

CHAPTER 4 WIC LOCAL AGENCY CONTRACT AND AMENDMENTS

Introduction

This chapter provides the process, instructions and components of a contract with the California Department of Public Health (CDPH) WIC Program. A contract is considered to be “executed” when the Contractor and the State representative have both signed the Agreement. This chapter also contains:

- the contract process,
- contract amendment information and procedures, and
- a sample of the WIC Local Agency Contract (Attachment 4-1).

I. WIC Local Agency Contract

List of Contract Documents

Standard Agreement (STD 213)
Exhibit A – Scope of Work
Exhibit B – Budget Detail & Payment Provisions
Exhibit B – Attachment I (Year 1)
Exhibit B – Attachment II Budget Detail Justification
Exhibit C – General Terms and Conditions
<http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>
(Online only. Refer to Standard Contract Language, GTC – 610)
Exhibit D(F) – Special Terms & Conditions
Exhibit E – Additional Provisions
Exhibit F – Contractor’s Release
Exhibit G – Information Privacy and Security Requirements

II. Contract

Contract Process Steps

1. The State WIC Program will send a Funding Application and cover letter to existing WIC local agencies in the final year of the current contract. The cover letter will include a timeline for completing the Funding Application.
2. The WIC local agencies must submit the completed Funding Application to the State WIC Program by the due date. The Funding Application is reviewed for completeness. Incomplete Funding Applications will be returned, delaying the review and approval process.

3. When the contract is authorized by the California Department of Public Health (CDPH), the State WIC Program will email the WIC local agency a PDF of the contract originals for signature. The contracts must be signed in blue ink by the person whose name is shown in the signature block for the contractor. If the correct person is not shown, the local agency must contact the State WIC Program Contract Manager to receive a corrected STD 213.
4. The WIC local agency keeps one (1) copy of the contract and returns four (4) contract copies **with original signatures** for processing. A government local agency must include a copy of the official Board Resolution approving the contract with the signed copies.
5. When the contract is executed by CDPH, the WIC local agency will receive an original fully-executed contract.

Local Agency Board Resolutions (Government Agency)

All government local agencies are required to submit a Board Resolution with each contract. Board Resolutions must indicate local government approval of the contract.

Effective Date

The effective date of the WIC Local Agency Contract is October 1, 2014.

Sample Contract

A sample of the WIC Local Agency Agreement is provided as Attachment 4-1. This includes the Standard Agreement (STD 213), Exhibit A – Scope of Work, Exhibit B – Budget Detail & Payment Provisions, Exhibit B – Attachment I (Year 1), Exhibit B – Attachment II Budget Detail Justification, Exhibit D(F) – Special Terms & Conditions, Exhibit E – Additional Provisions, Exhibit F – Contractor’s Release, and Exhibit G – Information Privacy and Security Requirements.

Appeal of Cancellation of Local Agency Contract

A WIC local agency may appeal the State WIC Program’s decision to not renew or cancel a local agency contract. See CMB Chapter 14, Section VII.

III. Contract Amendments

Definition	A contract amendment is a formal change to an existing contract. Contract amendments may be initiated either by the State WIC Program or by the WIC local agency. An amendment is not effective until signed by both CDPH and the WIC local agency.
State WIC Program Initiated Amendment	<p>The State WIC Program may initiate an amendment for the following reasons:</p> <ol style="list-style-type: none">1. Increase or decrease to the maximum payable amount, or2. Increase in maximum caseload. <p>The State WIC Program shall notify the WIC local agency, in writing, of a pending amendment and will forward the appropriate documents and instructions.</p>
WIC Local Agency Initiated Amendment	<p>A WIC local agency may initiate an amendment for the following reasons:</p> <ol style="list-style-type: none">1. <u>WIC local agency's legal name change:</u> An amendment to the contract is required when a WIC local agency changes its legal name. The contract amendment will document the name change so the Contractor may receive invoice payments. A request must be submitted to the Contract Manager, in writing, on local agency letterhead and must be signed by the Primary WIC Program Contact (PWPC).<ol style="list-style-type: none">a. <u>Private Nonprofit Agency</u> The request to change the legal name of a private, non-profit agency must be submitted with:<ul style="list-style-type: none">• A completed Payee Data Record form (STD 204), CMB Chapter 1, Attachment 45, and• Proof of the legal name change (i.e., documentation filed with the Secretary of State's Office showing the new business name, Doing Business As (DBA) certification, or other documentation approved by a local agency's Board of Directors).

b. Local Government Agency

The request to change the legal name of a local government agency must be submitted with a completed Local Government Name Change form, Attachment 4-2.

2. Budget Revision:

An amendment to the contract is required when a local agency needs to transfer funds (maximum payable amount) from one budget line item to another during a budget period.

A request must be submitted to the Contract Manager, in writing, on local agency letterhead and must be signed by the Primary WIC Program Contact (PWPC). The request must be submitted with:

- Detailed justification that explains the need for the amendment and why the funds need to be shifted,
- Revised Funding Worksheets being amended, and
- Any revised Budget Detail Worksheets (Personnel Justification Worksheets, Operating Expense Worksheets, Capital Expenses Worksheets) being amended.

3. Change to Indirect Cost Rate Percentage:

Refer to CMB Chapter 2, Section 1, Provision I for clarification on when a contract amendment for this purpose is allowed.

Amendment Process Steps

1. The State WIC Program shall notify the WIC local agency of a pending amendment. The WIC local agency, if initiating an amendment, shall submit a request for an amendment in writing with the required documents to the State WIC Program by May 1st of the Federal Fiscal Year for which the changes are requested. See Section III of this Chapter and the type of amendment being requested for the documents to be submitted with the request.
2. If required, the State WIC Program will send the appropriate budget worksheets by email to the WIC local agency for completion. The local agency will complete the budget worksheets and update the appropriate budget detail for the affected line items. See CMB Chapter 3 for instructions for updating the budget detail.
3. The amendment documents are reviewed by the Contract Manager and management. The Contract Manager will notify the PWPC of tentative approval.
4. When the amendment is authorized by CDPH, the State WIC Program will email a PDF of the contract amendment originals to the WIC local agency for signature. The documents must be signed in blue ink by the person whose name is shown in the signature block for the contractor. If the correct person is not

shown, the local agency must contact the State WIC Program Contract Manager to receive a corrected STD 213.

5. The WIC local agency keeps one (1) copy of the amendment and returns four (4) amendment copies **with original signatures** for processing. A government WIC local agency must include a copy of the Board Resolution approving the amendment with the signed copies.
6. When the amendment is executed by CDPH, the WIC local agency will receive an original, fully-executed amendment.

**Deadline to Submit
Amendment Request**

Amendment requests and all associated documents, including budget worksheets and justification letters, are due to the State WIC Program by May 1st of the Federal Fiscal Year for which the changes are requested. All amendment requests made after May 1st will be processed at the State's discretion.

IV. Attachments

Sample Contract
Local Government Name Change form

Attachment 4-1
Attachment 4-2