

<p style="text-align: center;">Nutrition Services Department of State Health Services</p>

Effective October 1, 2010

Policy No. WV:11.0

Selection of Vendors for Reauthorization for Participation

Purpose

To describe state agency (SA) procedures for selecting stores for reauthorization from one agreement period to another with no break in service. A break in service occurs when a vendor outlet quits, is disqualified, terminated and/or their Vendor Agreement expired and is not renewed.

Authority

7 CFR Part 246

Policy

- I. Vendors with a current vendor agreement who seek reauthorization shall reapply and shall be evaluated for issuance of a subsequent vendor agreement under WIC Program procedures, policies, rules, and regulations and shall be authorized unless notified in writing by the state agency at least 15 days before expiration of the vendor agreement.

- II. Prior to reauthorization, the state agency shall assess and review the qualifications of all vendors to assure that each continues to meet the WIC Program's Selection Criteria in accordance with 7CFRPart 246 and WIC Policy WV: 10.0. Criteria utilized in assessment and determination of qualifications for reauthorization include, but are not limited to:
 - A. Competitive prices in accordance with WIC Policy WV: 10.0.

 - B. Volume of WIC sales. The vendor's volume of WIC sales exceeds \$750 a month. If monthly sales fall below \$750 a month for three consecutive months prior to the time of the vendor agreement reauthorization evaluation, the vendor agreement may not be renewed. If the state agency allows the Vendor Agreement to

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expire, the state agency will not consider the vendor's application to participate for six months after the expiration of the vendor's prior Agreement.

- C. Redemption of declared least expensive brands (LEB) in accordance with WIC Policy WV: 02.0.
 - D. Previous compliance with WIC Program procedures, policies, rules, and regulations. The vendor has satisfactorily complied with WIC EBT food instrument redemption and transaction submission procedures, policies, rules, and regulations.
 - E. Use of the WIC acronym or WIC logo. If the state agency determines that the vendor failed to comply with the prohibitions on the use of the WIC acronym or WIC logo, after having received at least three written warnings, or having been disqualified for and/or having paid a CMP in lieu of a disqualification for failing to comply with WIC Policy in regard to the use of the WIC Acronym and/ or logo, the WIC Vendor Agreement will not be renewed. If the vendor receives a warning after paying a CMP or receives a warning after being disqualified for failing to comply with the prohibitions on the use of the WIC Acronym and/or logo, the Vendor Agreement will not be renewed.
 - F. Failure to attend training. The vendor agreement shall not be renewed if a vendor or a vendor representative has not attended a WIC vendor interactive training within three years from the last date a store representative attended a WIC vendor interactive training.
 - G. Valid Permit. All vendors must have a valid retail food operation permit or food manufacturer's permit from the applicable city, county, district, or state health authority.
- III. A history of noncompliance with WIC Program procedures, policies, rules, and regulations shall be considered by the state agency in determining if the vendor is eligible for a subsequent agreement.

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- IV. The state agency may allow a vendor's agreement to expire and not be renewed if the vendor has a history of noncompliance with provisions in the vendor agreement or the WIC Program procedures, policies, rules, and/or regulations.
- A. Expiration of the vendor agreement is not subject to appeal.
 - B. In the event the vendor's agreement has been allowed to expire due to previous noncompliance, a vendor's request for reauthorization shall not be considered until at least six months from the expiration date of the vendor's last agreement.
- V. The State Agency will terminate the Vendor's Agreement during its term if the Vendor no longer meets Program participation criteria, including but not limited to, competitive pricing in accordance with Policy WV: 10.0; failure to maintain WIC redemptions of at least \$750 a month for three or more consecutive months; LEB redemptions in accordance with WIC Policy WV: 2.0; and/or noncompliance with the vendor agreement, Federal/State statutes, and/or WIC Program regulations, policies, and procedures. Termination of the Agreement is subject to administrative review in accordance with Policy WV: 01.0 and Policy WV:13.0. In the event the Vendor's Agreement is terminated, the vendor's request for subsequent application shall not be considered until at least six months from the date of termination.