Chapter 11
Vendor Management

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The WIC program food delivery system authorizes retail grocers and pharmacies to provide foods for Program participants. This chapter covers vendor policies and procedures related to authorizing and maintaining WIC vendors, transacting WIC food benefits and cash-value benefits, vendor monitoring, and sanctioning vendors using a pattern-based vendor sanction system.

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Required Local Agency Written Policies and Procedures

- Local agencies must have a written policy addressing when they accept vendor applications. (Section 1, page 1)

Authorizing WIC Vendors

A vendor must be authorized before the vendor can transact WIC food benefits or cash-value benefits. The vendor authorization process involves several steps and requires the vendor applicant, eWIC processor, local WIC agency, and State WIC Agency to work together. Once authorized, the vendor must comply with the vendor selection criteria throughout the agreement period, including any changes to the criteria. The State WIC Agency may reassess the vendor at any time during the agreement period and will terminate the vendor agreement if the vendor fails to meet the current vendor selection criteria.

Local WIC agencies must accept vendor applications at least one month every quarter. For instance, if a local WIC agency accepts vendor applications in March, it is not required to accept them again until June. Local WIC agencies must have a written policy addressing when they accept vendor applications.

- **Selection Criteria**
  Vendor applicants must meet selection criteria established by the United States Department of Agriculture (USDA) and the North Carolina WIC Program to become an authorized vendor. A vendor applicant must meet the following selection criteria:
  - Sign a Vendor Agreement with the eWIC processor or a third-party processor that has been certified according to criteria established by the eWIC processor;
  - Be eWIC capable and pass certification testing performed by the State WIC Program, when requested;
  - Be an authorized Supplemental Nutrition Assistance Program (SNAP) vendor (free-standing pharmacies are exempt from this requirement). A vendor applicant shall not become authorized as a WIC vendor if the store is currently disqualified from SNAP or the store has been assessed a SNAP civil money penalty for hardship and the disqualification period that otherwise would have been imposed has not expired;
  - Not use the acronym “WIC” or the WIC logo, including facsimiles thereof, in total or in part, in the official name in which the business is registered or in the name under which the store does business;
  - Accurately complete the:
    - WIC Vendor Application;
    - WIC Price List or WIC Price List for Freestanding Pharmacies;
    - WIC Vendor Agreement or WIC Vendor Agreement for Free-standing Pharmacies, Above-50-Percent Vendor Self-Declaration Form or Cost Containment Exemption Form for Free-Standing Pharmacy Vendors;
    - Amendment to the WIC Vendor Agreement (retail vendors); and
    - Vendor Site Survey;
  - Maintain current shelf prices that do not exceed the not-to-exceed (NTE) price for each food within the vendor applicant's peer group;
  - Pass a pre-authorization monitoring review conducted by the local WIC agency to determine whether the store has the required minimum inventory of supplemental foods;

- Maintain inventory within valid expiration dates;
- Attend or have a manager or other authorized store representative attend annual WIC Vendor Training. Ensure that the applicant's employees receive instruction in WIC Program policies, procedures and requirements;
- Mark the current shelf prices of all WIC supplemental foods clearly on the foods or have the prices posted on the shelf or display case at all times;
- Operate the store at a single, fixed location in North Carolina. The store must be located at the address indicated on the WIC vendor application and must be the site at which WIC supplemental foods are selected by the WIC customer;
- Be open throughout the year for business with the public at least six days a week, for at least 40 hours per week, between 8:00 a.m. and 11:00 p.m.;
- Provide to WIC customers only infant formula, exempt infant formula, and WIC-eligible nutritionals purchased directly from State-approved sources;
- Not have any owners, officers, or managers who are employed by, or who have a spouse, child or parent employed by the State or the local WIC Program serving the county in which the vendor applicant conducts business. An applicant also shall not have an employee who handles or transacts WIC food or cash-value benefits who is employed by, or has a spouse, child, or parent who is employed by the State or local WIC Program serving the county in which the vendor applicant conducts business. Such situations present a conflict of interest;
- Not have any owners, officers, or managers who in the last six years have been convicted of or had a civil judgment entered against them for any activity indicating a lack of business integrity. Such activities include, but are not limited to: fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, and obstruction of justice;
- Not currently be disqualified from participation in the WIC Program. Additionally, the vendor applicant must not have an owner, officer, or manager that currently has or previously had a financial interest in a WIC vendor that was assessed a claim by the WIC Program and the claim has not been paid in full;
- Not be expected to operate as a predominantly WIC vendor (PWV), as determined by the State WIC Program;
- Excluding chain stores and stores under a WIC corporate agreement that have a separate manager on site for each store, not have an owner who holds a financial interest in any of the following: (1) another store that is disqualified from SNAP, or has been assessed a civil money penalty ("CMP") in lieu of the disqualification and the time period during which the disqualification would have run has not expired; or (2) another store that is disqualified from the WIC Program, or has been assessed a monetary or civil money penalty in lieu of the disqualification and the time period during which the disqualification would have run has not expired;
- Not submit false, erroneous, or misleading information in an application to become an

authorized WIC vendor or in subsequent documents submitted to the State or local WIC agency; and

- Require an owner, manager, or other authorized store representative to complete training approved by the State WIC Program on eWIC procedures. The vendor must ensure that all cashiers and staff are fully trained on eWIC requirements, including training in the acceptance and processing of eWIC transactions.

  NOTE: To maintain WIC vendor authorization, a vendor must redeem at least two thousand dollars ($2,000) annually in WIC supplemental food sales at the store. A renewal applicant that has not redeemed at least two thousand dollars ($2,000) annually in WIC supplemental food sales at the store cannot be reauthorized. Free-standing pharmacies are exempt from this requirement.

- **Competitive Pricing and Price Limitations**

  Federal regulations require State WIC Programs to establish competitive pricing and price limitations during vendor authorization. Competitive pricing considers the prices a vendor charges for supplemental foods compared to the prices charged by other authorized vendors for the same foods. Price limitations ensure that a vendor applicant maintains competitive prices as an authorized vendor. Competitive pricing and price limitations are selection criteria that must be met throughout the entire agreement period. Subsequent to authorization, a vendor must not increase their prices to levels which would make them ineligible for authorization.

  The competitive pricing structure for the NC WIC Program has been updated to include seven (7) peer groups; however, free-standing pharmacies/ peer group 5, are not subject to cost containment regulations. Three of the established peer groups are statewide for the specified store type regardless of location. Geography is considered a factor for placement of a vendor in the remaining four peer groups. The following table provides a description of each vendor peer group.

- **Vendor Peer Groups**

VENDOR PEER GROUPS			
PEER GROUP NUMBER	**STORE TYPE**	**LOCATION**	**DESCRIPTION**
5	Pharmacy	Statewide	Free-standing pharmacy that sells a limited variety of foods
6	Convenience Store	Statewide	Retailer with a limited assortment of grocery items
7	Mass Merchandiser	Statewide	Retailer that sells a wide variety of merchandise but also carries groceries and has store locations in most or all states
	Commissary	Statewide	Grocery store operated by the US Defense Commissary on a military base
8	Independent Grocery	Urban	Retailer that primarily sells groceries with fewer than 11 store locations
9	Independent Grocery	Non-Urban	Retailer that primarily sells groceries with fewer than 11 store locations
10	Regional Grocery Chain	Urban	Retailer that primarily sells groceries with at least 11 store locations and operates in 2 or more states
11	Regional Grocery Chain	Non-Urban	Retailer that primarily sells groceries with at least 11 store locations and operates in 2 or more states

The peer group for each vendor in peer groups 8-11 is determined using store type and geography. For example, a store that is classified as an independent grocery store located in a rural area will be placed in peer group 9. Geography is not a consideration for peer groups 5-7.

- **Not-To-Exceed (NTE) Prices**

An NTE is established for most supplemental foods sold by vendors in peer groups 6-11. The NTE is set at 2 standard deviations above the average shelf price for most supplemental foods within a vendor peer group. Payment for a supplemental food cannot exceed the NTE calculated for the size and brand. The NTEs are established using redemption data obtained from the eWIC system. An NTE is calculated periodically for each UPC in the Authorized Product List (APL).

Formula prices depend on the type of formula. Contract standard milk and soy-based infant formulas have NTEs based on vendor redemption data. Exempt infant formulas and WIC-eligible nutritionals do not have NTEs but instead, payments are based on current shelf price.

A list of WIC-approved infant formulas, exempt infant formulas and WIC-eligible nutritionals is posted on the NC Community Nutrition Services Section website at www.ncdhhs.gov/ncwic and may also be obtained from your local WIC Program. Free-standing pharmacies can provide only exempt infant formula and WIC-eligible nutritionals.

- **Vendor eWIC Enablement and Certification**

In order to process eWIC transactions, vendors must obtain and be certified to use the

appropriate Point of Sale (POS) terminal(s) and/or software. FIS, the North Carolina eWIC processor, is responsible for facilitating all vendor enablement and certification processes. Vendor applicants must contact FIS to obtain information and documents required for certification of the vendor's POS system and arrange for the setup of the equipment and/or software needed to process eWIC transactions in North Carolina, as applicable. To be authorized and maintain authorization as a North Carolina WIC vendor, all vendors/vendor applicants must have their POS system certified to accept eWIC by FIS or a third-party processor that has been certified according to criteria established by FIS. Failure to obtain certification or a stand-device provided by FIS during the time specified by the North Carolina WIC Program may result in termination of the vendor's WIC Vendor Agreement or denial of the vendor applicant's application. Vendors or vendor applicants in need of assistance with the certification process, including completion of contract documentation and set up of stand-beside devices, may contact FIS using the information listed below.

Retailer Helpdesk (available 24 hours a day, 7 days a week): 844-230-0836
Email Address: merchant.services.support@fisglobal.com

- Vendors that use stand-beside devices to complete eWIC transactions should also contact FIS for assistance with updating contract documentation;
- POS terminal and scanner training, troubleshooting and replacement; and
- Guidance on how to access the FIS Online Vendor Portal which provides vendors with redemption-related reports and a way to search the eWIC APL file for approved foods.

Vendors with multi-function systems should contact their third-party processor if they need assistance with the areas listed above. All vendors can contact FIS for assistance with transaction history, settlement information, disputes, and reconciliation procedures as well as support on system adjustments and resolution of out-of-balance conditions.

Please send eWIC policy-related questions to: NCWICVendorQuestions@dhhs.nc.gov. North Carolina WIC Program vendor staff will answer your questions promptly. Guidance regarding NC eWIC is also provided on the eWIC webpage for the Community Nutrition Services Section at www.ncdhhs.gov/ncwic.

■ Responsibilities of Local WIC Agencies

- **Provide Orientation Training**
  Each local WIC agency must provide training to vendor applicants in their local service area. This training may be done individually or in a group; however, a Verification of Attendance form must be completed. Review information on the topics listed below. For additional information on these topics, refer to the current WIC Vendor Manual and to materials provided by the State WIC Agency for the annual vendor training.

  Local WIC agency staff must provide training on topics:
  - Purpose of the WIC Program,
  - The responsibility of vendors for the actions of their employees,
  - Vendor selection criteria,
  - Proper handling of customer (participant) service issues (complaints),

- Proper transaction procedures, including procedures for transactions involving split tender,
- Not-to-exceed (NTE) prices,
- Use of compliance purchases to collect evidence of improper vendor procedures,
- Proper treatment of WIC customers,
- Description of vendor sanction system,
- Description of vendor complaint process,
- Recordkeeping requirements, including maintaining inventory records for 3 years or until all audits are complete,
- Claims procedures,
- Procedure for obtaining prior State WIC Agency approval to provide incentive items to WIC participants,
- Supplemental foods authorized by the State WIC Agency,
- Minimum varieties and quantities of supplemental foods that must be stocked,
- Obtaining infant formula only from sources included in the State WIC Agency's list of State-licensed infant formula wholesalers, distributors, retailers, and manufacturers registered with the U.S. Food and Drug Administration,
- Changes in program requirements since the last training,
- Vendor requests for technical assistance,
- Reauthorization,
- Reporting changes of ownership, location, or cessation of operations,
- Procedures for appeal/administrative review,
- WIC/SNAP sanction reciprocity and information sharing,
- Training employees,
- eWIC Policies and Procedures, and
- Provide each potential vendor with directions on how to access the current WIC Vendor Manual. A copy of the manual can be downloaded at https://www.ncdhhs.gov/ncwic.

- **Provide Application Forms**
  For all vendor applicants that will not be operating under a corporate agreement, local WIC agency staff must also:
  - Provide an email form to the applicant, complete orientation training and refer applicant to the WIC Vendor Manual for instructions to complete applicant forms that will be sent via DocuSign. Refer to Chapter 1 for information on obtaining vendor forms from the Community Nutrition Services Section;
  - Determine from the vendor when completed forms will be returned to the local WIC agency; and
  - Provide a contact number for questions.

- **Review Completed Forms**
  The completed authorization forms are returned by the vendor to the local WIC agency via DocuSign. Local WIC agency staff must review the authorization forms for accuracy. Forms with any errors or inconsistencies should be returned to the vendor for corrections **prior** to submission to the State WIC Agency.

- Agreements should be reviewed for completeness, consistency and accuracy. *For example*: The store name must be consistently written on all of the forms submitted for authorization.
- Applications should be reviewed for completeness, consistency and accuracy. *For example: If on page 1, ownership is marked as "individual" and page 3a is filled out with more than one owner, this inconsistency must be corrected.*
- Price Lists should be reviewed for minimum variety and inventory requirements in addition to completeness, consistency and accuracy. If a vendor applicant has prices above the NTE for its assigned peer group, the State WIC Agency notifies the vendor applicant in writing. The vendor applicant is then given an opportunity to submit a revised WIC Price List within 30 days. If any of the vendor applicant's resubmitted prices exceed the NTE or the vendor does not resubmit prices within 30 days, the application is denied in writing. The applicant must wait 90 days from the date of the written denial to reapply for authorization.

- **Perform a Pre-Authorization Monitoring Visit**
  For each vendor applicant, staff must complete a pre-authorization monitoring visit of the store to determine if the vendor applicant meets WIC vendor requirements. A vendor applicant must pass the monitoring review to become authorized.
  - Staff must use the Vendor Monitoring Form (DHHS 2925). For retail grocery vendor applicants, staff must complete sections II, III (review only), IV, and VI. For free-standing pharmacy vendor applicants, staff must complete sections I, II, III, and VI. Sections IV and V cannot be filled out since the vendor is not yet authorized to transact WIC food benefits and cash-value benefits.
  - The first pre-authorization monitoring visit is announced. Local WIC agency staff must set up a time to conduct the visit with the vendor applicant. If the vendor applicant fails the first monitoring visit, staff must:
    - advise the vendor applicant of the mandatory 90-day waiting period if they fail a second monitoring, and
    - re-monitor the vendor within two (2) weeks.
  - The second pre-authorization monitoring visit is unannounced. If the vendor applicant fails a second time, local agency staff must send all vendor applicant forms via email to the assigned WIC Vendor Consultant at the State WIC Agency. The Vendor Unit will send a letter to the vendor applicant, with a copy to the local WIC agency, stating that the store cannot reapply for a period of 90 days from the date of the second monitoring visit.

- **Submit Vendor Authorization Forms to the State WIC Agency**
  Copies of all forms sent via DocuSign for each vendor will be emailed to the appropriate WIC Vendor Consultant at the State WIC Agency after local WIC agency staff have reviewed and signed.
  - Items sent via DocuSign:
    - WIC Vendor Application (DHHS 3282)
    - WIC Price List (DHHS 2766) or WIC Price List for Free-Standing Pharmacies (DHHS 2766-P).
      - Free-standing pharmacies are only required to submit a WIC Price List for Free-Standing Pharmacies (DHHS 2766-P) at authorization and when

requested by the State Agency. This is a specialized price list containing exempt infant formula and WIC-eligible nutritionals.
  - WIC Vendor Agreement (DHHS 2768) or WIC Vendor Agreement for Free-standing Pharmacies (DHHS 2768-P)
  - Above Fifty-Percent Vendor Self Declaration Form (retail grocery applicants) or Cost Containment Exemption Form for Free-standing Pharmacy Vendors (pharmacy applicants)
  - Vendor Site Survey
- Items sent by email from the local WIC agency to the assigned WIC Vendor Consultant at the State WIC Agency:
  - Pre-authorization Monitoring Report (DHHS 2925). The pre-authorization monitoring visit must be performed **prior** to submitting forms;
  - Verification of Attendance form from orientation training; and
  - State issued ID(s) for applicant owner(s) (**non-corporate only**)
- For each vendor applicant that operates under a corporate agreement, also submit through the Crossroads WIC Vendor Portal:
  - WIC Vendor Application (DHHS 3282).

Assist the State WIC Agency with Vendor Appeals
- Disqualification or termination from the WIC Program. (see Chapter 14, Section 2).

Responsibilities of the State WIC Agency

Provide Training
Each year, the State WIC Agency provides vendor training to local WIC agencies. Part of this training includes training materials that local WIC agencies should use to train vendors.

Authorize Vendor Applicants
The State WIC Agency determines whether to approve a vendor after it receives the appropriate information from the local WIC agency.
- If a vendor applicant successfully meets the selection criteria to become a WIC vendor and completes the required forms, then the State WIC Agency will assign the vendor, through the local WIC agency, a unique vendor number. Once this number is assigned, State WIC Agency staff complete level 3 certification testing, if necessary, prior to authorization of the vendor. Only authorized vendors can transact WIC food benefits.

If the State WIC Agency denies the vendor applicant's application, the vendor can appeal the decision. Written communication from the State WIC Agency to the vendor will explain the appeal process. Refer to Section 7 and to Chapter 14 for more information on appeals.

Maintaining Vendor Status

As long as a vendor meets Program requirements, they may continue to be an authorized WIC vendor. Requirements for maintaining vendor status are further described in the WIC Vendor Manual (downloadable from www.ncdhhs.gov/ncwic).

- **Required Vendor Forms**
  Vendors must complete the following forms:

  - **WIC Vendor Agreement** (DHHS 2768)
    Each retail grocery vendor must sign an agreement with the local and State WIC agencies by the end of each agreement period of three (3) years, depending on when an applicant is approved by the WIC Program.

  - **WIC Vendor Agreement for Free-Standing Pharmacies** (DHHS 2768P)
    Each free-standing pharmacy vendor must sign an agreement with the local and State WIC agencies, specifically for free-standing pharmacies, by the end of each agreement period of three (3) years, depending on when an applicant is approved by the WIC program.

  - **WIC Vendor Application** (DHHS 3282)
    Each vendor must submit a full vendor application when it is required by the Community Nutrition Services Section.

  - **WIC Vendor Information Update** (DHHS 779)
    Each vendor must submit a WIC Vendor Information Update Form to the local WIC agency by September 30 of each non-reauthorization year. During the three-year authorization cycle, at a minimum, an update form must be submitted before the second and third years of authorization. Vendors must also submit an update form any time there is a change in store information.

  - **Agreement with eWIC Contractor or Approved Third-party Processor**
    Each vendor must sign an Agreement with the eWIC contractor or a third-party processor approved by the eWIC processor.

  - **WIC Price List** (DHHS 2766)
    Each vendor must submit a price list to the local WIC agency prior to authorization and when requested by the State WIC Agency.

  - **WIC Price List for Free-standing Pharmacies** (DHHS 2766P)
    Free-standing pharmacy vendors are required to submit a price list to the local WIC agency prior to authorization and when requested by the State WIC Agency. This form is a specialized price list containing exempt infant formula and WIC-eligible nutritionals. Each list should note the highest price of each item on the day that the vendor signs it.

- **Annual Vendor Training**
  Local WIC agencies must offer at least two dates each for both the retail grocery and free-standing pharmacy annual training. This equates to a minimum of four annual vendor training dates per year. Vendors must attend annual training and may request additional training sessions at any time. Local WIC agencies must retain the "Verification of Attendance" form in each vendor's file to verify completion of orientation training. Local WIC agencies must also maintain a file of each annual vendor training which includes:

  - The dates of annual training,
  - A copy of correspondence announcing the training,
  - The training agenda, and
  - A copy of the module used for the annual training.

- **On-Site Monitoring**
  Vendors are required to allow local WIC agency staff to monitor their store. Refer to Section 5 for more information on vendor monitoring.

- **Customer Service**
  Vendors must offer WIC customers the same courtesies as offered to other customers. For instance, vendors:

  - May not have a separate check-out line for WIC participants.
  - Must allow WIC customers to purchase any or all foods contained in the APL that are available on their food benefit balance on the date of the transaction.
  - Must charge WIC customers no more than the NTE (Not-to-Exceed) price for their peer group for WIC-approved foods.
  - May not charge a WIC customer more than a non-WIC customer for the same item.
  - Must not require additional non-WIC purchases.
  - May not approach WIC customers for payment of any amount by which a WIC transaction was reduced to the NTE. Therefore, vendors may not ask WIC customers for their names, addresses, or telephone numbers.
  - May not offer incentive items to WIC customers that are not offered to non-WIC customers.

- **Customer Service Issues (Complaints) Regarding Vendors**
  Local WIC agencies should report significant customer service issues (complaints) about vendors to the Community Nutrition Services Section as soon as possible. The customer service issues may come from a variety of sources including WIC participants, WIC staff,

WIC vendors, and members of the general public. Depending on the nature of the issue, the Community Nutrition Services Section may target the vendors for investigation.

Customer service issues are submitted through Crossroads. A copy of the Customer Service Issues Form is submitted to the Community Nutrition Services Section via email if the local WIC agency documents the issue as unresolved. (See Attachment 1 for a sample of the Customer Service Issues Form.)

- **Infant Formulas, Exempt Infant Formulas, and WIC-Eligible Nutritionals**
  Vendors must purchase and provide to WIC customers infant formula from state-approved suppliers. A list of approved suppliers may be obtained at your local WIC agency or found at www.ncdhhs.gov/ncwic. Vendors must retain invoices, receipts, copies of purchase orders, and any other proofs of purchase for all WIC supplemental foods, including infant formula, which details at a minimum: the name of the seller and be prepared entirely by the seller without alteration by the vendor or on the seller's business letterhead; the date of purchase and the date the authorized vendor received the WIC supplemental food at the store if different from the date of purchase; and a description of each WIC supplemental food item purchased, including brand name, unit size, type or form, and quantity. Failure to retain and provide this purchase documentation upon request can lead to disqualification from the WIC Program.

- **Minimum Inventory**
  Vendors must maintain minimum inventory of WIC approved foods so participants can obtain their prescribed food benefits. This minimum inventory requirement does not apply to free-standing pharmacies. A table of specific minimum inventory requirements for vendors is displayed below.

Minimum Inventory for WIC Vendors

Food Item	Type of Inventory	Quantity
Milk	Whole fluid: gallon	2 gallons
	Skim/low-fat fluid: gallon	6 gallons
Cheese	1-pound package	2 packages
Cereals	2 types: whole grain (minimum package size 12 ounces)	6 packages total
Eggs	Grade A, large, white: one dozen size carton	2 dozen
Juice	Single strength: 64 ounce container: 2 varieties	6 containers
Legumes	1 pound package or 4, 15-16 ounce cans: 2 varieties	2 packages or 8 cans OR 1 package and 4 cans
Peanut Butter	16 to 18 ounce container	2 containers
Tuna	5 to 6 ounce container	6 containers
Bread/Tortillas	16 to 24 ounce loaf of whole wheat/whole grain bread or package of tortillas	2 loaves or 2 packages OR 1 loaf and 1 package
Rice	14 to 24 ounce package, whole grain	2 packages
Infant Cereal	8 ounce box	6 boxes
Infant Fruits and Vegetables	3.5 to 4 ounce container 1 type of fruit and 1 type of vegetable	64 ounces
Infant Formula	Milk-based powder: 11 to 14 ounce -and- Soy-based powder: 11 to 14 ounce Brands must be the primary contract infant formulas	8 cans 4 cans
Fruits	14 to 16 ounce can: 2 varieties	10 cans total
Vegetables (excludes beans in the Legumes category)	14 to 16 ounce can: 3 varieties	10 cans total

- **Cash Register System Updates**

  Vendors must adhere to the following requirements regarding Cash Register System updates:

  - Maintain compliance with the eWIC Processor Vendor Agreement, the FNS EBT operating rules, standards and technical requirements, WIC Program Rules, and state and federal regulations, and statutes. Vendors must also maintain point of sale terminals used to support the WIC Program, in accordance to federal policy, as well as maintain a North Carolina eWIC processor certified in-store eWIC system that is available for WIC redemption processing during all hours of operation.

- Vendors that use stand-beside device(s) to transact eWIC may decide to upgrade to an integrated system. In order to do that they must:
  - Inform the eWIC processor (FIS) before making **any** change, so that it can be determined if the system needs to be certified and testing can be performed to establish connectivity.
  - Inform the State WIC Agency so that level 3 certification testing can be performed prior to use of the system in the store.
    - Testing performed with the eWIC processor for a new system that a vendor chooses to use does not supersede the level 3 certification testing that must be performed by the State WIC Agency. **The state will still need to perform level 3 certification testing.**

- These procedures also apply to vendors who alter the integrated system that they currently use or decide to use a different integrated system altogether.
  - Vendors must inform the State WIC Agency if their integrated cash register system will be altered or revised in any manner that impacts eWIC redemption. This is a requirement detailed in the Terms of Vendor Agreement. Failure to do so may result in the termination of their WIC Vendor Agreement.

- The State WIC Agency must grant final approval of the system before the new system is altered and/or used by vendors.

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Store Changes

There are a variety of changes that vendors make which can affect their WIC authorization.

- **Store Ownership**
  A vendor must notify the local WIC agency or the State WIC Agency when the vendor ceases operation or the store ownership changes. The Vendor Agreement shall be null and void if the store ownership changes. The question of whether a change of ownership has occurred can sometimes be difficult to determine.

  - An outright sale of a store constitutes a change of ownership, causing termination of the WIC Vendor Agreement.

  - A simple change of corporate form without changes of ownership or personnel and done for legitimate purposes, does not constitute a change of ownership. In these cases, the vendor should sign a new agreement with the agency, keep its vendor number, and continue to transact WIC food benefits and cash-value benefits.

  - There are gray areas in which there may be questions regarding a change of ownership. For example, when some partners of a partnership leave and/or new partners join the partnership. In such cases, where there appears to be a "partial" change of ownership, it would be reasonable to evaluate how much impact the change will have on personnel or management. A significant impact on personnel or management may affect the integrity of the store's WIC operation. There can be many variations in this scenario. Local WIC agencies must contact the CNSS WIC Vendor Unit for guidance before making a determination.

- **Vendor Name**
  If a store's name changes but the owner(s) remain the same, then the vendor must notify the local WIC agency of the change and complete a NC WIC Vendor Information Update (DHHS-779). The local WIC agency must submit a copy of this form via email to your WIC Vendor Consultant at the State WIC Agency.

- **Vendor Address**
  If a store changes location within three (3) miles, the vendor may keep their vendor identification number. The vendor must notify the local WIC agency of the change and complete a NC WIC Vendor Information Update (DHHS-779). The local WIC agency must submit a copy of this form via email to your WIC Vendor Consultant at the State WIC Agency. Local WIC agency staff must also discuss location changes of greater than three miles with staff in the CNSS WIC Vendor Unit. A change in store location of more than three miles will require the completion of a new Vendor Application and Agreement.

- **Store Manager**
  If a store manager changes, the vendor must notify the local program of the change and complete a NC WIC Vendor Information Update (DHHS-779). The local WIC agency must submit a copy of this form via email to your WIC Vendor Consultant at the State WIC

Agency.

- **Vendor Ends WIC Agreement**
  Vendors may end their WIC Vendor Agreement at any time by providing written notice to the local WIC agency 30 days prior to ending WIC authorization.

  Vendors should inform their customers of the date after which they will no longer transact WIC food benefits and cash-value benefits. Local WIC agency staff should also post a notice in the WIC clinic area informing participants that the vendor is no longer WIC authorized.

Transacting WIC Benefits

- **eWIC Transactions**
  A transaction is the process by which a WIC customer presents an eWIC card containing food benefits to a vendor in exchange for authorized supplemental foods allowed by the WIC Program. The transaction must take place at the vendor's store. In other words, WIC customers (the participant, parent, guardian, proxy, or compliance investigators) must select the WIC supplemental food at the vendor's store. Under no circumstances is it acceptable for a vendor to ask a WIC customer for identification. In North Carolina, WIC customers are not required to provide ID when completing WIC transactions. Vendors who transact printed food instruments or cash-value vouchers or eWIC food benefits/cash-value benefits issued by other states run the risk of not being paid.

  Local WIC agencies should stress the importance of having all store personnel follow proper WIC procedures. This is the key to proper completion of WIC transactions. If proper procedures are not followed, personnel from the State or Local WIC Program may investigate and/or conduct routine monitoring of the store.

  Authorized WIC vendors may not discriminate against WIC customers. For example, an authorized WIC vendor cannot create a separate checkout line for WIC customers.

  Vendors must process eWIC transactions accurately, in a timely manner and in accordance with the terms of the North Carolina WIC Vendor Agreement, eWIC Processor Vendor Agreement, FNS EBT operating rules, standards and technical requirements, WIC Program Rules, and state and federal regulations, and statutes.

- **The Authorized Product List (APL)**
  To appropriately configure an eWIC system to approve WIC supplemental foods for purchase, vendors must be provided with the authorized product list also known as the APL. Updates are made to the APL to add new products, modify existing products and delete discontinued products, as necessary. Vendors with stand-beside devices will automatically have the APL programmed into the device when they receive it from the eWIC processor and will receive updates to the APL through automated downloads. To obtain the most updated APL, vendors with a stand-beside device must unplug and plug back in the device prior to performing eWIC transactions for the day. Regardless of the type of eWIC system used, vendors must ensure that the APL is downloaded to each eWIC device/outlet in their store at least once every 24 hours.

  Vendors, manufacturers and wholesale suppliers may submit requests to update/add UPCs to the APL by completing the web-based *NC WIC Approved Product Registration Form*. This form and the *NC WIC Approved Foods Nutrition Criteria* can be found at www.ncdhhs.gov/ncwic. The *NC WIC Approved Foods Nutrition Criteria* should be reviewed before a UPC is submitted for approval.

- **Mapping Requirement for Fresh Produce**
  Fresh fruits and vegetables must be mapped to a corresponding product look-up (PLU) code in the North Carolina WIC APL file or to the standard generic PLU for produce (4469) or

organic produce (94469). This is a required process necessary to ensure that WIC customers can use their eWlC card to obtain fresh fruits and vegetables with their cash-value benefits. If mapping is not completed appropriately, produce which should be available for redemption with eWIC cash-value benefits will be denied when a WIC customer attempts to purchase it. If a WIC customer cannot purchase fresh produce with their cash-value benefits available on their eWlC card, then the vendor has failed to comply with eWIC processing requirements. Failure by a vendor to process eWIC transactions accurately may result in termination of the WIC Vendor Agreement.

- **At the Check-Out Counter**

  If the vendor uses a **stand-beside device** provided by the eWIC processor, the process is as follows:

  1. The WIC customer must first separate WIC supplemental foods from foods which will not be included in the transaction. If a vendor chooses to use stand-beside device(s) , items purchased with WIC benefits will be a separate transaction from non-WIC items purchased by the WIC customer.
  2. The WIC customer then swipes the card through the device and enters their PIN to authorize the transaction If the system is not reading the card number when it is swiped, the card number may be manually entered by the WIC customer. **The vendor must never manually enter the eWIC card number or enter the PIN for the WIC customer.**
  3. The vendor then scans the UPC or PLU code into the POS system for the approved supplemental food, fruit or vegetable presented for purchase by the WIC customer in the type and size available on the WIC customer's eWIC account. If the scanning device is not working, then the vendor can manually enter the correct UPC/PLU code. Foods presented for purchase that are not WIC-approved will be rejected by the system and cannot be deducted from the WIC customer's benefit balance.
  4. Once the UPC/PLU code is scanned into the POS system, the vendor must scan the item into their cash register system to determine the price for the item. Then the vendor must enter the quantity transacted and item price into the POS system.

  Steps 3 and 4 must be repeated for every approved supplemental food, fruit or vegetable presented for purchase by the WIC customer.

  5. The vendor then enters any discounts which the WIC customer is eligible for into both systems.
  6. The vendor calculates a total and then submits the transaction using the stand-beside device.
  7. The vendor provides the WIC customer with a receipt printed from the stand-beside device which shows the items purchased and the remaining balance. The transaction is then completed/finalized in the store system.

If the vendor uses a **multi-function (integrated) system**, the process is as follows:

1. The vendor scans the UPC(s) and/or PLU codes for all items presented for purchase by the WIC customer, including the UPC/PLU codes for the supplemental foods, fruits or vegetables. If the scanning device is not working, then the vendor can manually enter the correct UPC(s)/PLU codes to complete the transaction. With integrated systems, it is not necessary to separate items for purchase with eWIC benefits. Integrated systems are programmed to select the correct foods by UPC/PLU code and subtract them from the

WIC customer's benefit balance. Also, foods presented for purchase that are not WIC-approved, will be rejected by the system and cannot be deducted from the WIC customer's benefit balance.

2. The WIC customer swipes the card through the card reader device and enters their PIN to authorize the transaction. This can be done at any time during the transaction. If the system is not reading the card number when it is swiped, the card number may be manually entered by the WIC customer. **The vendor must never manually enter the eWIC card number or enter the PIN for the WIC customer.**
3. The vendor's cash register system determines the items that will be applied to the eWIC card and then deducted from the customer's benefit balance.
4. The vendor applies all discounts for which the WIC customer is eligible.
5. The WIC customer reviews items and then confirms the amount.
6. The vendor then submits the transaction.
7. The vendor's cash register system receives the response and the remaining balance for the transaction (if any) is presented to be paid.
8. If there are remaining items, they must be paid for using another tender type (credit/debit, cash or SNAP).
9. The vendor provides the WIC customer with a receipt which shows the items purchased and the remaining benefit balance.

When a multi-tender transaction is performed, the WIC customer must swipe their eWIC card first before any other tender type is applied to ensure that the proper items are deducted from the WIC customer's benefit balance before another tender is used for the purchase.

NOTE: The transaction guidelines for integrated systems may vary slightly based on the POS system used. Vendors with integrated systems should refer to the guidance provided for their POS system for more comprehensive instructions on how to transact eWIC using their system.

- **Receipt of Purchase Requirements**

The printed receipt provided to the WIC customer is a record of what was purchased at the vendor's store. Vendors must provide WIC customers with printed receipts in accordance with receipt requirements listed in the USDA, FNS, *WIC EBT Technical Implementation Guide* which can be accessed using the link below: https://www.usda.gov/sites/default/files/guidance-documents/fns.wic-ebtTechImpGuideOperatingRules.pdf.

- **Additional eWIC Transaction Requirements**

When performing eWIC transactions, the vendor must:

1. Provide to the WIC customer only the approved supplemental foods, fruits, and vegetables contained in the APL after it has been determined that the WIC customer has an available balance on the date of the transaction. The WIC customer is not required to get all of the supplemental foods available on their benefit balance or get the full dollar value of the cash-value benefits; however, a WIC customer may obtain more fruits and vegetables than the full dollar value of the cash-value benefits if the WIC customer pays the difference. This is known as a split tender transaction. Tax may be charged on the

amount that exceeds the value of the cash-value benefit if the excess amount is paid in cash or other methods accepted by the vendor, except for SNAP benefits;
2. Not scan codes from UPC codebooks or reference sheets;
3. Only transmit the current shelf price of all WIC-approved supplemental foods purchased in the correct sizes, quantities and the total dollar amount of all WIC-approved supplemental foods purchased;
4. Ensure that the checkout process for eWIC allows a reasonable degree of security for protecting the PIN used by the WIC customer;

- **Transacting Food Benefits at Free-Standing Pharmacies**
  Authorized free-standing pharmacies can transact only food benefits issued for exempt infant formula and WIC-eligible nutritionals. Food benefits for authorized fruits and vegetables and any foods other than exempt infant formula and WIC-eligible nutritionals will not be paid to free-standing pharmacies. A list of these exempt infant formulas and WIC-eligible nutritionals can be found on the Community Nutrition Services Section website at www.ncdhhs.gov/ncwic or obtained from the local WIC agency.

- **Payment to Vendors for eWIC Transactions**
  Vendors receive payment for all eWIC transactions processed in their store through an Automated Clearinghouse (ACH) system in which payments are directly deposited into their bank account. If a vendor submits an item price that is above the NTE, their payment will be decreased to the NTE amount for the item. Vendors are required to provide their bank account information to the eWIC processor, including any changes in bank information, to ensure payment for eWIC transactions.

- **eWIC System Installation, Upgrades and Maintenance**
  Vendors must also comply with the following policies regarding eWIC system installation, upgrades and maintenance:
  1. Connect the vendor's in-store system for each eWIC device/outlet covered by the WIC Vendor agreement to the State's eWIC system at least once each 24-hour period to download reconciliation files and the North Carolina APL.
  2. Maintain POS terminals used to support the WIC Program in accordance with the minimum lane coverage requirements (See Attachment 3) listed below:
     a. Superstores and supermarkets: There will be one POS terminal for every $11,000 in monthly WIC redemption up to a total of four POS terminals or the number of lanes in the location, whichever is less;
     b. All other vendors: There will be one POS terminal for every $8,000 in monthly redemption up to a total of four POS terminals, or the number of lanes in the location; whichever is less.
  3. Maintain a North Carolina eWIC processor certified in-store eWIC system that is available for WIC redemption processing during all hours the store is open;
  4. Request the North Carolina eWIC processor re-certify its in-store system if the vendor alters or revises the system in any manner that impacts the eWIC redemption or claims processing system after initial certification is completed. The following applies:
     a. If the eWIC system is reconfigured or modified by the vendor and/or other parties in such a way that the WIC in-store system no longer exhibits the required system accuracy, integrity or performance required and under which requirements the WIC

in-store system was certified, the State will not accept a redemption;
   b. The vendor is liable for the costs of all recertification events needed to return the eWIC system for all eWIC devices/outlets covered by this agreement to full compliance with the State agency's system requirements. Failure to seek recertification when the vendor's system is altered/revised shall subject the vendor to the financial liabilities for all transactions processed
5. For vendors with integrated systems, obtain EBT card readers to support eWIC transactions within their store(s). The vendor must ensure that the EBT card readers they obtain meet all EBT and North Carolina EBT Processor requirements. The vendor must:
   a. Purchase EBT card terminals that are capable of properly reading eWIC card transactions;
   b. Ensure that the EBT terminal(s) will be supported by integrated software that is fully capable of supporting WIC in-lane transactions. The vendor's POS system must meet state certification requirements, including interoperability and North Carolina eWIC provider requirements, prior to being placed in operation to accept EBT transactions.
   c. Acknowledge that the performance of maintenance, cost of maintenance and cost of future replacement of terminals is the vendor's sole responsibility;
6. Not charge to the North Carolina WIC Program:
   a. any third-party commercial processing costs and fees incurred by the vendor from eWIC multi-function equipment. Commercial transaction processing cost and fees imposed by a third-party processor that the vendor elects to use to connect to the eWIC system of the state shall be paid by the vendor;
   b. interchange fees related to eWIC transactions;
   c. ongoing maintenance, processing fees or operational costs for vendor systems and equipment used to support eWIC unless the State agency determines the vendor is necessary for participant access.
7. Notify the WIC Program within 24 hours of any periods of time during which they do not maintain an Agreement with the state WIC Program's eWIC Processor or a third-party processor that has been certified according to criteria established by the state WIC Program's eWIC Processor.

- **Lost eWIC Cards**

  Should an eWIC card be found on the vendor's property and go unclaimed for 24 hours, the vendor must return the card to the local WIC agency as soon as possible. The vendor must not hold or use a WIC customer's eWIC card and PIN for any reason.

- **Equitable Treatment and In-Store Promotions**

  Federal WIC regulation 7 CFR 246.12(h)(3)(iii) requires WIC-authorized vendors to offer WIC customers the same courtesies that are offered to non-WIC customers. Per WIC Policy Memorandum from the USDA, dated February 7, 2014, WIC authorized vendors may not treat WIC customers differently from non-WIC customers by excluding them from in-store promotions. This means that WIC-authorized vendors must offer in-store promotions to WIC customers that are offered to non-WIC customers and cannot disallow the use of in-store promotions in WIC transactions that are allowed in non-WIC transactions. Similarly, WIC-authorized vendors may not treat WIC customers differently by offering in-store promotions that are not offered to non-WIC customers. Failure to provide the same courtesies to WIC

customers, as outlined above, is a violation of Federal WIC regulations, thereby constituting a vendor violation.
In-store promotions are defined collectively as incentive items, vendor discounts, and coupons. An incentive item is an item or service provided by a vendor to attract customers or encourage customer loyalty. Incentive items may include free beverages, foods, or baby products with the purchase of a certain WIC supplemental food. A vendor discount is defined as an in-store promotion that reduces the price or increases the quantity of a given product (see Attachment 4). A vendor discount may also result from the use of a coupon. The most common types of vendor discounts are as follows:

- Buy One, Get One Free (BOGO)
- Buy One, Get One at a Reduced Price
- Free Ounces Added to Food Item by Manufacturer (Bonus Size Items)
- Transaction Discounts
- Store Loyalty/Rewards Cards
- Manufacturers' Cents Off Coupons

Cash back is not permitted as a result of vendor discounts in any eWIC transaction. Also, please note that although there are different types of vendor discounts that can be used, the WIC customer is not responsible for paying tax which results from the use of the vendor discount, e.g., the value of a coupon. In addition, as with any eWIC transaction, vendors should not return any change to the WIC customer.

Example: A WIC customer has a $.50 discount coupon for a WIC approved cereal. The cashier should ring up the WIC foods and enter that total, less the $.50. Tax should not be charged nor change given to the WIC customer.

Value of WIC Item	Coupon Value	Paid Amount
$9.80	$0.50	$9.30

**Definitions for the most common vendor discounts may be found in Attachment 4 of this chapter.*

- **Vendor Discounts and eWIC**

The USDA WIC EBT Operating Rules specify how vendors are to apply vendor discounts when processing eWIC transactions. The most frequent vendor discount encountered is the buy one, get one free (BOGO) promotion. This is a quantity discount that many vendors use statewide. In a true BOGO, the customer pays for one item and the second item is free. If this occurs when a WIC customer uses their eWIC card to transact benefits, the free item cannot be deducted from the WIC participant's benefit balance or reported to the State agency. If a food item is advertised as "Buy one, get one free" with the disclosure that each item is sold for half the advertised price, both food items must be redeemed and deducted from the WIC

customer's WIC benefits and must reflect an item price of half the advertised price in the transaction. It is very important that the disclosure be placed in all advertising relevant to the promotion. For more information regarding application of vendor discounts, review the USDA, FNS, *WIC EBT Technical Implementation Guide* at https://www.usda.gov/sites/default/files/guidance-documents/fns.wic-ebtTechImpGuideOperatingRules.pdf.

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Vendor Routine Monitoring

The State WIC Agency is required by federal WIC regulation to monitor its vendors for compliance with WIC Program requirements.

- **Routine Monitoring**
  Routine monitoring is overt, on-site monitoring during which program representatives identify themselves to vendor personnel. Routine monitoring is conducted by the local WIC agency staff. The dates of monitoring visits are unannounced.

  A routine monitoring visit includes, but is not limited to, the following:
  - Review of infant formula invoices, receipts, copies of purchase orders, and any other proofs of purchase;
  - Price checks: Verify that the current shelf prices of all WIC supplemental foods are marked on the foods or are posted on the shelf or display case at all times. Record the shelf price of all items reviewed as part of minimum inventory requirements;
  - Treatment of WIC customers;
  - Food items obtained: Determine if the vendor permits WIC customers to get non-WIC food items with WIC food benefits;
  - Ensure that equipment used to transact eWIC is accessible to the WIC customer and meets minimum lane coverage criteria (refer to Attachment 3);
  - Inventory of WIC supplemental foods: Determine if the vendor has the required minimum inventory of North Carolina approved WIC supplemental foods in the store for purchase;
  - Quality (freshness): Verify that the WIC supplemental foods in the store for purchase are within the manufacturer's expiration date and ensure that the supplemental foods are fresh and of good quality;
  - Verify that the vendor does not use the "WIC" acronym or logo in the store name, advertising, promotional literature, or on WIC supplemental food stickers, tags, or labels;
  - Review of vendor procedures
    - Cashier procedure for eWIC transactions;
    - Cashier procedure for split tender transactions; and
    - Steps for reporting problem participants and eWIC transactions.
  - Address any problems, comments, and questions expressed by the vendor. This is also an opportunity for the vendor to receive training.

If violations are found, the vendor must take steps to correct the violation(s), such as:

- Immediately stock in the store for purchase the required minimum inventory of WIC supplemental foods;
- Immediately remove expired WIC supplemental foods from the shelf; and
- Immediately mark the current shelf prices of all WIC supplemental foods on the foods or post the prices on the shelf or display case.

If violations are cited, the local WIC agency must re-monitor the vendor. Failure to correct violations cited during routine monitoring visits can lead to the disqualification of the vendor from the WIC Program.

Monitoring Requirements

- **Routine monitoring of all vendors**
  Local WIC agencies must monitor ***each vendor*** at least once every three (3) federal fiscal years as well as monitor at least one third (33.3%) of their vendors each federal fiscal year. The minimum number of vendors to be monitored is based on the number of active vendors in the service area on September 30 of each year. Therefore, the minimum number to be monitored can increase with the addition of new vendors during the year.
  NOTE: A federal fiscal year begins on October 1st and ends on September 30th.

- **Routine monitoring of new vendors**
  Once new vendors are authorized, local WIC agencies must monitor these vendors by the end of the federal fiscal year following the date of their authorization approval. Example: Vendor is authorized November 2025; a routine monitoring must be performed by September 30, 2027.

- **Follow-up monitoring when deficiencies are found**
  Local WIC agencies must perform a follow-up monitoring when deficiencies are identified during a monitoring visit. This follow-up monitoring must occur within twenty-one (21) calendar days of the most recent monitoring visit with findings.

- **Monitoring at the request of the Community Nutrition Services Section (CNSS)**
  Local WIC agencies must monitor a vendor within seven (7) days of a request to do so by the CNSS WIC Vendor Unit.

- **Monitoring related to violations assessed and/or disqualifications**
  In addition to routine monitoring, local WIC agencies must perform an additional monitoring of any vendor in the next federal fiscal year who:
  - has had two (2) or more violations assessed (same or different) in the previous federal fiscal year.
  - has been disqualified from the program within the last three (3) years and is now participating.

- **Documentation Requirements**

  Local WIC agencies must document all monitoring visits on the WIC Vendor Monitoring Report form (DHHS 2925). Refer to the WIC Vendor Manual for a copy of this form. The WIC Vendor Monitoring Report form may be ordered from the CNSS using the CNSS Materials Requisition form. The requisition form and the WIC Vendor Manual may also be downloaded from www.ncdhhs.gov/ncwic.

  Upon completion of the monitoring visit, local WIC agencies should leave the signed yellow copy of the report with the vendor. The monitoring results must be entered into the Crossroads system by the local WIC agency monitor. The white copy of the report should be sent to your WIC Vendor Consultant at the State WIC Agency as a PDF file via email and to the WIC Vendor Unit Mailbox at: NCWICVendorQuestions@dhhs.nc.gov within two (2) business days of the visit. The white copy should be kept in the WIC vendor's file at the local WIC agency.

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Vendor Sanction System

- **Types of Violations**
  The North Carolina WIC Program sanction system is predominantly a pattern-based sanction system that requires disqualification of a vendor from the WIC Program for Program violations.

  - **Federal and State-Established Violations**
    Program violations include both federal and state-established violations. The disqualification periods for federal violations range from one (1) year to permanent disqualification. A vendor's disqualification for federal violations may also jeopardize the vendor's Supplemental Nutrition Assistance Program (SNAP) authorization. The disqualification periods for state violations range from sixty (60) days to one (1) year and do not affect a vendor's SNAP authorization. Each violation has a required disqualification period for a specified number of occurrences. For example, two (2) occurrences of vendor overcharging within a twelve (12)-month period require a three (3)-year disqualification. In addition, three (3) occurrences of failure to stock the required minimum inventory within a twelve (12)-month period require a one hundred and eighty (180)-day disqualification. Please refer to the Vendor Sanction System (See Attachment 5) for the number of occurrences and the required disqualification period for each violation. The State WIC Agency will provide the vendor written notification of an initial violation that requires a pattern of occurrences to impose a disqualification, unless the State WIC Agency determines that notifying the vendor would compromise an investigation. This notice requirement does not apply to inventory audits and to violations that require disqualification after a single occurrence.

- **Vendor Disqualification**
  Disqualified vendors can no longer transact WIC food benefits and if provided with a stand-beside device(s) to complete eWIC transactions, must return the devices to the eWIC contractor as soon as possible.

  Prior to disqualifying a vendor, the State WIC Agency must consider whether it would result in inadequate participant access. In rare cases, the State WIC Agency and the local WIC agency might decide that disqualifying a vendor would cause undue participant hardship. The Participant Access Form (See Attachment 6) must be completed by local WIC agency staff for disqualifications based on undercover compliance buy investigations and inventory audits. The Participant Hardship Form (See Attachment 7) is used in disqualifications based on monitoring visits. In these situations, the State WIC Agency might elect to assess a civil money penalty rather than disqualify the vendor.

  Vendors that have completed the disqualification period should contact their local WIC agencies if they wish to reapply. Reauthorization is not automatic. Vendor training is required and subject to the schedules of the local WIC agencies.

- **Vendor Claims**
  When the State WIC Agency determines the vendor has committed a vendor violation that affects payment to the vendor, the State WIC Agency will deny payment or assess a claim. The State WIC Agency has the authority to deny payment or assess a claim in the amount of the full purchase price of all food benefits affected by the vendor violation. Denial of payment or assessment of a claim may be based on violations detected through inventory audits, compliance buy investigations or any other means the State WIC Agency deems necessary to determine Program compliance. Denial of payment by the State WIC Agency or payment of a claim by the vendor for a vendor violation does not negate any other sanctions applicable to the vendor for the violation. For example, if a vendor is assessed a claim and disqualified, the vendor must pay the claim and be disqualified for the time period applicable to the violation committed. Vendors must reimburse the State WIC Agency in full or agree to a repayment plan with the State WIC Agency within thirty (30) days of written notification of a claim. If a vendor fails to reimburse the State WIC Agency in full or agree to a repayment plan within thirty (30) days of written notification of a claim, the WIC Vendor Agreement will be terminated. Vendor claims are not subject to appeal other than the opportunity to justify or correct as permitted by 7 CFR 246.12 (k)(3). Additionally, a vendor applicant cannot be authorized if any of the vendor applicant's owners, officers or managers currently has or previously had a financial interest in a WIC vendor that was assessed a claim by the WIC Program and the claim has not been paid in full.

Appeals

Vendors can appeal adverse actions taken by the State WIC Agency. Refer to Chapter 14 for additional information on the appeal process.

- **Reasons for an Appeal**
  Vendors can appeal a decision and receive a full administrative review for any one of the following reasons:
  - Denial of authorization based on the vendor selection criteria for competitive pricing or for minimum variety and quantity of authorized supplemental foods or on a determination that the vendor is attempting to circumvent a sanction.
  - Termination of an agreement for cause.
  - Disqualification.
  - Imposition of a fine or a civil money penalty in lieu of disqualification.
  - Denial of authorization based on the vendor selection criteria for business integrity or for a current Supplemental Nutrition Assistance Program (SNAP) disqualification or civil money penalty for hardship.
  - The application of the State Agency's vendor peer group criteria and the criteria used to identify vendors that are above-50-percent vendors or comparable to above-50-percent vendors.
  - Denial of authorization based on the State Agency – established vendor selection criterion if the basis of the denial is a WIC vendor sanction or a SNAP withdrawal of authorization or disqualification.
  - Denial of authorization based on the State Agency's vendor limiting criteria.
  - Denials of authorization because a vendor submitted its application outside the timeframes during which applications are being accepted and processed by the State WIC Program.
  - Termination of an agreement because of a change in ownership or location or cessation of operations.
  - Disqualification based on a trafficking conviction.
  - Disqualification based on the imposition of a SNAP civil money penalty for hardship.
  - Disqualification or a civil money penalty imposed in lieu of disqualification based on a mandatory sanction imposed by another WIC State Agency.
  - A civil money penalty imposed in lieu of disqualification based on a SNAP disqualification.
  - Denial of an application based on a determination of whether a vendor applicant is currently authorized by SNAP.

Vendors cannot appeal the following:

- The validity or appropriateness of the State Agency's vendor limiting criteria or vendor selection criteria for minimum variety and quantity of supplemental foods, business integrity, and current Supplemental Nutrition Assistance Program disqualification or civil money penalty for hardship.
- The validity or appropriateness of the State agency's selection criteria for competitive price, including, but not limited to, vendor peer group criteria and the criteria used to identify vendors that are Predominantly WIC Vendors (PWVs) or comparable to PWVs.
- The validity or appropriateness of the State WIC Agency's participant access criteria and the State WIC Agency's participant access determinations.
- The State WIC Agency's determination to include or exclude an infant formula manufacturer, wholesaler, distributor, or retailer from the list required.
- The validity or appropriateness of the State WIC Agency's prohibition of incentive items and the State WIC Agency's denial of a PWV's request to provide an incentive item to WIC customers.
- The State WIC Agency's determination whether to notify a vendor in writing when an investigation reveals an initial violation for which a pattern of violations must be established in order to impose a sanction.
- The State WIC Agency's determination whether a vendor had an effective policy and program in effect to prevent trafficking and that the ownership of the vendor was not aware of, did not approve of, and was not involved in the conduct of the violation.
- Denial of authorization if the State WIC Agency's vendor authorization is subject to the procurement procedures applicable to the State WIC Agency.
- The expiration of a vendor's agreement.
- Disputes regarding food benefit payments and vendor claims (other than the opportunity to justify or correct a vendor overcharge or other error).
- Disqualification of a vendor as a result of disqualification from SNAP.

■ **Filing an Appeal**

If a vendor appeals, the appeal must be filed within 30 days of receiving a Notice of Intent to Disqualify. The communication from the State WIC Agency will inform the vendor of their right to appeal and the procedure to do so. Vendors who have submitted a request for appeal are allowed to transact WIC food benefits during the appeal process.

WIC VENDOR MANAGEMENT
CUSTOMER SERVICE ISSUES FORM

PURPOSE	To report service issues about WIC vendor activity.
PREPARATION	Local WIC agency staff must complete Section I of the form. The completed form should be emailed to the assigned WIC Vendor Consultant and to the WIC Vendor Unit Mailbox at: NCWICVendorQuestions@dhhs.nc.gov.
RETENTION AND DISPOSITION	This form must be retained in accordance with records retention requirements of the North Carolina Department of Natural and Cultural Resources and the North Carolina Department of Health and Human Services.

WIC VENDOR MANAGEMENT
CUSTOMER SERVICE ISSUES FORM

SECTION I: CUSTOMER SERVICE ISSUE DOCUMENTATION

STAFF NAME: _____ **TITLE:** _____

AGENCY: _____ **DATE:** _____

ISSUE CREATION DATE: _____

INCIDENT DATE: _____

TARGET RESOLUTION DATE: _____

IS ISSUE CONFIDENTIAL? ☐Yes ☐No

ISSUE REPORTED BY:

☐ Family/Participant Family ID _____
☐ WIC Staff User ID _____
☐ Vendor Vendor ID _____
☐ Other Comments_____
☐ Anonymous

ISSUE REPORTED ABOUT:

☐ Family/Participant Family ID _____
☐ WIC Staff User ID _____
☐ Vendor Vendor ID _____
☐ Policy/Procedure Comments _____
☐ Other Comments_____

ISSUE TYPE: _____

ASSIGNED TO:

☐State WIC Agency
☐Local WIC Agency Name of Local Agency _____
☐ Clinic Name of Clinic _____

DESCRIPTION OF ISSUE(S):

_____
_____
_____
_____
_____
_____
_____

SECTION II: RESOLUTION OF ISSUE(S):

_____
_____
_____
_____
_____
_____

Local Agency Vendor Triage Form

Family ID:_____ Last 4 Digits of Card Number: _____

Transaction Date/Time:_____ Vendor Number/Name: _____

Participant Statement

Local Agency Staff Member: _____ *Date:* _____

Local Agency Vendor Triage Form

Dependent on the participant complaint, please ask the participant following questions.

1. What was the brand(s), quantity, product size and item(s) you were trying to purchase?

Brand Name	Quantity	Product Size	Item

2. Please provide the UPC for the item(s) you were trying to purchase. Please include all digits starting with the number to the farthest left and ending with the number to the farthest right.

3. Please describe the transaction (Only WIC items, mixed basket, etc.).

4. Did you present yourself as WIC participant or state that you were using your WIC/eWIC card?

5. Did the cashier verbally tell you the item(s) was not WIC approved or, as items were scanned, did the items not ring up as WIC approved?

Local Agency Staff Member: _____ *Date:* _____

6. Did you use your *ebt*EDGE[SM] app to scan the item(s) to see if they were WIC approved prior to the transaction?

7. Ask the participant if they have their receipts. If so, please make copies and attach to the form. In the box below, please describe your initial findings after viewing the receipts and listening to the participant's statement.

TIPS AND ADDITIONAL INFORMATION

- Please inform and strongly encourage participants to take pictures of the UPC for the item(s) in question.
- Please remind participants to contact the local agency during or immediately after the incident has occurred.
- **Please inform participants to keep all receipts and bring the receipts to the clinic if they are reporting an issue that occurred at the store.**
- **Please send Local Agency Vendor Triage Forms to the following email address: NCWICVendorQuestions@dhhs.nc.gov.**

Local Agency Staff Member: _____ *Date:* _____

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Local Agency Staff Member: _____ *Date:* _____

MINIMUM LANE COVERAGE CRITERIA

Per the Terms of WIC Vendor Agreement, vendors must maintain Point of Sale (POS) terminals to support the WIC Program in accordance with the minimum lane coverage provisions of 7 C.F.R. 246. 12(z)(2) as shown below:

Superstores and Supermarkets

Number of Terminals	Monthly Redemption Threshold
1	$0 - $11,000
2	$11,001 - $22,000
3	$22,001 - $33,000
4	$33,001 and above

All Other Vendors

Number of Terminals	Monthly Redemption Threshold
1	$0 - $8,000
2	$8,001 - $16,000
3	$16,001 - $24,000
4	$24,001 and above

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VENDOR DISCOUNTS

A vendor discount is an in-store promotion that reduces the price or increases the quantity of a given product. Please remember that per Federal regulations [7 CFR 246.12 (h)(3)(iii)], WIC-authorized vendors may not treat WIC customers differently by not extending the same vendor discounts to them that are extended to non-WIC customers. Similarly, WIC authorized vendors may not treat WIC customers differently by offering them vendor discounts that are not offered to non-WIC customers. Common vendor discounts are listed below:

Buy One, Get One Free (BOGO)

In this promotion, the WIC-authorized vendor sells one WIC food item and provides a second identical food item or a different item at no additional cost. For example, a vendor offers a free box of cereal with each box of cereal that is purchased. This is a quantity discount. Using a BOGO promotion allows WIC customers to get additional quantities of WIC foods or non-WIC items at no cost. If the free item in a BOGO promotion is a WIC food item, it should not be deducted from the participant's WIC benefits.

Buy One, Get One at a Reduced Price

In this promotion, the WIC vendor sells one WIC food item at full price and sells either a second identical WIC food item or a different food item at a reduced price. For example, a vendor offers a half-price box of cereal with each box of cereal that is purchased at regular price. A buy one, get one at a reduced-price promotion is a price discount. In a transaction that only includes WIC items, this discount type only applies when the second, reduced price item is a WIC food item and the WIC customer has the item in his or her benefits balance. In this case, the WIC Program would benefit from this vendor discount by being charged the lower price for the second box of cereal.

Free Ounces Added to Food Item by Manufacturer (Bonus Size Items)

In this promotion, a food manufacturer adds extra ounces to a product at no extra cost to the consumer. For example, instead of offering 16 ounces of cereal in a box, a manufacturer may temporarily offer a bonus size 18 ounce box of cereal at the same price. This promotion is a quantity discount. When a bonus size item is purchased by a WIC customer, the vendor should redeem the WIC food benefit or cash-value benefit as if the original size (16 ounce) item were purchased.

Transaction Discounts

In this type of promotion, the WIC vendor applies a fixed amount discount or a discount percentage to the total dollar amount of the purchase. For example, the offer may be for $10 off or 10% off when $50 or more in groceries are purchased. A transaction discount is a price discount on the total purchase. In a transaction that only includes WIC items, the Program would benefit from the vendor discount being applied to the transaction.

Store Loyalty/Rewards Cards

WIC-authorized vendors may provide a card or token that provides additional vendor discounts for frequent or regular customers. WIC customers are not required to use loyalty/rewards cards, nor are WIC-authorized vendors required to scan a "dummy" card for WIC customers who do not have their own cards. Store loyalty/rewards cards may provide a variety of quantity and/or price discounts. These vendor discounts should be processed by vendors as outlined above, according to type.

Manufacturers' Cents Off Coupons

Manufacturers' cents off coupons allow customers to purchase certain items at a lower price. For example, a coupon may offer a price discount of 50 cents off a box of cereal. In a transaction that only includes WIC items, the value of the coupon would be applied to the WIC transaction, thus benefiting the Program.

NOTE: Cash back is not permitted as a result of vendor discounts in any WIC transaction. Also, although there are different types of vendor discounts that can be used, the WIC customer is not responsible for paying tax which results from the use of the vendor discount, e.g., the value of a coupon. In addition, as with any WIC transaction, vendors should not return any change to the WIC customer.

If you have any questions related to vendor discounts, please contact your Local WIC Agency.

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Vendor Sanction System

FEDERAL MANDATORY VENDOR SANCTIONS		
	VIOLATIONS	**DISQUALIFICATION PERIOD**
A.	A vendor criminally convicted of trafficking in food benefits or selling firearms, ammunition, explosives, or controlled substances (as defined in 21 USC 802) in exchange for food benefits. A vendor is not entitled to receive any compensation for revenues lost as a result of such violation.	Permanent
B.	One occurrence (1) of buying or selling food benefits or cash-value benefits for cash (trafficking) or one occurrence (1) of selling firearms, ammunition, explosives, or controlled substances (as defined in 21 USC 802) in exchange for food benefits.	6 years
C.	One occurrence (1) of the sale of alcohol or alcoholic beverages or tobacco products in exchange for food benefits.	3 years
D.	Claiming reimbursement for the sale of an amount of a specific supplemental food item which exceeds the store's documented inventory of that supplemental food item for six or more days within a 60-day period. The six or more days do not have to be consecutive days within the 60-day period. Failure or inability to provide records or providing false records required under 10A NCAC 43D.0708(24) for an inventory audit shall be deemed a violation of 7 C.F.R.246.12(I)(1)(iii)(B) and 10A NCAC 43D.0710(a)(1).	3 years
E.	Two occurrences (2) of vendor overcharging within a 12-month period.	3 years
F.	Two occurrences (2) within a 12-month period of receiving, transacting or redeeming food benefits outside of authorized channels, including the use of an unauthorized vendor or an unauthorized person.	3 years
G.	Two occurrences (2) within a 12-month period of charging for supplemental food not received by the WIC customer.	3 years
H.	Two occurrences (2) within a 12-month period of providing credit or non-food items, other than alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances as defined in 21 USC 802, in exchange for food benefits.	3 years
I.	Three occurrences (3) within a 12-month period of providing unauthorized food items in exchange for food benefits, including charging for supplemental foods provided in excess of those listed on the food benefit balance.	1 year
J.	Three occurrences (3) within a 12-month period of an above-50-percent vendor providing prohibited incentive items to WIC customers in accordance with the State agency’s policies and procedures.	1 year
K.	2nd sanction, excluding sanctions for trafficking convictions and SNAP disqualifications.	Double Sanctions
L.	3rd sanction, excluding sanctions for trafficking convictions and SNAP disqualifications.	Double Sanctions and no CMP option
M.	Disqualification from SNAP	Same length of time as the SNAP disqualification and may begin at a later date than the SNAP disqualification.

Multiple Violations During a Single Investigation:

1. Pursuant to 7 CFR 246.12(l)(1)(xii), when during the course of a single investigation the State agency determines a vendor has committed multiple violations (which may include violations subject to State agency sanctions), the State agency must disqualify the vendor for the period corresponding to the most serious mandatory violation. However, the State agency must include all violations in the notice of administration action. If a mandatory sanction is not upheld on appeal, then the State agency may impose a State agency-established sanction.

Participant Access Determinations:

1. Pursuant to 7 CFR 246.12(l)(1)(ix), prior to disqualifying a vendor for a SNAP disqualification pursuant to 7 CFR 246.12(l)(1)(vii) or for any of the violations listed in 7 CFR 246.12(l)(1)(ii) through (l)(1)(iv), the State agency must determine if disqualification of the vendor would result in inadequate participant access. The State agency must make the participant access determination in accordance with 7 CFR 246.12(l)(8). If the State agency determines that disqualification of the vendor would result in inadequate participant access, the State agency must impose a civil money penalty in lieu of disqualification. However, as provided in 7 CFR 246.12(l)(1)(vi), the State agency may not impose a civil money penalty in lieu of disqualification for third or subsequent sanctions for violations in 7 CFR 246.12(l)(1)(ii) through (l)(1)(iv).

Civil Money Penalty Formula:

1. Pursuant to 7 CFR 246.12(l)(1)(x), for each violation subject to a mandatory sanction, the State agency must use the following formula to calculate a civil money penalty imposed in lieu of disqualification:
   (A) Determine the vendor's average monthly redemptions for at least the 6-month period ending with the month immediately preceding the month during which the notice of adverse action is dated;
   (B) Multiply the average monthly redemptions figure by 10 percent (.10);
   (C) Multiply the product from 246.12(l)(1)(x)(B) by the number of months for which the store would have been disqualified. This is the amount of the civil money penalty, provided that the civil money penalty shall not exceed the maximum amount specified in 7 CFR 3.91(b)(3)(v) for each violation. For a violation that warrants permanent disqualification, the amount of the civil money penalty shall be the maximum amount specified in 7 CFR 3.91(b)(3)(v) for each violation. When during the course of a single investigation the State agency determines a vendor has committed multiple violations, the State agency must impose a CMP for each violation. The total amount of civil money penalties imposed for violations investigated as part of a single investigation may not exceed the amount specified in 7 CFR 3.91(b)(3)(v) as the maximum penalty for violations occurring during a single investigation.

STATE VENDOR SANCTIONS		
VIOLATIONS		**DISQUALIFICATION PERIOD**
A.	Two occurrences (2) within a 12-month period of discrimination on the basis of WIC participation as referenced in 10A NCAC 43D.0708(31).	1 year
B.	Three occurrences (3) within a 12-month period of failure to properly transact WIC food benefits by manually entering the EBT card number or entering the PIN into the POS instead of the WIC participant, scanning the UPC or PLU codes from UPC codebooks or reference sheets when completing a WIC participant's EBT transaction, not entering the correct quantity and item price or not providing the WIC participant with a receipt that shows the items purchased and the participant's remaining food benefit balance.	1 year
C.	Three occurrences (3) within a 12-month period of requiring a cash purchase to transact WIC food benefits	1 year
D.	Three occurrences (3) within a 12-month period of contacting a WIC customer in an attempt to recoup funds for food benefits or contacting a WIC customer outside the store regarding the transaction or redemption of WIC food benefits.	270 days
E.	Three occurrences (3) within a 12-month period of failure to provide program-related records referenced in 10A NCAC 43D.0708(24) when requested by WIC staff, except as provided in 10A NCAC 43D.0708(24) and 10A NCAC 43D.0710(a)(1) for failure or inability to provide records for an inventory audit.	180 days
F.	Three occurrences (3) within a 12-month period of failure to provide the information referenced in 10A NCAC 43D.0708(25) when requested by WIC staff.	180 days
G.	Three occurrences (3) within a 12-month period of failure to stock the minimum inventory specified in 10A NCAC 43D.0708(17).	180 days
H.	Three occurrences (3) within a 12-month period of failure to make EBT point of sale equipment accessible to WIC customers to ensure that EBT transactions are completed in accordance with 10A NCAC 43D.0708.	180 days
I.	Three occurrences (3) within a 12-month period of failure to comply with minimum lane coverage criteria required by 7 CFR 246.12(z)(2) and 10A NCAC 43D.0708(20)(c).	90 days
J.	Three occurrences (3) within a 12-month period of stocking WIC supplemental foods outside of the manufacturer's expiration date.	90 days
K.	Five occurrences (5) within a 12-month period of failure to submit a WIC Price List as required by 10A NCAC 43D.0708(26).	90 days
L.	Three occurrences (3) within a 12-month period of failure to allow monitoring of a store by WIC staff.	90 days
M.	Three occurrences (3) within a 12-month period of failure to mark the current shelf prices of all WIC supplemental foods on the foods or have the prices posted on the shelf or display case.	60 days
N.	Five occurrences (5) within a 12-month period of requiring the purchase of a specific brand when more than one WIC supplemental food brand is available.	60 days

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North Carolina Department of Health and Human Services
Division of Child and Family Well-Being
Community Nutrition Services Section
1914 Mail Service Center
Raleigh, NC 27699-1914
NCWICVendorQuestions@dhhs.nc.gov

PARTICIPANT ACCESS FORM

COUNTY: DATE:

WIC DIRECTOR: HEALTH DIRECTOR:

WIC VENDOR: LOCAL AGENCY CONTACT:

WIC VENDOR #: PHONE #:

DATE WIC VENDOR OWNER SIGNED MOST CURRENT AGREEMENT:

1. ARE ANY WIC VENDORS WITHIN ONE MILE OF THE HEALTH DEPARTMENT? IF SO, LIST AND DOCUMENT THE DISTANCE.

2. IF THIS WIC VENDOR IS IN THE CITY LIMITS, WHAT WIC VENDORS ARE WITHIN THREE (3) MILES OF THIS VENDOR? (THIS MAY INCLUDE WIC VENDORS THAT CROSS COUNTY LINES.) LIST AND DOCUMENT THE DISTANCE.

3. IF THIS WIC VENDOR IS OUTSIDE THE CITY LIMITS, WHAT WIC VENDORS ARE WITHIN SEVEN (7) MILES OF THIS VENDOR? (THIS MAY INCLUDE WIC VENDORS THAT CROSS COUNTY LINES.) LIST AND DOCUMENT THE DISTANCE.

4. ARE THERE ANY GEOGRAPHIC BARRIERS TO USING WIC VENDORS LISTED IN QUESTION‘S #1, 2, OR 3 OF THIS FORM? IF SO EXPLAIN.

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North Carolina Department of Health and Human Services
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PARTICIPANT HARDSHIP FORM

COUNTY: DATE:

WIC DIRECTOR: HEALTH DIRECTOR:

WIC VENDOR: LOCAL AGENCY CONTACT:

WIC VENDOR #: PHONE #:

DATE WIC VENDOR OWNER SIGNED MOST CURRENT AGREEMENT:

1. ARE ANY WIC VENDORS WITHIN ONE MILE OF THE HEALTH DEPARTMENT? IF SO, LIST AND DOCUMENT THE DISTANCE.

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