Please confirm as long as the manufacturer can supply and produce sufficient quantities of the milk and soy based primary contracted formulas the obligations of this contract have been fulfilled. [The awarded vendor will be expected/required to fulfill all orders as issued by the MSDH as a result of this ITB.](#)
10. **Page 4 of 11 (Paragraph 1)**- Will the State please explain which rebated products it intends to utilize in the program? [This is not a rebate contract. Mississippi WIC cannot confirm that an alternate to the primary infant formulas will be allowed. An alternate to the primary infant formula will not be allowed.](#)
 - Please confirm that the State is aware that the USDA has made a correction to regulations that provides for non-exempt formulas that are less than 20 kcal fl. /oz. to be provided and rebated through the WIC program with a prescribers authorization as alternate to the primary contracted infant formulas. Our company produces several non-exempt alternate to the primary contracted formulas that are ~19 kcal/fl. oz. that are widely used and rebated in states where we hold the contract.

- Should Abbott be the successful Bidder on this contract, please confirm that the alternate to the primary infant formulas would be allowable and utilized ahead of non-contract non-exempt formulas produced by other manufacturers.

11. Page 4 of 11 (Paragraph 5)-

Please provide additional background information on the Mississippi WIC program:

- (a) How many infants are exclusively breastfed, partially breastfed, and fully formula fed?
[Approx. 1,000 \(Exclusive BF\), approx. 3,000 \(Partial BF\), approx. 22,000 \(Fully Formula\)](#)
- (b) How many infants receive exempt infant formulas as defined by the Food and Drug administration? [N/A](#)
- (c) How many infants receive standard infant formulas not covered by the current contract?
[Mississippi WIC does not allow.](#)
- (d) Do participants receive monthly food instruments from the MS DPH? Please describe the process used for distributing WIC foods to eligible participants. [Yes, Knowledge of the process for distributing product is not required for contract.](#)

12. Page 4 of 11 (Paragraph 5) – Please confirm the following: (i) the State will not issue quantities of infant formula in excess of the monthly maximums prescribed by federal law for each WIC participant; (ii) the Contractor will not be required to provide product at a reduced cost for quantities of infant formula in excess of the federal monthly maximums; and (iii) if quantities in excess of the federal monthly maximums are purchased in error, the amounts associated with the over issuance and redemption will be reimbursed to the Contractor upon discovery. [Products are distributed following USDA Federal Regulations. No, MSDH will not issue any reimbursements.](#)

13. Page 4 of 11 (Paragraph 5) – Please confirm that redacted food instruments including infant age in months and feeding method type will be made available to the Contractor upon request for the purpose of verifying that appropriate issuance is maintained. [Contractor may audit WIC records in accordance with State and Federal laws and regulations.](#)

14. Page 4 of 11 (Paragraph 5) –

Monthly data files are invaluable in order for the Contractor to validate invoices with accuracy and integrity. Please confirm that the details of all food instrument redemptions for which discounted prices are being requested through the monthly invoice process can be provided each month through an electronic data file including food instrument number, participant ID, product description, number of cans redeemed, redemption dollar amount, first date to use, redemption date, infant age range at first date to use or infant date of birth, and feeding method (e.g. Fully Formula Fed, Partially Breastfeed). If confirmed, please clarify the method of delivery for these data files. [Mississippi does not operate a retail food delivery system. Mississippi is not receiving/requesting discounts for redeemed food instruments. We do not invoice a contractor monthly. We purchase standard formula at an agreed upon price to be distributed to participants.](#)

15. Page 4 of 11 (Paragraph 6)– The 30-day termination period is an unreasonably short period of time, particularly with the requirement for special labeling. We request the State amend the ITB to provide 90 days' notice of intent to cancel the contract. [Per advice of FNS-USDA recommendations, Mississippi WIC agrees to a 90-day termination period.](#) We further request

the ITB be amended to require the State to purchase all remaining stocks of infant formula manufactured and labeled for the State according to the State's specifications. This cannot be agreed to. The agent will order quantities at the end of the contract so no product should be returned to the manufacturer.

16. **Page 4 of 11 (Paragraph 6)** – Will contract cancellation terms be reciprocal? No.

17. **Page 4/5 of 11 (Paragraph 7)** - Please explain the criteria under which a bid will be rejected. Late bid submissions, non-responsive bids, etc.

18. **Page 4/5 of 11 (Paragraph 7)** –

"The agency reserves the right to define equals, to reject any or all bids and waive all informalities. Bid terms are welcome; however, they will not be used as criteria for awarding the bid."

Please explain what is meant by "The agency reserves the right to define equals". This statement is self-explanatory. Please confirm the bidder offering the lowest price to the State will be awarded the contract resulting from this ITB. Award will be made to the lowest and best responsible/responsive bidder whose bid meets the requirements and criteria set forth in the Invitation to Bid.

19. **Page 4/5 of 11 (Paragraph 7)** –

"Bids must be submitted on all products manufactured by the company submitting the bid showing the case prices." This statement refers to only the products, manufactured by the company, that are specifically listed in this ITB on pages 8 and 9. Not all products manufactured by the company.

Will the State please strike the above sentence? This statement will be amended in the ITB. As this bid is only for non-exempt milk and soy-based formulas; not all formulas in the manufacturer's product line.

20. **Page 5 of 11 (Paragraph 1)** - What document takes precedence if there is a discrepancy between what is reflected in the ITB and Q&A responses? Any clarification/explanation in the final Q&A issued.

21. **Page 5 of 11 (Paragraph 1)** - Please confirm any clarifications/changes made to the ITB will be incorporated into the actual contract documents. The accepted/awarded ITB along with any amendments issued and any clarifications/changes made to the ITB will become the contract.

22. **Page 5 of 11 (Paragraph 3)** – Will the State please confirm that a hard copy submission of the bid is sufficient to be a responsive bidder and that electronic submission is optional? Yes, confirmed, a bidder is not required to but is encouraged to also submit a bid online if possible.

- a. If the above is not confirmed, how will the State confirm bids submitted electronically will not be opened before the public bid opening?
- b. Please explain the process to ensure that electronic submissions are kept confidential prior to the date and time of the bid opening. MAGIC is a secure e-procurement system. Agency staff will not have access to the bids until the date and time of the opening.

23. Page 5 of 11 (Paragraph 4) - Bid Opening:

- Please confirm the following elements will be read aloud at the bid opening: case price, total price, brands included and the bid grand total. **Yes, confirmed.**
- Please confirm the date, time, location and room number of the bid opening. **Confirmed as stated in the amended ITB.**

24. Page 5 of 11 (Paragraph 6) – Please confirm that the lowest cost is the only factor that the State considers when evaluating bids. If not confirmed, please describe what other factors the State may take into consideration. **Award will be made to the lowest and best responsible/responsive bidder whose bid meets the requirements and criteria set forth in the Invitation to Bid.**

25. Page 5 of 11 (Paragraph 6) – How would the State determine the winner of a tie bid? **We refer you to the State of MS Procurement Manual, section 3.106.14 Website: <http://www.dfa.state.ms.us/Purchasing/Home.html>**

26. Page 6 of 11 (Paragraph 1) -

“Only one copy of the bidders response is required. Pages 6,7,8,9 and 10 are required as part of the bid response.”

Please amend to pages 7,8,9,10 and 11. **Yes, this is correct – pages 6,7,8,9 and 10 were listed in the ITB incorrectly.**

27. Page 6 of 11 (Paragraph 1) – Will the State please confirm only one **original** bid response is required and zero additional copies? If not confirmed, please detail how many originals and how many copies are required. **Yes, confirmed**

28. Page 6 of 11 (Paragraph 1) - Would the State consider providing a complete checklist of documents and information that must be submitted for a responsive bid? **Pages 7,8,9,10 and 11 and copies of any amendments issued for the ITB.**

29. Page 6 of 11 (Paragraph 2)-

“Approval for any award of this ITB has to be obtained by the MSDH from the State of MS Public Procurement Review Board. Any award notice, successful or unsuccessful, will be provided in written form and sent to all participants of the ITB.”

Approximately how long after bids are received on April 12, 2017, will the State notify prospective bidders of its intent to award the new contract? **Estimated time of award is the 4th or 5th of May, 2017.** Would the State be willing to provide the notice of award via email? **Only upon request.**

30. Page 6 of 11 (Paragraph 3) - Notice of Award

- Will awards be posted to the website? **The contract to the awarded vendor will be posted on the “Transparency” section of the State of MS’s website.** Please provide the exact link to where the award will be posted. **<http://www.transparency.mississippi.gov/>**
- Does the State intend to publish an Intent to Award? **No.** Please provide the exact link to where the Intent to Award will be posted.

31. Page 6 of 11 (Paragraph 3) - Protest Procedures

- Please explain when all bids received by the State will be able to be viewed by all bidders. [As stated on page 5 of the ITB all bidders that attend the bid opening may review all bids submitted at that time. After the close of the bid opening, the bids will be considered to be in the evaluation process and will not be available for review by the bidders.](#)
- Please confirm all bidders will be notified in the event of a protest on this bid. [Yes.](#)
- Please provide details as to when all bids will be published and available via public records request. [After official award has been made, all bids will be available for review.](#)

32. Pages 8-9 of 11 – Bid Sheet Completion:

- a. Please confirm if the “Bidder” should be the authorized company representative or the name of the manufacturer. If it is the company representative, please confirm that the “Bidder” should sign their signature on the place indicated on pages 8 and 9. [Yes, confirmed](#)
- b. Please confirm a Certificate of Incumbency should be included in this bid submission as evidence of the Bidder’s authority to enter into contracts.
- c. Please confirm whether or not the bid pages should be notarized, and if so, which page(s) should be notarized? [Bid pages do not have to be notarized.](#)

33. Amendments – Please specify how a manufacturer should include the amendments in the bid submission. Please confirm that an appendix with all amendments will suffice. [As stated in each amendment issued, a copy of each amendment issued should be included with your bid submission.](#)

Additional question from Abbott: The MS WIC formula issuance data (attachment F) when annualized (using rebated milk based powder as an example) is 353,456 cases over a 24 month period. However, the bid sheet indicates 580,000 cases over a 24 month period. Is the issuance data potentially missing some volume (volume looks to change substantially month over month?) or is the bid sheet potentially overstated? Can you help us understand the discrepancy? [It has been determined that we should not have used/included Attachment F, from our WIC Spirit system as it does not account for a true usage of these products. Attached is information that was used for determining our estimated quantities \(Amendment #2\) – “Mississippi WIC Milk-Based Actual Formula usage 2016” and “Soy-Based Actual Formula Usage 2016” from our actual inventory system. This information more accurately reflects 2016 actual usage.](#)

Gerber

12 Vreeland Road • Box 697
Florham Park, New Jersey 07932-0697

Susan Eberhart
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March 15, 2017

Ms. Jennifer Dotson
Mississippi State Department of Health
Purchasing Department
The Underwood Building
570 East Woodrow Wilson
Jackson, Mississippi 39215-1700

**RE: INVITATION TO BID RFX#3160001437
WIC FORMULA BID**

Dear Ms. Dotson:

Thank you for sending this Invitation to Bid (ITB). We appreciate this opportunity to participate in the bidding process. In order to do so in a better-informed manner, we request clarification and responses to the questions below.

1. Does the State typically exercise its right to request an extension of the bid? Would the State agree to provide at least 180 days' notice of its intent to extend or rebid the contract?
2. Please confirm the extension for up to one year requires mutual consent of the contractor and the State.
3. If there is a change in the agent during the term of this contract, how will the transition process from the current agent to the new agent work?
4. Please explain the invoicing process. What type of accounting does the State provide to the manufacturer to ensure only products intended for WIC participants are purchased?
5. Please confirm the agent is obligated to pay for all orders it places, and the contractor will not be expected to take returned products.
6. Please confirm the contractor is not restricted in any way from requiring reasonable and customary payment terms for the purchase of the contracted products.
7. Please confirm the contractor has no financial obligations under this ITB; the sole responsibility of the contractor is to provide the contracted products as required in the ITB.
8. Are the MSDH WIC facilities (i.e., distribution centers) operated by the State? How many MSDH WIC facilities are there? Please provide a list of these facilities.



9. Are these facilities used exclusively for distributing WIC benefits? Please provide a brief summary of how these facilities operate and how the WIC participant receives benefits from these facilities.
10. Do SNAP participants also obtain food from the MSDH facilities?
11. How often does MSDH typically place orders for ready to feed products? Please provide a listing of the orders placed by MSDH in calendar year 2016. Please include the date and quantities of such orders and the products ordered. Please also provide the shipping address for such orders.
12. Why are the ready to feed products purchased independent of this bid? Are these routine purchases or are they only purchased in extraordinary circumstances (i.e., disaster relief)?
13. Please provide copies of orders placed by the designated agent for the period November 2016 through February 2017.
14. On page 4 it states: "The stated quantities of ready-to-feed and powder are estimated and will be used to determine the lowest total bid." Why was concentrate formula excluded from this statement?
15. How does the State determine which products a participant will receive? Please provide copies of the State policies for issuing infant formula, including non-contract and exempt infant formula products.
16. The "**Not for Retail Sale**" labelling requirement is a significant burden and provides the current contractor with an advantage over other bidders. Will the State agree to remove this requirement, or in the alternative allow the contractor to place stickers on existing labels?
17. The 30-day termination period is an unreasonably short period of time, particularly with the requirement for special labeling. We request the state amend the ITB to provide 90 day's notice of intent to cancel the contract. We further request the ITB be amended to require the state to purchase all remaining stocks of infant formula manufactured and labeled for the state according to the state's specifications.
18. Please explain what is meant by "The agency reserves the right to define equals" on page 5 of the ITB. Please confirm the bidder offering the lowest price to the State will be awarded the contract resulting from this ITB.
19. Other than failing to comply with specific requirements of this ITB, please provide a summary of reasons bids might be rejected.
20. Please explain what is meant by "Bid terms are welcome" on page 5 of the ITB?
21. Page 5 of the ITB states: "Bids must be submitted on all products manufactured by the company submitting the bid showing the case prices." Please confirm the pricing for the primary contract infant formula included on the price sheets on pages 8 and 9 of the ITB will be used to evaluate the lowest price offered to the State.
22. How should prices for other products be submitted as part of the bid package?



23. Please confirm bidders are not required to submit an online bid.
24. If an online bid is submitted, please confirm online bids are due by the same date and time as paper bids.
25. For those bidders who submit both a paper bid and an online bid, which bid will take precedence if there is a discrepancy between the online bid and the paper bid.
26. How and when will bidder proposals be downloaded from the online system? Who has access to these documents prior to the public bid opening? What protections are in place to ensure the integrity of the bid process is strictly maintained? We urge the State to amend this section by deleting the option to submit an online bid. How will bidders be assured bid documents are not susceptible to inappropriate tampering if a bid is submitted online?
27. Please confirm only one original – and no copies - of the bid is required to be submitted.
28. Please confirm the Total columns will be read on both the milk and soy Bid Sheets. Please also confirm the Grand Total will be read aloud.
29. Please confirm only pages 7, 8, 9, 10, and 11 are required to be included with bid. Please also provide a list of all other documents that must be submitted as part of the bid package, such as addenda.
30. Approximately how long after bids are received on April 12, 2017 will the State notify prospective bidders of its intent to award the new contract? Will this notice of award be posted online and available to all bidders? Would the State be willing to provide the notice of award via email?
31. Please clarify what the case totals on pages 8 and 9 represent? Are these the total number of cases estimated to be purchased during the two-year period from July 1, 2017 through June 30, 2019?
32. How were the quantity calculations for the various container sizes made for the Tables on page 8 and 9? For example, how did the State derive 53,700 units of milk-based concentrate for the 12/13 oz. units and the 57,694 units for the 12/12.1 sizes? Please explain the calculations for each type and form of infant formula provided to Mississippi WIC participants.
33. Attachment F indicates there was no issuance of Enfamil Prosobee concentrate or ready-to-feed. If there has been no recent issuance of these products, why does the Bid Sheet on page 9 not reflect the fact these products are not being issued?
34. Does the State currently use the rounding methodology specified in USDA regulations?
35. When does the State anticipate implementing EBT for WIC? Will the State adopt a retail system when EBT is implemented?
36. Please provide additional background information on the Mississippi WIC program?
 - a. How many infants are exclusively breastfed, partially breastfed, and fully formula fed?
 - b. How many infants receive exempt infant formulas as defined by the Food and Drug Administration?



- c. How many infants receive standard infant formulas not covered by the current contract?
 - d. Do infants receiving exempt infant formula or standard formulas not covered by the contract obtain their formulas at the MSDH facilities?
37. Do participants receive monthly food instruments from the MS DPH? If yes, how many months' worth of food instruments does a participant typically receive? Please describe the process used for distributing WIC foods to eligible participants.
38. Please provide additional information regarding the transition from the current provider to a potential new provider.
- a. Will the designated agent place any orders for the new contractor's products prior to July 1, 2017?
 - b. How much stock (in weeks) is currently in the system (at agent or WIC-store level)? Will all this stock be distributed to WIC participants?
 - c. Please provide additional information on how the new contractor's products will be phased in for new and current participants. What percentage of infants will receive the new contractor's products in July, August, and September? Please confirm the State expects all stock of the existing contractor's products will be depleted prior to October 1, 2017?
 - d. Please provide any additional information that permits potential bidders to fully understand the transition period.
39. Attachment E1-2 – Can the State provide a similar participation report that shows the number of WIC infants by District?
40. Attachment E – Please provide the locations for the Non-Profit agencies listed on this Attachment.
41. Attachment F – Please provide an updated Attachment with issuance data through February 2017.
42. Attachment F – Is there an error in the issuance data for Enfamil AR, Enfamil Premium Infant, and Prosobee? There are wide variances in the issuance for these products. Also, why is there no issuance of Enfamil Gentlease in September?
43. Attachment F – Please provide a similar listing of redemptions (by participants) for the same time period used in Attachment F.
44. Attachment G-1-2 – In order to ensure all infants who are receiving non-exempt infant formulas are represented on the Tables on page 8 and 9, please provide a table listing the number of infants who are receiving non-exempt infant formulas by age (0-3, 4-5, 6-12) and infant feeding category (fully formula fed, partially breastfed). We request this data include the monthly average for the most recent 6-month period.
45. What percentage of infants are certified for participation in the program through their participation in other federal programs (i.e., SNAP, TANF or Medicaid)?
46. Has infant participation been declining in recent years, or has it remained relatively stable over the last 2-3 years. If it has been declining, does the State know what factors are contributing to a declining caseload?



Thank you for this opportunity to participate in this cost-containment effort. We look forward to receiving your clarification of these points. I can be reached via email at susan.eberhart@us.nestle.com or by phone at (973) 593-7787.

Sincerely,

useberhasu

@nestle.com

Digitally signed by
useberhasu@nestle.com
DN: cn=useberhasu@nestle.com
Date: 2017.03.17 12:50:56 -04'00'

Susan Eberhart
Senior Regulatory Specialist

MSDH Responses to Questions from Gerber for ITB RFx 3160001437:

1. Yes, we have exercised this option in the past. We make an effort to provide lead time for the extension, typically 90 days.
2. Yes
3. This is explained on Pg. 2, Paragraph 3 of the ITB
4. Please see page 1 and 2.
5. Yes, the agent is obligated to pay for all orders it places on our behalf. The agent will order appropriate quantities at the end of the contract so no product should be returned to the manufacturer.
6. See Pg. 1, Paragraph 4 and Pg. 2, Paragraph 1.
7. The contractor is expected to fill orders made and will be paid by the Agent for products ordered in accordance with the ITB.
8. Not applicable to bid. As stated in the contract, all products will be shipped from Contractor to third party Warehouse for distribution to local centers.
9. Yes
10. No
11. Infrequently, for special circumstances per Federal Regulations. Ready to Feed Products are shipped to WIC Shipping and Receiving Warehouse in Jackson.
12. Due to infrequency of use.
13. This information is not required for this contract.

14. Statements related to both milk-base and soy formulas should read as follows: "The stated quantities of concentrate, ready to feed, and powder are estimated and will be used to determine the lowest total bid.
15. Not applicable to this bid.
16. This is required. Stickers are removable and are not an approved alternative.
17. Mississippi WIC agrees to a 90 day termination period. The ITB will not be amended to require state to purchase remaining stock of labeled product.
18. This statement is self-explanatory. Award will be made to the lowest and best responsible/responsive bidder whose bid meets the requirements and criteria set forth in the Invitation to Bid.
19. Late bid submissions, non-responsive bids, etc.
20. This relates to any "discount" that is offered for early payment of the invoices. If any "discounts" are offered for early payment, they will not be considered in determining the lowest bid.
21. Yes
22. No other pricing is requested. The statement listed in question #21 refers to only the products, manufactured by the company, that are specifically listed in this ITB on pages 8 and 9.
23. It is requested, but not required.
24. Yes
25. The paper bid will take precedence.
26. On-line bids are opened at the date and time set for the bid opening has arrived.
MAGIC is a secure e-procurement system. Agency staff will not have access to the bids until the date and time of the opening.
27. Yes, only 1 original is required.

28. Confirmed.
29. Confirmed, along with copy of each amendment issued.
30. Estimated time of award is the 4th or 5th of May, 2017 for the successful bidder and the unsuccessful bidders. Written notices will be issued. E-mail notices will be issued by request.
31. Yes
32. The "Quantities" listed on Page 8 and 9, for the Concentrate and Ready to Feed formula, were calculated as to be able to compare the total number of ounces for each pack size bid. Attached is information that was used for determining our estimated quantities (Amendment #2) – "Mississippi WIC Milk-Based Actual Formula usage 2016" and "Soy-Based Actual Formula Usage 2016" from Fishbowl, our inventory system.
33. Attachment F should be disregarded.
34. Yes
35. The Mississippi WIC Program is in the process of moving to an EBT Retail system for food distribution. The timeline is not yet set and is dependent on approval and funding from USDA. Tentative plans are to pilot this project in one public health district beginning in February, 2019 and have it implemented statewide by the end of 2019.
36. A. Approx. 1,000 (Exclusive BF), approx. 3,000 (Partial BF), approx. 22,000 (Fully Formula)
B. N/A
C. None. Mississippi WIC does not allow.
D. Yes
37. Yes, 1 to 3 months. Knowledge of the distribution process is not needed as part of this contract.
38. A. No
B. All on-hand stock will be distributed to WIC participants within 90 days of new contract.
C. Purchasing of new contract products will begin July 1, 2017. State will issue all products from previous contractor to participants by September 30, 2017.
D. See answer C.
39. Information by district is not applicable to the contract. State totals are included.

40. Information on Non-profit agencies locations is not applicable to the contract. Contractor should only communicate with the state office.
41. Attachment F should be disregarded. Since those months are not closed out, data are not available for January and February, 2017.
42. Attachment F should be disregarded.
43. Attachment F should be disregarded. Mississippi WIC purchases formula and pays in advance of distribution. Redemption information is not relevant to the contract.
44. Estimates of each type of standard formula are provided. Data for standard formula usage by infant age is not available nor needed for this contract.
45. All infants enrolled in WIC are income eligible according to Federal Regulations. Information whether they are on other federal programs or not is not required as part of this contract.
46. N/A. Information requested is not necessary to formulate and submit a bid responsive to this ITB.