



State of New Hampshire
Department of Health and Human Services

REQUEST FOR PROPOSALS

FOR

Special Supplemental Nutrition Program for Women, Infants and Children (WIC) and Breastfeeding Peer Counseling (BFPC) and WIC Farmers' Market Nutrition Program (WIC-FMNP)

RFP-2023-DPHS-09-SPECI

RELEASE DATE: March 20, 2023

New Hampshire Department of Health and Human Services

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1. PURPOSE AND OVERVIEW

1.1. Introduction

The New Hampshire Department of Health and Human Services, Division of Public Health Services ("Department") is seeking responses to this Request for Proposals (solicitation) from qualified Vendors to provide benefits for supplemental nutritious foods, public health nutrition and breastfeeding support services to financially eligible pregnant women, postpartum women, infants and preschool children up to age five years old.

The Department anticipates awarding one or more contract(s) for the services in this solicitation. Vendors may submit a response to provide services in one (1) or more counties in New Hampshire.

1.2. Key Information

The information in the table below is as anticipated by the Department. All information is subject to change, the availability of funds, and/or approval by the Governor and Executive Council.

Contract Effective Date	July 1, 2023	
Contract End Date	June 30, 2025	
Renewal Options	The Department may extend contracted services for up to four (4) additional years.	
Funding Source	The Department anticipates using Federal funds for resulting contract(s).	
	Assistance Listing #	10.557 10.572
	Award Name	WIC Special Supplemental Nutrition Program for Women, Infants, and Children and WIC Breastfeeding Peer Counselor Program WIC Farmers' Market Nutrition Program
Match Requirements	60% vendor funding/40% Department funding for CFDA 10.572 WIC Farmers' Market Nutrition Program (FMNP) ONLY . There is NO match requirement for the Special Supplemental Nutrition Program for Women, Infants, and Children and WIC Breastfeeding Peer Counselor Program	
Point of Contact	Christy Adamson, Contract Specialist Christy.d.adamson@dhhs.nh.gov 603-271-9540	
From the date of release of this solicitation until an award is made and announced regarding the selection of a Vendor, all communication with personnel employed by or under contract with the Department regarding this solicitation is prohibited unless first approved by the Point of Contact		

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listed above. Department employees have been directed not to hold conferences and/or discussions concerning this solicitation with any potential contractor during the selection process, unless otherwise authorized by the Point of Contact. Vendors may be disqualified for violating this restriction on communications.

1.3. Procurement Timetable

All times are according to Eastern Time. The Department reserves the right to modify these dates and times at its sole discretion.		
Item	Action	Date
1.	Solicitation Released	3/20/2023
2.	Questions Submission Deadline	3/27/2023 12:00PM
3.	Department Response to Questions Published	4/3/2023
4.	Vendor Solicitation Response Due Date	4/10/2023 12:00PM

1.4. Background

1.4.1. New Hampshire Department of Health and Human Services, Division of Public Health Services

The New Hampshire Special Supplemental Nutrition Program for Women, Infants, and Children Nutrition Program (WIC) provides nutrition and breastfeeding education, counseling and healthy foods to help keep pregnant women, new mothers, infants and preschool children healthy and strong.

The WIC Program has shown to be effective in improving the health of pregnant women, new mothers and children. Women who participate in WIC during their pregnancy are linked to healthier pregnancies and fewer low birth weight babies. The WIC Program has shown to be cost-effective in improving the health and nutritional status of low-income women, infants and children. Federal regulations require that the WIC Program be provided statewide.

The Special Supplemental Nutrition Program for Women, Infants, and Children supports and promotes breastfeeding as the optimal way to feed infants. The American Academy of Pediatrics (AAP) recommends exclusive breastfeeding for the first six months, with continued breastfeeding and complementary foods through the first two years of life, and the World Health Organization (WHO) recommends breastfeeding for at least the first two years of life. The New Hampshire WIC Program has implemented a variety of breastfeeding promotion and education initiatives to improve the rates of breastfeeding initiation and duration among mothers enrolled in WIC.

The NH WIC Breastfeeding Peer Counselor Program (WIC-BFPC) is available to all mothers at all WIC clinics. The Breastfeeding Peer Counselor Program is delivered

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according to the United States Department of Agriculture (USDA) WIC Breastfeeding Support website at <https://wicbreastfeeding.fns.usda.gov/become-wic-peer-counselor>. The NH State Agency provides breastfeeding training for all nutrition and breastfeeding staff that support the WIC Breastfeeding Curriculum training. The training includes breastfeeding promotion, advantages of breastfeeding, 3-step counseling strategies, preparing for breastfeeding, normal breastfeeding, assessments, problem solving, common breastfeeding barriers, returning to work and breastmilk handling, collection and storage guidelines. The trained peer counselors provide breastfeeding promotion and support at WIC clinics in-person and over the phone. The peer counselors are also trained on using hospital-grade electric, single user electric pumps and manual breast pumps. Our breastfeeding initiation and duration rates are a result of many dedicated peer counselors.

The NH WIC Farmers' Market Nutrition Program (WIC-FMNP) is associated with the Special Supplemental Nutrition Program for WIC. Eligible WIC participants are issued an additional benefit to purchase local, fresh unprepared fruits and vegetables from farmers' markets in addition to their regular WIC benefits during the summer months. This additional benefit can be used to purchase eligible foods from farmers, farmers' markets, or roadside stands that have been approved by the State agency in compliance with federal regulations 7 CFR 248.

The WIC FMNP provides an additional one-time benefit for fresh, local, unprepared fruits and vegetables from farmers' markets for women and children under five (5) years old who are actively enrolled in the WIC Program. Nutrition education to FMNP recipients is required. It is often provided through an arrangement with the local WIC agencies in conjunction with WIC program nutrition education visits. Other program partners may provide nutrition education and/or educational information to FMNP recipients. These educational arrangements help to encourage FMNP recipients to improve and expand their diets by adding fresh fruits and vegetables, including how to select, store and prepare the fresh fruits and vegetables they buy with their FMNP benefits.

The Nutrition Services Section within the Bureau of Population Health and Community Services, Division of Public Health Services administers public health nutrition programs with all services offered statewide. Local agency services are 100% federally funded by the US Department of Agriculture. Federal regulations require that the WIC program be provided statewide. In 2019, USDA estimated New Hampshire had 23,400 potential eligible persons for WIC Services. Approximately 17,366 unique individuals received WIC benefits during SFY22, consisting of 64% children, 15% infants and 21% women. The WIC Farmers Market Nutrition Program is offered statewide and provides a one-time benefit to pregnant and postpartum women, as well as children ages 1-4 to purchase fresh fruits and vegetables as local farmers markets during the summer months. The Breastfeeding Peer Counseling Program is designed to provide peer counseling and support to all WIC-enrolled pregnant and breastfeeding women. The WIC Program continuously strives to provide services in a participant-centered services model that promotes behavior change through quality nutrition education and excellent customer service.

1.4.2. Objective

The Department is soliciting proposals to provide benefits for supplemental nutritious foods, public health nutrition and breastfeeding support services to financially eligible

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pregnant women, postpartum women, breastfeeding women, infants and children up to age five years old.

1.4.3. The Department intends to make multiple awards as a result of this RFP.

1.4.4. Both currently funded and new agencies may apply.

1.4.5. Contracts awarded as a result of this RFP will begin July 1, 2023 and continue through June 30, 2025, with the option to renew for up to (2) additional 2-year periods at the sole option of the State based on vendor performance and availability of funds for the three programs.

1.4.6. A bidder, either directly or through its subcontractor(s), must be able to provide all goods and services and meet all of the requirements requested in this solicitation and the successful the bidder shall remain responsible for Contract performance regardless of subcontractor participation in the work.

1.4.7. Covered Populations

The target population for this solicitation will be individuals that are eligible for the WIC Program, WIC Farmers' Market Nutrition Program and the Breastfeeding Peer Counseling Program. The Department is looking to serve eligible participants in the following counties:

Location/County	Potential eligible population*
Hillsborough	5,660
Rockingham	2,206
Belknap	900
Merrimack	1,763
Coos	542
Grafton	1,035
Carroll	677
Strafford	1,576
Cheshire	1,125
Sullivan	676

*Based on NH Medicaid enrollment, 2019. Pre-pandemic figures were used due to Public Health Emergency waivers extending Medicaid certifications beyond normal certification periods in 2020 and 2021.

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2. STATEMENT OF WORK

2.1. Scope of Services

- 2.1.1. The selected Vendor(s) must assist eligible women, infants and children to achieve improved health and nutrition outcomes by providing participant centered nutrition education and counseling, breastfeeding support and promotion, supplemental foods and referrals to health and social services in a supportive environment.
- 2.1.2. The selected Vendor(s) must provide Supplemental Nutrition Program for Women, Infants and Children (WIC), WIC Farmers Market Nutrition Program (FMNP) and Breastfeeding Peer Counseling Program (BFPC) services to eligible women, infants and children each month utilizing the NH Department of Health and Human Services WIC Program's eligibility management information system referred to as StarLINC, in accordance with the state and federal regulations, NH policies and procedures, including but not limited to the NH WIC Policy and Procedure Manual and 7 CFR 246. The selected Vendor(s) must:
 - 2.1.2.1. Provide Special Supplemental Nutrition Program for Women, Infants and Children (WIC) nutrition education, breastfeeding support and promotion, referrals to health and social services and supplemental food benefits to enrolled participants each month. The selected Vendor(s) shall strive to serve 95% of the assigned caseload monthly. If the number of persons participating is less than 95%, the Department may decrease the assigned caseload and appropriate funding. Whereas, if the number of persons participating is greater than 100%, the Department may increase the assigned caseload and appropriate funding, if funding is available.
 - 2.1.2.2. Abide by the United States Department of Agriculture (USDA) Assurances as set out in Appendix G.
 - 2.1.2.3. The selected Vendor(s) must use qualified, competent language resources, such as but not limited to interpretation services, free auxiliary aids and services and American Sign Language.
 - 2.1.2.4. Include language on the selected Vendor's WIC webpage that provides sufficient notice and how to request free language assistance services for individuals with LEP, such as free auxiliary aids and services and other reasonable modifications for individuals with disabilities.
 - 2.1.2.5. Adhere to USDA Office of Civil Rights policies, including the non-discrimination statement on all online and designated print program materials, including but not limited to the vendor's website.

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- 2.1.2.6. Ensure not to discriminate against persons on the grounds of race, color, national origin, sex, gender identity, sexual orientation, disability, age or reprisal or retaliation for prior civil rights activity.
- 2.1.3. The selected Vendor(s) must be responsible for the on-going recruitment and retention of WIC participants, which must include, but not be limited to:
 - 2.1.3.1. The national WIC enrollment and retention website (www.signupwic.com) in outreach materials and on individual agency website.
 - 2.1.3.2. Promote and publish the NH WIC Pre-application website in all outreach materials and webpages.
 - 2.1.3.3. Use of local print media and/or social media using State Agency approved WIC logo.
 - 2.1.3.4. Distribution of WIC informational booklets and referral materials.
 - 2.1.3.5. Coordination with health and social service programs and agencies, with best practice to have a direct referral system with the community health centers and Head Start programs within the vendor's service area.
 - 2.1.3.6. Coordination with NH DHHS District Offices in appropriate service areas to ensure WIC outreach materials are present for households receiving services at the District Offices.
 - 2.1.3.7. Maintenance of participant waiting list, if appropriate.
 - 2.1.3.8. Specific activities outlined in approved annual work plan to foster early enrollment for pregnant women and infants.
 - 2.1.3.9. Specific activities outlined in approved annual work plan targeting breastfeeding families.
 - 2.1.3.10. Submit all new clinic locations and removal of existing clinic locations to the Department for prior approval.
- 2.1.4. The selected Vendor(s) must consider the following when requesting new permanent and mobile WIC clinic locations:
 - 2.1.4.1. A minimum of twenty-five (25) participants that live within the zip code of the new proposed clinic site.
 - 2.1.4.2. Nearby WIC-authorized food stores.
 - 2.1.4.3. Other community and health services that serve WIC eligible participants.

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- 2.1.4.4. Available public transportation and handicap accessibility for accessing the WIC clinic.
- 2.1.4.5. Adequate clinic space to ensure privacy for each function; certification process, health and nutrition assessment and food benefit issuance.
- 2.1.4.6. Access to reliable internet service for each work station.
- 2.1.4.7. Ensure that the WIC clinic site, administrative offices and alternative sites will be accessible to individuals with disabilities;
- 2.1.4.8. Ensure the clinic site and administrative offices offer privacy for participant confidentiality; and
- 2.1.4.9. Ensure the clinic site has adequate access to internet for WIC certification and benefit issuance services.
- 2.1.4.10. Offer evening appointment hours at (6 pm or later) at a minimum of four (4) clinics per month and at a minimum of two clinic sites per county.
- 2.1.4.11. Offer Saturday morning appointments as needed by participants and as staffing allows.
- 2.1.4.12. Offer clinic appointment times no less than 35 hours per week. This may be a combination of main and alternate site appointment times. Work weeks with a holiday are exempt from this requirement.
- 2.1.4.13. Provide a telephone system to accommodate the volume of applicant and participant inquiries. The telephone system shall be operated continuously for a minimum of 8 hours Monday through Friday excluding State and pre-approved closures.
- 2.1.4.14. Provide referrals to the NH Medicaid and the NH Supplemental Nutrition Assistance Program to all families enrolled in the WIC Program.
- 2.1.4.15. Provide referrals to applicants and participants to health, social, and economic assistance agencies according to the needs of the individuals, including but not limited to alcohol and substance misuse programs.
- 2.1.4.16. Offer participant centered health and nutrition education to each WIC Program participant according to individual needs.
- 2.1.4.17. Provide participants with follow-up appointments according to the NH Policy and Procedure Manual.

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- 2.1.4.18. Issue food benefits in compliance with the NH Policy and Procedure Manual.
- 2.1.4.19. Provide all participants with a NH Approved Foods List (paper or electronic), a current list of authorized retail vendors (paper or electronic), and training on the redemption of WIC Program foods for the full nutritional value.
- 2.1.4.20. Distribute Farmers' Market Nutrition Program benefits, provide education on the benefits of fruits and vegetables and provide the authorized farmer list to eligible WIC participants during the FMNP season.
- 2.1.4.21. Ensure appropriate administrative and/or professional staff attends all administrative meetings and nutrition and breastfeeding trainings provided by the State Agency, as required. Send, at minimum, one nutritionist or breastfeeding person to the National WIC Association Nutrition and Breastfeeding Conference, using designated sponsorship funds when available.
- 2.1.4.22. Ensure all staff who interact with participants shall receive an annual civil rights training, customer service training, and conflict resolution training and the vendor shall maintain attendance records in accordance with state and federal regulations.
- 2.1.4.23. All staff shall receive respect and civility in the workplace training and cultural competence training during the contract period and vendor shall maintain attendance records in accordance with state and federal regulations.
- 2.1.4.24. Protect the integrity of the program by assuring that all participants are informed of their rights and rules for participation in the program and are offered a paper or electronic copy.
- 2.1.4.25. Ensure all staff participate in annual training provided by the NH Tobacco Prevention and Cessation Program.
- 2.1.4.26. Ensure that WIC staff asks all participants about tobacco/vaping use and/or exposure to tobacco smoke, assist those identified as using tobacco/vaping with awareness of the NH Tobacco Helpline/QuitNow-NH, and refer those that indicate they are ready to quit. Staff shall document participant tobacco/vaping use and referral to Quit Line at all certification appointments.
- 2.1.4.27. Not attempt to access, alter, or otherwise modify networks, software, equipment, or data provided by the Department for the purpose of

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delivering WIC services without specific written approval from the Department.

- 2.1.4.28. Assure the physical security of all hardware, software and data used in the delivery of WIC services. This shall include secure storage when not in use or under visual control, use of password controls, annual computer security agreement, and maintenance of malware and insurance on all computer hardware, including portable equipment in transit to or at clinic sites.
- 2.1.4.29. Purchase new hardware and software as required by the Department to remain in compliance with the WIC MIS specifications and operating requirements by USDA.
- 2.1.4.30. Comply with all monitoring requirements set forth by federal regulations and state policy, including but not limited to the biennial management evaluation and self-evaluation. This includes adhering to timelines and approved correction action plans and using the State Agency Management Evaluation tools in compliance with the NH Policy and Procedure Manual or as otherwise directed.
- 2.1.4.31. Notify the Department regarding changes in key staff within 30 days of changes.
- 2.1.4.32. Notify the Department regarding clinic closures, outside preapproved closures and holidays, prior to clinic closure or within 24 hours.
- 2.1.4.33. Conduct special projects as appropriate when funding is available.
- 2.1.4.34. Complete and submit quarterly time studies on all WIC staff utilizing forms and instructions in the NH WIC Policy and Procedure Manual.

2.1.5. Reporting

- 2.1.5.1. The selected Vendor(s) must submit annual Reports, which include, but are not limited to:
 - 2.1.5.1.1. Goals and objectives for each performance measure, no later than July 30th of each new contract year, unless otherwise directed.
 - 2.1.5.1.2. A mid-year progress report of work plan goals and objectives no later than January 30th of each contract year unless otherwise directed.
 - 2.1.5.1.3. A year-end report of work plan goals and objectives no later than June 30th of each contract year unless otherwise directed.

2.1.6. Performance Measures

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- 2.1.6.1. The selected Vendor(s) must complete a performance management model. The model, comprised of four components, provides a common language and framework for the Department and its community partners. The four components consist of 1. Performance Standards, 2. Performance Measurement, 3. Reposting of Progress, and 4. Quality Improvement. The Department has established the following performance measures for the work to be carried out:
- 2.1.6.1.1. Performance Measure #1: Increase the percentage of caseload served to 95% - 105% of the assigned caseload.
 - 2.1.6.1.2. Performance Measure #2: Increase the percentage of prenatal participants enrolled in the WIC Program by the 3rd month of pregnancy.
 - 2.1.6.1.3. Performance Measure #3: Increase the percentage of infants who are fully breastfeeding, partially breastfed and % total breastfed.
 - 2.1.6.1.4. Performance Measure #4: Increase the redemption rate of WIC foods/formula/cash value benefits by WIC participants.
 - 2.1.6.1.5. Performance Measure #5: Increase the number of WIC clinics that utilize innovative strategies to increase access to WIC services, retain participants and improve participant satisfaction.
 - 2.1.6.1.6. All performance measures shall reflect an emphasis on participant centered services and consideration of influence principles in leading to behavior change. The selected Vendor(s) are required to describe the work plan, the steps that will be taken towards meeting the performance measures and the quality assurance and evaluation process that will be used to assure progress. The selected Vendor(s) must submit a report on their activities and progress towards meeting the performance measures at six (6) months (mid-point report) and at twelve (12) months (final report) on the overall program goals and objectives to demonstrate they have met the minimum required services for the proposal at the end of the two year contract period.

2.1.7. **Staffing**

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- 2.1.7.1. The selected Vendor(s) must ensure that staff who provide nutrition services meet standard qualifications as outlined in the NH WIC Policy and Procedure Manual as well as any State licensure and/or certification requirements, have clearly defined roles and responsibilities and successfully perform their respective roles and responsibilities.
- 2.1.7.2. The selected Vendor(s) must ensure the ratio of the number of participants to staff allows for assurance that WIC services are being provided in a consistent manner statewide while meeting quality nutrition services standards. Professionally qualified and credentialed nutrition and breastfeeding staff assures that nutrition assessment and education and breastfeeding counseling is based on sound science and adheres to USDA standards.
- 2.1.7.3. The selected Vendor(s) must maintain a competent and adequate level of staffing and achieve the following WIC and BFPC recommended staffing levels:
 - 2.1.7.3.1. The selected Vendor(s) must maintain a recommended ratio of 350-400 participants to one FTE staff person.
 - 2.1.7.3.2. The selected Vendor(s) must maintain a recommended ratio of 750-800 participants to one FTE nutritionist.
 - 2.1.7.3.3. The selected Vendor(s) must have a registered dietitian (RD) on staff available for consultation to high risk participants. The selected Vendor(s) may choose to meet this obligation by developing a written Memorandum of Agreement (MOU) with a local community health center, hospital, or private practice for consultation services by a registered dietitian. Best practice is that the WIC Nutrition Coordinator is a registered dietitian.
 - 2.1.7.3.4. The selected Vendor(s) must have a certified lactation counselor (CLC) on staff. As new breastfeeding coordinators are hired at the local agency, the applicant shall be a certified lactation counselor or attend a comparable training within 24 months to become a certified lactation counselor. Best practice is that the WIC Breastfeeding

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- Coordinator is an International Board Certified Lactation Consultant (IBCLC).
- 2.1.7.3.5. Selected Vendor(s) that serve a caseload of more than 4,000 participants monthly must have on staff 1 FTE Nutrition Coordinator and 1 FTE Breastfeeding Coordinator.
 - 2.1.7.3.6. The selected Vendor(s) must have peer counselors that meet the definition of a peer counselor, in compliance with the USDA WIC Breastfeeding Curriculum.
 - 2.1.7.3.7. The selected Vendor(s) must have a designated breastfeeding peer counseling program manager or coordinator.
- 2.1.7.4. The selected Vendor(s) must have a Designated Breastfeeding Expert (DBE) that meets the definition of a DBE in the USDA WIC BF Curriculum. This position may be filled by the same person who meets the criteria for 2.1.6.3.7.
- 2.1.7.5. The selected Vendor(s) must identify the following key staff members:
- 2.1.7.5.1. Person responsible for Nutrition Services, by name and title. Describe how nutrition services will be provided to high-risk participants, including identification of high-risk status, follow-up counseling, and coordination with healthcare providers.
 - 2.1.7.5.2. Person responsible for Breastfeeding Services, by name and title. Describe how breastfeeding peer counseling services are integrated into the agency overall breastfeeding promotion services.
 - 2.1.7.5.3. Person responsible for StarLINC data management, by name and title. Describe StarLINC operating protocols to ensure updated client data in the StarLINC system, updating of software releases, and enforcement of hardware/software security policies.
 - 2.1.7.5.4. Person responsible for clinic operations, including staff scheduling, hours of operation, etc., by name and title.
 - 2.1.7.5.5. Person responsible for WIC vendor relations, including participant or vendor complaints or

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concerns, contact for State Agency vendor issues, etc., by name and title.

2.1.8. Equipment

- 2.1.8.1. The selected Vendor(s) must use WIC Program property only for the performance of this Contract.
- 2.1.8.2. The selected Vendor(s) must identify all WIC Program property and keep it on record, separate and distinct from all other property in its possession according to the NH Policy and Procedure Manual.
- 2.1.8.3. The selected Vendor(s) must be responsible and accountable for all WIC Program property provided under this Contract, including any property that may be in the possession or control of any subcontractor. The selected Vendor(s) must establish a system to control, protect, preserve, maintain, and account for all WIC Program property under the Contract according to the NH Policy and Procedure Manual. Inventory is subject to review from time to time on behalf of the Department, who will require any corrections or improvements considered necessary to protect the WIC Program's interest.
- 2.1.8.4. The selected Vendor(s) must be responsible for WIC Program property upon its delivery into the selected Vendor's custody.
- 2.1.8.5. The selected Vendor(s) must notify the Department within 1 Business Day in writing via email if any WIC Program property is lost, damaged, or stolen.

2.1.9. Contract Initiation Requirements

- 2.1.9.1. The selected Vendor(s) must schedule and hold a kickoff meeting within 10 Business Days of Governor and Council approval. At the kickoff, the selected vendor must furnish an updated Project Schedule describing the activities, staff and resources needed to be ready to offer WIC services on July 1, 2023.

2.1.10. Experience and Personnel

- 2.1.10.1. Selected Vendor(s) Experience - The following experience is expected and will be evaluated as part of the Technical Proposal:
 - 2.1.10.1.1. The selected Vendor(s) must have previous experience administering the WIC Program.
 - 2.1.10.1.2. The selected Vendor(s) must have, within the past five (5) years, at least two (2) years of experience administering multiple health or human service

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programs such as social service programs, nutrition programs, health care providers or facilities, prevention and wellness programs, or public health and safety programs.

- 2.1.10.1.3. The selected Vendor(s) must have administered the health service programs concurrently at more than three (3) physical locations for at least two (2) years within the past five years.
- 2.1.10.1.4. As evidence of meeting these requirements, the selected Vendor(s) must provide with its proposal a list of all programs and a reference from each program that it has administered to attest to the selected Vendor's experience in administering the WIC Program, as well as multiple health service programs concurrently at more than three (3) physical locations for at least two (2) years of the past five (5) years.

2.2. Mandatory Questions

2.2.1. In response to this solicitation, Vendor(s) must respond to the Mandatory Questions below in Appendix D, Technical Responses to Questions.

- Q1** Describe your experience providing health and nutrition services outlined in this RFP. Include the service area and previous or currently performed efforts to serve the target population outline in section 1.4.7 Covered Populations of the RFP.
- Q2** Describe your services plan, including the county or counties that you are proposing to serve, proposed permanent and satellite clinic locations, clinic flow, proposed hours of operation and key staff who will participate in clinic services, certifications, nutrition education and counseling, breastfeeding education and support and food package education, including Farmers Market benefits to serve the eligible population identified in your proposal.
- Q3** Describe your outreach plan for recruiting and retaining eligible participants in the counties you are proposing to serve. Specifically include efforts you will use to reach underserved communities such as rural, limited English speaking, children ages 3-4, and pregnant women. Describe how you will collaborate with healthcare providers and community partners, including but not limited to existing agreements and partnerships.
- Q4** Provide your proposed Staffing Plan to perform all requirements included in this RFP. Include an organizational chart, resumes for filled positions, and job descriptions for any vacant positions. Describe your plan for recruiting and retaining qualified nutrition and breastfeeding staff, in order to meet the required staff to participant ratio outlined in section 2.1.7.3.1 and 2.1.7.3.2 Staffing of the RFP.
- Q5** How will you meet the required reporting requirements by the specified due dates?
- Q6** What is your experience and capacity in performing quality improvement activities?

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- Q7** What innovative strategies or initiatives is your agency interested in participating in as outlined by USDA, FNS's WIC Modernization? [WIC Modernization | Food and Nutrition Service \(usda.gov\)](https://www.usda.gov/foodandnutritionservice)

2.3. Financial Standards

- 2.3.1. The selected Vendor(s) must complete Appendix E, Budget Sheet and Appendix F, Program Staff List for each State Fiscal Year (July 1 through June 30) and for each program, WIC Farmers' Market Nutrition Program (FMNP) (with Match Requirement allocations), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and WIC Breastfeeding Peer Counselor Program. This is not a low cost award.
- 2.3.2. The selected Vendor(s) must provide a Budget Narrative that explains the specific line item costs included in the Appendix E, Budget Sheet and their direct relationship to meeting the objectives of this RFP. The Budget Narrative must explain how each position included in Appendix F, Program Staff List pertains to the proposal and what activities they will perform.
- 2.3.3. Payment will be made to the selected Vendor(s) on a cost reimbursement basis for actual expenditures incurred in the fulfillment of the resulting Agreement, in accordance with Department-approved budgets.
- 2.3.4. The selected Vendor(s) must submit three (3) budgets for each State Fiscal Year of the contract period for Department approval prior to contract execution and include the Match Requirement allocation. Payment for services will be made on a monthly basis based on the approved budgets, which will be included in the resulting contract.
- 2.3.5. The selected Vendor(s) must submit monthly invoices using a form satisfactory to the Department by the fifteenth (15th) working day of the following month, which identifies and requests reimbursement for authorized expenses incurred in the prior month. The selected Vendor(s) must ensure invoices are completed, dated and submitted to the Department to initiate payment.

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3. SOLICITATION RESPONSE EVALUATION

3.1. The Department will evaluate responses from Vendors based upon the criteria and standards contained in this solicitation and by applying the points set forth below.

TECHNICAL RESPONSE	POSSIBLE SCORE
Experience (Q1)	20 Points
Service Plans (Q2)	25 Points
Outreach Plan (Q3)	10 Points
Staffing Plan (Q4)	20 Points
Reporting Requirements (Q5)	10 Points
Capacity (Q6)	10 Points
Innovative Strategies or Initiatives (Q7)	5 Points
Technical Response – Total Possible Score	100 Points

COST PROPOSAL	POSSIBLE SCORE
Budget Sheet (Appendix E)	20 Points
Program Staff List (Appendix F)	10 Points
Cost Proposal – Total Possible Score	30 Points

MAXIMUM POSSIBLE SCORE	130 Points
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3.2. Cost Proposal Evaluation Criteria

3.2.1. The **Budget Sheet** (Attachment E) will be scored based on the following criteria:

Budget Sheet	
Points	Criteria
0-6	Costs are not allowable.
	Reader cannot understand the relationship of cost relative to the proposed services.
	Cost items do not directly align with objectives of the RFP.
	Costs are not reasonable.

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	The costs do not represent significant value relative to anticipated outcomes.
7-13	Reader can generally understand the relationship of cost relative to the proposed services.
	Cost items are mostly aligned with the objectives of the RFP.
	Costs are predominantly reasonable.
	Costs relative to outcomes are adequate and meet the objectives of RFP.
14-20	Reader has a thorough understanding of the relationship of cost relative to the proposed services.
	Cost items directly align with objectives of the RFP.
	Costs are reasonable.
	The costs represent significant value relative to anticipated outcomes.

3.2.2. The **Program Staff List** (Appendix F) will be scored based on the following criteria:

Program Staff List	
Points	Criteria
0-3	Staffing costs are not reasonable.
	Reader cannot understand the relationship of staffing costs relative to the proposed services.
	Staffing cost items do not directly align with objectives of the RFP.
	The staffing costs do not represent significant value relative to anticipated outcomes.
4-7	Reader can generally understand the relationship of staffing costs relative to the proposed services.
	Staffing cost items are mostly aligned with the objectives of the RFP.
	Staffing costs are predominantly reasonable.
	Staffing costs relative to outcomes are adequate and meet the objectives of RFP.
8-10	Reader has a thorough understanding of the relationship of staffing costs relative to the proposed services.

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Staffing cost items directly align with objectives of the RFP.
Staffing costs are reasonable.
Staffing costs represent significant value relative to anticipated outcomes.

4. SOLICITATION RESPONSE PROCESS

4.1. Questions and Answers

4.1.1. Vendors' Questions

- 4.1.1.1. All questions about this Solicitation including, but not limited to, requests for clarification, additional information or any changes to the Solicitation must be made in writing, by email only, citing the Solicitation page number and part or subpart, and submitted to the Contract Specialist identified in Subsection 1.2.
- 4.1.1.2. The Department may consolidate or paraphrase questions for efficiency and clarity. Questions that are not understood will not be answered. Statements that are not questions will not receive a response.
- 4.1.1.3. The questions must be submitted by email; however, the Department assumes no liability for ensuring accurate and complete email transmissions.
- 4.1.1.4. Questions must be received by the Department by the deadline given in Subsection 1.3, Procurement Timetable.

4.1.2. Department Responses

- 4.1.2.1. The Department intends to issue responses to properly submitted questions by the deadline specified in Subsection 1.3, Procurement Timetable. All oral answers given are non-binding. Written answers to questions received will be posted on the Department's website at (<https://www.dhhs.nh.gov/doing-business-dhhs/contracts-procurement-opportunities>). This date may be subject to change at the Department's discretion.

4.1.3. Exceptions

- 4.1.3.1. The Department will require the successful Vendor to execute a contract using the Form P-37, General Provisions and Standard Exhibits, which are attached as Appendix A. To the extent that a Vendor believes that exceptions to Appendix A will be necessary for the Vendor to enter into a Contract, the Vendor must note those issues during the Question Period in Subsection 1.3. Vendors may not request exceptions to the Scope of Services or any other sections of this Solicitation.

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4.1.3.2. The Department will review requested exceptions and accept, reject or note that it is open to negotiation of the proposed exception at its sole discretion in its response to Vendor questions.

4.1.3.3. Any exceptions to the standard form contract and exhibits that are not raised by a Vendor during the Question Period may not be considered. In no event is a Vendor to submit its own standard contract terms and conditions as a replacement for the Department's terms in response to this Solicitation.

4.2. Solicitation Amendment

4.2.1. The Department reserves the right to amend this Solicitation by publishing any addenda, as it deems appropriate, prior to the Submission Deadline on its own initiative or in response to issues raised through Vendor questions. In the event that an addendum is published, the Department, at its sole discretion, may extend the Submission Deadline.

5. SOLICITATION RESPONSE SUBMISSION INSTRUCTIONS

5.1. Responses to this Solicitation must be submitted electronically via email to rfx@dhhs.nh.gov **AND** to the Contract Specialist at the email address specified in Subsection 1.2.

5.1.1. The subject line must include the following information:

RFP-2023-DPHS-09-SPECI (email xx of xx).

5.2. The maximum size of file attachments per email is 10 MB. Submissions with file attachments exceeding 10 MB must be sent via multiple emails.

5.3. The Department must receive submissions by the time and date specified in the Procurement Timetable in Section 1.3 and in the manner specified or it may be rejected as non-compliant, unless waived by the Department as a non-material deviation.

5.4. The Department will conduct an initial screening step to verify Vendor compliance with the requirements of this Solicitation. The Department may waive or offer a limited opportunity for a Vendor to cure immaterial deviations from the Solicitation requirements if it is deemed to be in the best interest of the Department.

5.5. Late submissions that are not accepted will remain unopened. Disqualified submissions will be discarded. Submission of solicitation responses shall be at the Vendor's expense.

6. SOLICITATION RESPONSE REQUIREMENTS

6.1. Acceptable solicitation responses must offer all services identified in Section 2 - Statement of Work, unless an allowance for partial scope is specifically described in Section 2.

6.2. Vendors must submit a separate electronic document for the Technical Response and a separate electronic document for the Cost Proposal.

6.3. Technical Response Contents

Each Technical Response must contain the following, in the order described in this section:

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- 6.3.1. **Appendix B - Culturally and Linguistically Appropriate Services (CLAS) Requirements**
- 6.3.2. **Appendix C – Transmittal Letter and Vendor Information**, including:
 - 6.3.2.1. **Vendor Code Number** - Prior to executing any resulting contract(s), the selected Vendor(s) will be required to provide a vendor code number issued by the State of New Hampshire Department of Administrative Services upon registering as an authorized vendor with the State. Vendors are strongly encourage to provide a vendor code number in the Appendix C if available. More information can be found at: <https://das.nh.gov/purchasing/vendorresources.aspx>
- 6.3.3. **Appendix D – Vendor Technical Response to Mandatory Questions**
- 6.3.4. **Resumes** – Vendors must provide resumes for those key personnel who would be primarily responsible for meeting the terms and conditions of any agreement resulting from this Solicitation. Vendors must redact all personal information from resumes.

6.4. Cost Proposal Contents

- 6.4.1. **Appendix E, Budget Sheet** – Vendors must complete an Appendix E, Budget Sheet, including the Budget Narrative column, for each State Fiscal Year (July 1 through June 30). This is not a low cost award.
- 6.4.2. **Appendix F, Staff List** - Vendors must complete an Appendix F, Staff List for each State Fiscal Year (July 1 through June 30).

7. ADDITIONAL TERMS AND REQUIREMENTS

7.1. Non-Collusion

The Vendor's required signature on the Appendix C – Transmittal Letter and Vendor Information submitted in response to this Solicitation guarantees that the prices, terms and conditions, and services quoted have been established without collusion with other Vendors and without effort to preclude the Department from obtaining the best possible competitive solicitation response.

7.2. Collaborative Solicitation Responses

Solicitation responses must be submitted by one organization. Any collaborating organization must be designated as a subcontractor subject to the terms of Appendix A, P-37 General Provisions and Standard Exhibits.

7.3. Validity of Solicitation Responses

Solicitation responses must be valid for one hundred and eighty (180) days following the deadline for submission in the Procurement Timetable above in Subsection 1.3, or until the Effective Date of any resulting contract, whichever is later.

7.4. Debarment

Vendors who are ineligible to bid on proposals, bids or quotes issued by the Department of Administrative Services, Division of Procurement and Support Services pursuant to the provisions of RSA 21-I:11-c shall not be considered eligible for an award under this solicitation.

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7.5. Property of Department

Any material property submitted and received in response to this solicitation will become the property of the Department and will not be returned to the Vendor. The Department reserves the right to use any information presented in any solicitation response provided that its use does not violate any copyrights or other provisions of law.

7.6. Solicitation Response Withdrawal

Prior to the Response Submission Deadline specified in Subsection 1.3, Procurement Timetable, a submitted Letter of Intent or solicitation responses may be withdrawn by submitting a written request for its withdrawal to the Contract Specialist specified in Subsection 1.2.

7.7. Confidentiality

- 7.7.1. Pursuant to RSA 21-G:37, the content of responses to this solicitation must remain confidential until the Governor and Executive Council have awarded a contract. The Vendor's disclosure or distribution of the contents of its solicitation response, other than to the Department, will be grounds for disqualification at the Department's sole discretion.

7.8. Public Disclosure

- 7.8.1. The information submitted in response to this solicitation (including all materials submitted in connection with it, such as attachments, exhibits, addenda, and presentations), any resulting contract, and information provided during the contractual relationship may be subject to public disclosure under Right-to-Know laws, including RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this solicitation will be made accessible to the public online via the New Hampshire Secretary of State website (<https://sos.nh.gov/>).
- 7.8.2. Confidential, commercial or financial information may be exempt from public disclosure under RSA 91-A:5, IV. If a Vendor believes any information submitted in response to this solicitation should be kept confidential, the Vendor must specifically identify that information where it appears in the submission in a manner that draws attention to the designation and must mark/stamp each page of the materials that the Vendor claims must be exempt from disclosure as "CONFIDENTIAL." Vendors must also provide a letter to the person listed as the point of contact for this solicitation, identifying the specific page number and section of the information considered to be confidential, commercial or financial and providing the rationale for each designation. Marking or designating an entire submission, attachment or section as confidential shall neither be accepted nor honored by the Department. Vendors must also provide a separate copy of the full and complete document, fully redacting those portions and shall note on the applicable page or pages that the redacted portion or portions are "confidential."
- 7.8.3. Submissions which do not conform to these instructions by failing to include a redacted copy (if necessary), by failing to include a letter specifying the rationale for each redaction, by failing to designate the redactions in the manner required by these instructions, or by including redactions which are contrary to these

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instructions or operative law may be rejected by the Department as not conforming to the requirements of the solicitation.

- 7.8.4. Pricing, which includes but is not limited to, the administrative costs and other performance guarantees in responses or any subsequently awarded contract shall be subject to public disclosure regardless of whether it is marked as confidential.
- 7.8.5. Notwithstanding a Vendor's designations, the Department is obligated under the Right-to-Know law to conduct an independent analysis of the confidentiality of the information submitted in response to the solicitation. If a request is made to the Department to view or receive copies of any portion of the response that is marked confidential, the Department shall first assess what information it is obligated to release. The Department will then notify the Vendor that a request has been made, indicate what, if any, information the Department has assessed is confidential and will not be released, and specify the planned release date of the remaining portions of the response. To halt the release of information by the Department, a Vendor must initiate and provide to the Department, prior to the date specified in the notice, a court action in the Superior Court of the State of New Hampshire, at its sole expense, seeking to enjoin the release of the requested information.
- 7.8.6. By submitting a response to this solicitation, Vendors acknowledge and agree that:
- 7.8.7. The Department may disclose any and all portions of the response or related materials which are not marked as confidential and/or which have not been specifically explained in the letter to the person identified as the point of contact for this solicitation;
- 7.8.8. The Department is not obligated to comply with a Vendor's designations regarding confidentiality and must conduct an independent analysis to assess the confidentiality of the information submitted; and
- 7.8.9. The Department may, unless otherwise prohibited by court order, release the information on the date specified in the notice described above without any liability to a Vendor.

7.9. Electronic Posting of RFP Results and Resulting Contract

- 7.9.1. At the time of receipt of responses, the Department will post the number of responses received with no further information. No later than five (5) business days prior to submission of a contract to the Department of Administrative Services pursuant to this solicitation, the Department will post the name, rank or score of each responding Vendor. In the event that the resulting contract does not require Governor & Executive Council approval, the Agency will disclose the rank or score at least five (5) business days before final approval of the contract.
- 7.9.2. Pursuant to RSA 91-A and RSA 9-F:1, the Secretary of State will post to the public any document submitted to G&C for approval, including contracts resulting from this solicitation, and posts those documents on its website (<https://sos.nh.gov/administration/miscellaneous/governor-executive-council/>).

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By submitting a response to this solicitation, vendors acknowledge and agree that, in accordance with the above mentioned statutes and policies, (and regardless of whether any specific request is made to view any document relating to this solicitation), any contract resulting from this solicitation that is submitted to G&C for approval will be made accessible to the public online.

7.10. Non-Commitment

Notwithstanding any other provision of this solicitation, this solicitation does not commit the Department to award a contract. The Department reserves the right to reject any and all responses to this solicitation or any portions thereof, at any time and to cancel this solicitation and to solicit new solicitation responses under a new procurement process.

7.11. Liability

By submitting a response to this solicitation, the Vendor agrees that in no event shall the Department be either responsible for or held liable for any costs incurred by a Vendor in the preparation or submittal of or otherwise in connection with a solicitation response, or for work performed prior to the Effective Date of a resulting contract.

7.12. Request for Additional Information or Materials

The Department may request any Vendor to provide additional information or materials needed to clarify information presented in the solicitation response. Such a request will be issued in writing and will not provide a Vendor with an opportunity to change, extend, or otherwise amend its solicitation response in intent or substance.

7.13. Oral Presentations and Discussions

The Department reserves the right to require some or all Vendors to make oral presentations of their solicitation response. The purpose of the oral presentation is to clarify and expound upon information provided in the written solicitation response. Vendors are prohibited from altering the original substance of their solicitation response during the oral presentations. The Department will use the information gained from oral presentations to refine the technical review scores. Any and all costs associated with an oral presentation shall be borne entirely by the Vendor.

7.14. Successful Vendor Notice and Contract Negotiations

If a Vendor is selected, the Department will send written notification of their selection and the Department's desire to enter into contract negotiations. Until the Department successfully completes negotiations with the selected Vendor(s), all submitted solicitation responses remain eligible for selection by the Department. In the event contract negotiations are unsuccessful with the selected Vendor(s), the evaluation team may recommend another Vendor. The Department will not contact Vendor(s) that are not initially selected to enter into contract negotiations.

7.15. Scope of Award and Contract Award Notice

- 7.15.1. The Department reserves the right to award a service, part of a service, group of services, or total solicitation response and to reject any and all solicitation responses in whole or in part. A contract award is contingent on approval by the Governor and Executive Council.

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- 7.15.2. If a contract is awarded, the selected Vendor(s) must obtain written consent from the State before any public announcement or news release is issued pertaining to any contract award.

7.16. Site Visits

The Department may, at its sole discretion, at any time prior to contract award, conduct a site visit at the Vendor's location or at any other location deemed appropriate by the Department, to determine the Vendor's capacity to satisfy the terms of this solicitation. The Department may also require the Vendor to produce additional documents, records, or materials relevant to determining the Vendor's capacity to satisfy the terms of this solicitation. Any and all costs associated with any site visit or requests for documents shall be borne entirely by the Vendor.

7.17. Protest of Intended Award

Any challenge of an award made or otherwise related to this solicitation shall be governed by RSA 21-G:37, and the procedures and terms of this solicitation. The procedure set forth in RSA 21-G:37, IV, shall be the sole remedy available to challenge any award resulting from this solicitation. In the event that any legal action is brought challenging this solicitation and selection process, outside of the review process identified in RSA 21-G:37,IV, and in the event that the State of New Hampshire prevails, the challenger agrees to pay all expenses of such action, including attorney's fees and costs at all stages of litigation.

7.18. Contingency

Aspects of the award may be contingent upon changes to state or federal laws and regulations.

7.19. Ethical Requirements

From the time this solicitation is published until a contract is awarded, no Vendor shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded a solicitation, or similar submission. Any Vendor that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any Vendor who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from submitting a response to this solicitation, or similar request for submission and every such Vendor shall be disqualified from submitting any solicitation response or similar request for submission issued by any state agency. A Vendor that was disqualified under this section because of a pending criminal charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the Department of Administrative Services, which shall note that information on the list maintained on the state's internal intranet system, except in the case of annulment, the information, shall be deleted from the list.

7.20. Liquidated Damages

The selected Vendor agrees that liquidated damages may be determined by the Department as part of the contract specifications, as failure to achieve required performance levels will more than likely substantially delay and disrupt the Department's operations.

8. COMPLIANCE

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- 8.1.** The selected Vendor(s) must be in compliance with applicable federal and state laws, rules and regulations, and applicable policies and procedures adopted by the Department currently in effect, and as they may be adopted or amended during the contract period.
- 8.2.** The selected Vendor(s) may be required to participate in monitoring activities for the resulting contract(s), at the sole discretion of the Department, including, but not limited to:
 - 8.2.1. Site visits.
 - 8.2.2. File reviews.
 - 8.2.3. Staff training.
- 8.3. Records**
 - 8.3.1. The selected Vendor(s) must maintain the following records during the resulting contract term where appropriate and as prescribed by the Department:
 - 8.3.1.1. Books, records, documents and other electronic or physical data evidencing and reflecting all costs and other expenses incurred by the selected Vendor(s) in the performance of the resulting contract(s), and all income received or collected by the selected Vendor(s).
 - 8.3.1.2. All records must be maintained in accordance with accounting procedures and practices, which sufficiently and properly reflect all such costs and expenses, and which are acceptable to the Department, and to include, without limitation, all ledgers, books, records, and original evidence of costs such as purchase requisitions and orders, vouchers, requisitions for materials, inventories, valuations of in-kind contributions, labor time cards, payrolls, and other records requested or required by the Department.
 - 8.3.1.3. Statistical, enrollment, attendance or visit records for each recipient of services, which shall include all records of application and eligibility (including all forms required to determine eligibility for each such recipient), records regarding the provision of services and all invoices submitted to the Department to obtain payment for such services.
 - 8.3.1.4. Medical records on each patient/recipient of services.
 - 8.3.1.5. Maintain full and complete records concerning WIC Program operations according to the policies and procedures described in the NH Policy and Procedure Manual.
 - 8.3.2. During the term of the resulting contract(s) and the period for retention hereunder, the Department, the United States Department of Health and Human Services, and any of their designated representatives shall have access to all reports and records maintained pursuant to the resulting contract(s) for purposes of audit, examination, excerpts and transcripts. If, upon review of the Final Expenditure Report the Department shall disallow any expenses claimed by the selected Vendor(s) as costs hereunder the Department shall retain the

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right, at its discretion, to deduct the amount of such expenses as are disallowed or to recover such sums from the selected Vendor(s).

8.4. Credits and Copyright Ownership

- 8.4.1. All documents, notices, press releases, research reports and other materials prepared during or resulting from the performance of the services of the resulting Contract(s) must include reference to the State of New Hampshire, Department of Health and Human Services and WIC.
- 8.4.2. All written, video and audio materials produced or purchased under the contract must have prior approval from the Department before printing, production, distribution or use.
- 8.4.3. The Department will retain copyright ownership for any and all original materials produced, including, but not limited to:
 - 8.4.3.1. Brochures.
 - 8.4.3.2. Resource directories.
 - 8.4.3.3. Protocols.
 - 8.4.3.4. Guidelines.
 - 8.4.3.5. Posters.
 - 8.4.3.6. Reports.
- 8.4.4. The selected Vendor(s) must not reproduce any materials produced under the contract without prior written approval from the Department.

8.5. Culturally and Linguistically Appropriate Services

- 8.5.1. Vendors are required to consider the need for language services for individuals with Limited English Proficiency as well as other communication needs, served or likely to be encountered in the eligible service population, both in developing their budgets and in conducting their programs and activities.
- 8.5.2. Vendors are required to complete Appendix B, Culturally and Linguistically Appropriate Services (CLAS) Requirements as part of their solicitation response. This is in accordance with Federal civil rights laws and intended to help inform Vendors' program design, which in turn, will allow Vendors to put forth the best possible solicitation response.
- 8.5.3. If awarded a contract, the selected Vendor(s) will be:
 - 8.5.3.1. Required to submit a detailed description of the language assistance services they will provide to LEP persons to ensure meaningful access to their programs and/or services, within ten (10) days of the date the contract is approved by Governor and Council; and
 - 8.5.3.2. Monitored on their Federal civil rights compliance using the Federal Civil Rights Compliance Checklist, as made available by the Department.

8.6. Eligibility Determinations

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- 8.6.1. The selected Vendor(s) must make eligibility determinations in accordance with applicable federal and state laws, regulations, orders, guidelines, policies and procedures.
- 8.6.2. The selected Vendor(s) must notify any individual who has been found ineligible for services of their right to appeal the adverse decision by requesting a fair hearing in accordance with New Hampshire RSA 126-A:5.

8.7. Background Checks

- 8.7.1. Prior to permitting any individual to provide services under this Agreement, the selected Vendor must ensure that said individual has undergone:
 - 8.7.1.1. A criminal background check, at the selected Vendor's expense, and has no convictions for crimes that represent evidence of behavior that could endanger individuals served under this Agreement;
 - 8.7.1.2. A name search of the Department's Bureau of Elderly and Adult Services (BEAS) State Registry, pursuant to RSA 161-F:49, with results indicating no evidence of behavior that could endanger individuals served under this Agreement;
 - 8.7.1.3. A name search of the Department's Division for Children, Youth and Families (DCYF) Central Registry pursuant to RSA 169-C:35, with results indicating no evidence of behavior that could endanger individuals served under this Agreement;

8.8. Confidential Data

- 8.8.1. The selected Vendor(s) must meet all information security and privacy requirements as set by the Department and in accordance with the Department's Exhibit K, DHHS Information Security Requirements.
- 8.8.2. The selected Vendor(s) must ensure any staff and/or volunteers involved in delivering services through the resulting contract(s) sign an attestation agreeing to access, view, store, and discuss Confidential Data in accordance with federal and state laws and regulations and the Department's Exhibit K, The selected Vendor(s) must ensure said individuals have a justifiable business need to access confidential data. The selected Vendor(s) must provide attestations upon Department request.
- 8.8.3. Upon request, the selected Vendor must allow and assist the Department in conducting a Privacy Impact Assessment (PIA) of its system(s)/application(s)/web portal(s)/website(s) or Department system(s)/application(s)/web portal(s)/website(s) hosted by the selected Vendor if Personally Identifiable Information (PII) is collected, used, accessed, shared, or stored. To conduct the PIA the selected Vendor must provide the Department access to applicable systems and documentation sufficient to allow the Department to assess, at minimum, the following:
 - 8.8.3.1. How PII is gathered and stored;
 - 8.8.3.2. Who will have access to PII;

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- 8.8.3.3. How PII will be used in the system;
- 8.8.3.4. How individual consent will be achieved and revoked; and
- 8.8.3.5. Privacy practices.
- 8.8.4. The Department may conduct follow-up PIAs in the event there are either significant process changes or new technologies impacting the collection, processing or storage of PII.

8.9. Department Owned Devices, Systems and Network Usage

- 8.9.1. If Contractor End Users are authorized by the Department's Information Security Office to use a Department issued device (e.g. computer, tablet, mobile telephone) or access the Department network in the fulfillment of this Agreement, the selected Vendor must:
 - 8.9.1.1. Sign and abide by applicable Department and New Hampshire Department of Information Technology (NH DoIT) use agreements, policies, standards, procedures and guidelines, and complete applicable trainings as required;
 - 8.9.1.2. Use the information that they have permission to access solely for conducting official Department business and agree that all other use or access is strictly forbidden including, but not limited, to personal or other private and non-Department use, and that at no time shall they access or attempt to access information without having the express authority of the Department to do so;
 - 8.9.1.3. Not access or attempt to access information in a manner inconsistent with the approved policies, procedures, and/or agreement relating to system entry/access;
 - 8.9.1.4. Not copy, share, distribute, sub-license, modify, reverse engineer, rent, or sell software licensed, developed, or being evaluated by the Department, and at all times must use utmost care to protect and keep such software strictly confidential in accordance with the license or any other agreement executed by the Department;
 - 8.9.1.5. Agree that email and other electronic communication messages created, sent, and received on a Department-issued email system are the property of the Department of New Hampshire and to be used for business purposes only. Email is defined as "internal email systems" or "Department-funded email systems."

8.10. Contract End-of-Life Transition Services

- 8.10.1. General Requirements
 - 8.10.1.1. If applicable, upon termination or expiration of the Contract the Parties agree to cooperate in good faith to effectuate a smooth secure transition of the Services from the selected Vendor to the Department and, if applicable, the selected Vendor engaged by the Department to assume the Services previously performed by the selected Vendor for

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this section the new selected Vendor shall be known as "Recipient"). Ninety (90) days prior to the end-of the contract or unless otherwise specified by the Department, the selected Vendor must begin working with the Department and if applicable, the new Recipient to develop a Data Transition Plan (DTP). The Department shall provide the DTP template to the Contractor.

- 8.10.1.2. The Contractor must use reasonable efforts to assist the Recipient, in connection with the transition from the performance of Services by the Contractor and its End Users to the performance of such Services. This may include assistance with the secure transfer of records (electronic and hard copy), transition of historical data (electronic and hard copy), the transition of any such Service from the hardware, software, network and telecommunications equipment and internet-related information technology infrastructure ("Internal IT Systems") of Contractor to the Internal IT Systems of the Recipient and cooperation with and assistance to any third-party consultants engaged by Recipient in connection with the Transition Services.
- 8.10.1.3. If a system, database, hardware, software, and/or software licenses (Tools) was purchased or created to manage, track, and/or store Department Data in relationship to this contract said Tools will be inventoried and returned to the Department, along with the inventory document, once transition of Department Data is complete.
- 8.10.1.4. The internal planning of the Transition Services by the Contractor and its End Users shall be provided to the Department and if applicable the Recipient in a timely manner. Any such Transition Services shall be deemed to be Services for purposes of this Contract.
- 8.10.1.5. Should the data Transition extend beyond the end of the Contract, the Contractor agrees that the Contract Information Security Requirements, and if applicable, the Department's Business Associate Agreement terms and conditions remain in effect until the Data Transition is accepted as complete by the Department.
- 8.10.1.6. In the event where the Contractor has comingled Department Data and the destruction or Transition of said data is not feasible, the Department and Contractor will jointly evaluate regulatory and professional standards for retention requirements prior to destruction, refer to the terms and conditions of Exhibit K: *DHHS Information Security Requirements*.

8.10.2. Completion of Transition Services

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8.10.2.1. Each service or Transition phase shall be deemed completed (and the Transition process finalized) at the end of 15 business days after the product, resulting from the Service, is delivered to the Department and/or the Recipient in accordance with the mutually agreed upon Transition plan, unless within said 15 business day term the Contractor notifies the Department of an issue requiring additional time to complete said product.

8.10.2.2. Once all parties agree the data has been migrated the Contractor will have 30 days to destroy the data per the terms and conditions of Exhibit K: DHHS Information Security Requirements.

8.10.3. Disagreement over Transition Services Results

8.10.3.1. In the event the Department is not satisfied with the results of the Transition Service, the Department shall notify the Contractor, by email, stating the reason for the lack of satisfaction within 15 business days of the final product or at any time during the data Transition process. The Parties shall discuss the actions to be taken to resolve the disagreement or issue. If an agreement is not reached, at any time the Department shall be entitled to initiate actions in accordance with the Contract.

8.11. Website and Social Media

8.11.1. The selected Vendor(s) must work with the Department's Communications Bureau to ensure that any social media or website designed, created, or managed on behalf of the Department meets all Department and NH DoIT website and social media requirements and policies.

8.11.2. The selected Vendor(s) agrees Protected Health Information (PHI), Personally Identifiable Information (PII), or other Confidential Information solicited either by social media or the website that is maintained, stored or captured must not be further disclosed unless expressly provided in the Contract. The solicitation or disclosure of PHI, PII, or other Confidential Information is subject to Exhibit K: Department Information Security Requirements and Exhibit I: DHHS Business Associate Agreement and all applicable Department and federal law, rules, and agreements. Unless specifically required by the Contract and unless clear notice is provided to users of the website or social media, the Contractor agrees that site visitation must not be tracked, disclosed or used for website or social media analytics or marketing.

8.11.3. State of New Hampshire's Website Copyright

8.11.3.1. All right, title and interest in the State WWW site, including copyright to all Data and information, shall remain with the State of New Hampshire. The State of New Hampshire shall also retain all right,

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title and interest in any user interfaces and computer instructions embedded within the WWW pages. All WWW pages and any other Data or information shall, where applicable, display the State of New Hampshire's copyright.

8.12. Audit Requirements

- 8.12.1. The selected Vendor(s) must email an annual audit to dhhs.act@dhhs.nh.gov if any of the following conditions exist:
 - 8.12.1.1. Condition A - The selected Vendor expended \$750,000 or more in federal funds received as a subrecipient pursuant to 2 CFR Part 200, during the most recently completed fiscal year.
 - 8.12.1.2. Condition B - The selected Vendor is subject to audit pursuant to the requirements of NH RSA 7:28, III-b, pertaining to charitable organizations receiving support of \$1,000,000 or more.
 - 8.12.1.3. Condition C - The selected Vendor is a public company and required by Security and Exchange Commission (SEC) regulations to submit an annual financial audit.
- 8.12.2. If Condition A exists, the selected Vendor(s) shall submit an annual single audit performed by an independent Certified Public Accountant (CPA) to the Department within 120 days after the close of the Vendor's fiscal year, conducted in accordance with the requirements of 2 CFR Part 200, Subpart F of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards.
- 8.12.3. If Condition B or Condition C exists, the selected Vendor(s) shall submit an annual financial audit performed by an independent CPA within 120 days after the close of the selected Vendor's fiscal year.
- 8.12.4. Any selected Vendor that receives an amount equal to or greater than \$250,000 from the Department during a single fiscal year, regardless of the funding source, may be required, at a minimum, to submit annual financial audits performed by an independent CPA if the Department's risk assessment determination indicates the Vendor is high-risk.
- 8.12.5. In addition to, and not in any way in limitation of obligations of the resulting Contract(s), it is understood and agreed by the selected Vendor(s) that the selected Vendor(s) shall be held liable for any state or federal audit exceptions and shall return to the Department all payments made under the resulting Contract(s) to which exception has been taken, or which have been disallowed because of such an exception.

9. APPENDICES TO THIS SOLICITATION

9.1. Appendix A – Form P-37 General Provisions and Standard Exhibits

9.2. Appendix B – Culturally and Linguistically Appropriate Services (CLAS) Requirements

9.3. Appendix C – Transmittal Letter and Vendor Information

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- 9.4. Appendix D – Technical Response to Questions**
- 9.5. Appendix E – Budget Sheet**
- 9.6. Appendix F – Program Staff List**
- 9.7. Appendix G – USDA-FNS Civil Rights Assurance Statement**