

## II. Nutrition

### 3. Food Package

#### 2.3.090 Primary Contract Infant Formula

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**POLICY:** The state agency (SA) shall develop and use the single-supplier competitive system to solicit sealed bids from infant formula manufacturers to supply and provide a rebate for primary contract infant formulas. The primary milk-based contract infant formula will be used to determine all other contract brand formulas (e.g., soy-based), which will be issued in the Missouri WIC Program.

#### PROCEDURES:

- A. The SA uses a single-supplier competitive system with the single solicitation system to award a winning bidder.
- B. The SA solicits sealed bids no later than 6 months prior to the expiration date of the existing contract.
- C. The SA will require the winning bidder to provide both milk-based and soy-based infant formulas. If the winning bidder does not produce a soy-based formula, the bidder must subcontract with another manufacturer to supply the soy-based infant formula and must pay a rebate on the soy-based infant formula supplied by the subcontractor. Bidders must specify the brand name of the milk-based infant formula for which the rebate is being specified.
- D. The SA's bid solicitation will require the winning bidder to supply and provide a rebate on all infant formulas it produces that the SA chooses to issue:
  1. The SA will choose which of the winning bidder's other infant formulas, in addition to the primary contract infant formula, will be an approved contract formula.
  2. Rebates must be paid on any new primary contract infant formulas that are introduced after the contract is awarded.
  3. The choice to issue new primary contract infant formulas is solely at the discretion of the SA.
- E. The SA's bid solicitation will require bidders to specify a rebate amount for each of the types, sizes, and physical forms of infant formulas listed below:
  1. Types of infant formulas must be a milk-based infant formula, which will be designated as the primary contract infant formula.
  2. Physical forms of infant formulas must be powdered, concentrated liquid, and ready-to-use.
  3. Sizes must be specified for each physical form.
- F. All primary contract infant formulas must meet the following requirements:

1. Must be nutritionally complete, not requiring the addition of any ingredients other than water prior to being served in a liquid state.
  2. Must contain at least 10 milligrams of iron per liter at standard dilution and supply 67 kilocalories per 100 milliliters (i.e., approximately 20 kilocalories per fluid ounce of infant formula) at standard dilution.
  3. Must be approved by FDA.
  4. Must be determined WIC eligible by USDA.
  5. Must be suitable for routine issuance to the majority of generally healthy, full-term infants.
  6. Must be on the market for at least one year before they will be considered for approval for the Missouri WIC.
- G. The SA will use the procedures published in the invitation for bid to award the contract to the winning bidder.