

POLICY MANUAL

4. FOOD DELIVERY SYSTEM.

4.01. Retail Store Management

A. POLICY OVERVIEW:

PA WIC Program shall employ a uniform statewide retail purchase system for all WIC foods, with the exception of special formulas, to assure competitive pricing and maximize WIC dollars.

B. POLICY:

1. Food Delivery System

Implement according to the Pennsylvania WIC Program Regulations 28 Pa. Code 1101, 1103, 1105, 1107, 1109, 1111, and 1113, the Pennsylvania Department of Health WIC State Agency Policy Manual, Procedure Manual, and the Pennsylvania MIS User guidance with regulations taking precedent if discrepancies occur.

2. WIC Retail Store Selection Criteria

Retail stores applying to participate as a WIC authorized vendor must satisfy the conditions outlined in 28 Pa. Code §1103.4.

3. Authorization of New Retail Stores

- a. Upon contact from a prospective WIC Retail Store, the Local Agency shall proceed in accordance with 28 Pa. Code 1103.1(b), (1) through (6). Clarification of items not addressed in regulation follow:
- (1) The Local Agency shall inform the prospective store to review the materials electronically available on the PA WIC website and, if interested in applying, complete the WIC Retail Store Application.
 - (2) If the application is accepted, the Local Agency Retail Store Coordinator shall schedule an appointment with the store to conduct an initial, on-site review. The appointment must also be confirmed in writing and include the following:
 - (a) Notification of the approximate date of the review. For scheduling purposes, the Local Agency notice may indicate "week of" rather than a specific date.
 - (b) Notification that an on-site review of the store will be conducted to determine if the store meets the selection criteria (Pa. Code §1103.4) i.e., review of competitive prices, minimum inventory, and stale dated food.
 - (3) The on-site review should be conducted as soon as possible after acceptance by the State Agency of the store's application. Unless agreed to otherwise by the State Agency, reviews must be conducted within 30 calendar days of acceptance by the State Agency of the application.

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- (4) Conduct the on-site review at each store.
- (5) The State Agency Vendor Management section will review on-site review results and determine adherence to WIC selection criteria.
- (6) The State Agency will notify the store and Local Agency of approval or denial next steps.

4. Reauthorization of Existing Stores

- a. The State Agency will notify Local Agency of vendors that are due for reauthorization annually. Local Agency shall proceed in accordance with 28 Pa. Code § 1103.1(c) (1) through (4.). Clarification of items not addressed in regulation follow:
- b. Based on the State Agency's notification of vendors due for reauthorization Local Agency shall:
 - (1) Determine exceptions to the Minimum Inventory Requirements. If the store is to be granted any exceptions, these will be included in the reauthorization announcement letter.
 - (2) Issue the reauthorization announcement letter to each retail store and their corporate office (if applicable) scheduled for review. This letter should include:
 - (a) The date or series of dates (up to one week) within which the review will be conducted.
 - (b) A statement that the application must have been completed prior to the reauthorization review.
 - (c) Notification that an on-site review of the store will be conducted to determine if the store meets the program's selection criteria; i.e., review of minimum inventory at or below the competitive prices, stale-dated food.
 - (d) A statement that an owner, manager or owner's designated representative must be present at the time of the on-site review.
 - (e) The granted exceptions to Minimum Inventory Requirements.
 - (3) The State Agency will forward an approval or denial letter to each retail store, their corporate office (if applicable) and Local Agency.
 - (4) The vendor must sign a WIC Retail Store Agreement for a maximum duration of three years.

5. Training of WIC Retail Stores

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WIC retail store training shall be scheduled and conducted in accordance with P&P 4.04, 7 CFR 246.12(h)(3)(xii) and 7 CFR 246.12(i)(1) – (4).

6. Probationary and Temporary Authorization

The State Agency will consider Probationary and Temporary authorization of a store as outlined in 28 Pa. Code § 1103.2 & 1103.3.

7. Inadequate Participant Access (IPA)

a. Inadequate Participant Access will be determined in accordance with 28 Pa. Code 1103.7 (a) through (c) and 7 CFR 246.12(l)(1)(ix). Clarification of items not addressed in regulation follow:

b. The Local Agency shall complete and submit to the SA an IPA form documenting the applicable IPA condition(s) when:

- (1) Completing an authorization or reauthorization review and violations are observed.
- (2) Requested by the State Agency due to potential disqualification action.

8. Retail Store Conflict of Interest

a. In accordance with 7 CFR 246.12(t) the State Agency must ensure that no conflict of interest exists. Clarification of items not addressed in regulation are as follows:

b. The State Agency and Local Agencies shall not hire or maintain employment of any individual whose position in their organization provides them the ability to affect the outcome of reviews of retail stores or is involved in the selection of retail stores by participants if they, or any member of their immediate family:

- (1) Own a retail store authorized within the agency's geographic service area.
- (2) Hold more than a 5% ownership interest in any retail store or store chain that is authorized within the agency's geographic service area.
- (3) Manage in any capacity an authorized retail store within the agency's geographic service area.
- (4) Are in a position to handle or have access to WIC FIs in an authorized retail store within the agency's geographic service area.

c. A WIC participant or proxy who is an employee of a WIC authorized store may not complete their own transaction to redeem their personal WIC FIs.

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- d. A WIC participant or proxy who holds ownership at a WIC authorized store may not redeem their personal WIC FI at their own store.
 - e. When interviewing any candidate for a position that provides the ability to affect the outcome of reviews of retail stores or is involved in the selection of retail stores by participants, the candidate must be asked if they or any member of their immediate family;
 - (1) Own a retail store authorized within the agency's geographic service area.
 - (2) Hold more than a 5% ownership interest in any retail store or store chain that is authorized within the agency's geographic service area.
 - (3) Manage in any capacity an authorized retail store within the agency's geographic service area.
 - (4) Are in a position to handle or have access to WIC FIs in an authorized retail store within the agency's geographic service area.
 - f. If the candidate indicates they meet the criteria in 11.c., they must be asked a follow up question that, if hired, would they renounce any ownership or position that creates the conflict of interest. If the candidate answers, "No", they may not be considered for employment.
 - g. Any current employee or newly hired employee in a position that provides the ability to affect the outcome of reviews of retail stores or is involved in the selection of retail stores by participants must agree to and sign a stipulation of employment that they will not, while an employee in their current position, make any acquisition or accept any other position that would put them in non-compliance with this conflict of interest policy.
 - h. Any employee in a position that provides the ability to affect the outcome of reviews of retail stores or is involved in the selection of retail stores by participants that is found to be in violation of this policy must be asked to immediately divest themselves of any interest in a WIC authorized store or to resign from the WIC authorized store that creates the conflict of interest. If the employee refuses to do so, they must be removed from WIC employment.
9. WIC Vendor and Supplemental Nutrition Assistance Program (SNAP) Vendor Information Confidentiality
- a. Non-confidential vendor information is the Vendor's name, address, telephone number, web site/email address, store type, and authorization status. All other vendor information is to be treated as confidential.
 - b. Confidential vendor information will be released in accordance with CFR 246.26 (e) – (g) and CFR 246.26 (i).

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10. Retail Store Files, Content and Management

The Local Agency must maintain readily accessible files on the WIC authorized retail stores located in their Local Agency's area of jurisdiction.

Reference(s):

1. PA WIC Regulations, Chapters 1101, 1103, 1105, 1107, 1109, 1111 and 1113.
2. PA MIS User Guidance.
3. WIC Regulations: 7CFR Part 246.12(g)(3).
4. 7 CFR Ch.11 §246.12(t.)
5. 7 CFR Ch.11 §246.26 e. and f.

Policy Status:

1. This Policy supersedes P&P Numbers 4.01 dated February 19, 2015.
2. This P&P combines and supersedes P&P Numbers 4.01 dated October 4, 2003
3. This P&P combines and supersedes P&P Numbers 4.02 dated August 31, 2012.
4. This P&P combines and supersedes P&P Numbers 4.03 dated February 12, 2007.
5. This P&P combines and supersedes P&P Numbers 4.08 dated February 12, 2007.
6. This P&P combines and supersedes P&P Numbers 4.10 dated February 12, 2007.
7. This P&P combines and supersedes P&P Numbers 4.11 dated February 12, 2007.
8. This P&P combines and supersedes P&P Numbers 4.13 dated February 12, 2007
9. This P&P combines and supersedes P&P Numbers 4.16 dated April 26, 2010.
10. This P&P combines and supersedes P&P Numbers 4.19 dated February 12, 2007.
11. This P&P combines and supersedes P&P Numbers 4.21 dated February 12, 2007.
12. This P&P combines and supersedes P&P Numbers 4.24 dated August 31, 2012.
13. This P&P combines and supersedes P&P Numbers 4.27dated February 12, 2007.