



MISSISSIPPI STATE DEPARTMENT OF HEALTH

June 10, 2025

**Invitation for Bids WIC
Infant Formula Rebate
RFX #3160007406**

AMENDMENT #1

Amendments to:

Section 1.1, Purpose

Section 1.13 Contract Formation

Section 1.4 Schedule of Important Dates

Section 2.1.7 of Manufacturer Requirements

Section 3.10 Request for Reconsideration

Section 5. USDA NONDISCRIMINATION STATEMENT

Dear Vendors:

Reference is made to our Request for *Invitation for Bids Infant Formula Rebate RFX #3160007406* for the Mississippi State Department of Health dated May 20, 2025. This letter will serve to acknowledge that the Invitation for Bids is amended to include Amendments to the IFB as referenced above:

Amended Sections:

Update to Section - 1.1 Purpose

The effective date of this contract will be **September 1, 2025**.

Update to Section - 1.13 Contract Formation

The initial contract term shall be for the period of September 1, 2025, through August 30, 2030, with no possible extensions.

Updates to Section - 1.4 Schedule of Important Dates

EVENT	DATE/ TIME (Central Standard Time)
Publish Invitation for Bid	Tuesday, May 20, 2025 Tuesday, May 27, 2025
Deadline for Written Questions	Monday, June 16, 2025, by 10:00 AM CST
*MSDH Response Published	Friday, June 20, 2025
Deadline for Bids	Friday, June 27, 2025, by 10:00am CST
Public Bid Opening	Friday, June 27, 2025, by 10:30am CST
Anticipated Notice of Intent to Award Published	Monday, June 30, 2025
Protest Deadline	Monday, July 07, 2025
PPRB submission deadline	Wednesday, July 2, 2025
PPRB approval meeting/Notice of Contract Award	Wednesday, August 6, 2025

*All updated dates within section 1.4 encompass and replace any existing dates throughout RFx 3160007406

Update to section – 2.1.7 Manufacturer Requirements

In the event the manufacturer cannot provide the contract brand infant formula, a rebate must be paid on non-contract infant formulas from any manufacturer that meet the definition of infant formula per 7 CFR 246.2 that yields the same net cost per ounce as the formulas in any size, type, or physical form. **Such an event may include recalls according to the Access to Baby Formula Act (ABFA). An event may also include, but is not limited to, supply chain disruptions, emergency periods, and/or any approved applicable waivers.** In these instances, medical documentation is not required, with the exception of participants receiving Food Package III as defined in section 246.10(e)(3). Infant formula may be issued in all unit sizes that may exceed the maximum monthly allowance.

An approved waiver is required before MSDH WIC can operationalize the remedies and must be implemented within the active waiver's timeframe to remain in compliance with Program requirements.

Substitution decisions will be determined by the circumstances of the unavailability of the contract brand infant formula and the needs of participants and the MSDH WIC Program at the time of the unavailability, in order to enable MSDH WIC to meet its obligations under the federal regulations.

MSDH must be provided with an action plan within two (2) weeks of the incident to meet infant formula demand. This plan must include a timeline, supply data, and course of action for affected jurisdictions. Status updates must be provided weekly until the incident is resolved.

Rebates for contract brand infant formulas, other than the primary contract infant formula(s) for which bids were received, must be calculated by first determining the MSDH WIC Infant Formula Rebate percentage discount for each physical form (e.g., concentrated liquid, powered, and ready-to-feed) of the primary contract infant formula(s). The percentage discount must be calculated by

dividing the rebate for the primary contract infant formula by the manufacturer's lowest national wholesale price per unit, as of the date of the bid opening, for a full truckload of the primary contract infant formula. The percentage discounts must be used to determine the rebate for all other contract brand infant formulas approved for issuance by MSDH

Update to Section – 3.10. Request for Protest

Any request must be submitted in accordance with *Chapter 6, Legal and Contractual Remedies, Sections 6.101.08 through 6.101.008.3 of the Mississippi Procurement Manual*. Any actual or prospective bidder who is aggrieved in connection with this solicitation or contract awarded as a result of this IFB may file a request with Dorthy Young, Chief Procurement Officer. The request shall be received in the office of the Chief Procurement Officer, in writing, within seven (7) business days after such aggrieved person or entity knows or should have known of the facts giving rise thereto. The written protest letter shall contain an explanation of the specific basis for the request. All protests must be in writing, dated, signed by the bidder or an individual authorized to sign contracts on behalf of the bidder, and contain a statement of the reason(s) for the protest, citing the law(s), rule(s) and regulation(s) or procedure(s) on which the request is based. The requesting bidder must provide facts and evidence to support the protest. A protest is deemed filed when received by Dorthy Young, Chief Procurement Officer via either U.S. mail, postage prepaid, or by personal delivery. Requests filed by any means other than as described herein will not be considered.

Update to Section – 5. USDA NONDISCRIMINATION STATEMENT

In accordance with federal civil rights law and USDA civil rights regulations and policies, the USDA, its agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the state or local agency that administers the program or contact USDA through the Telecommunications Relay Service at 711 (voice and TTY). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, [AD-3027](#), found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

1. **Mail:** U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Mail Stop 9410, Washington, D.C. 20250-9410;
2. **Fax:** (202) 690-7442; or
3. **Email:** program.intake@usda.gov.

ACKNOWLEDGEMENT OF AMENDMENTS

Please acknowledge receipt of this amendment and all others by signing this form and returning it, along with your solicitation response.

Failure to submit this acknowledgement may result in rejection of your Bid.

Acknowledged by (signature): _____

Company and Title: _____

Date: _____