

New Mexico Department of Health
WIC Farmers' Market Nutrition Program (FMNP)
Farmers' Market Nutrition Enhancement Program (FMNEP)
Senior Farmers' Market Nutrition Program (SFMNP)
Farmers'/Growers Agreement
2011, 2012 & 2013

ABQ Uptown Farmers' Market 30154

Farmers'/Growers Identification Code Number _____
(Assigned by Farmers' Market Manager)

Name of Authorized Farmers'
Market _____
(Farmers' Market in which Farmer/Grower will receive and/or received farmers'/growers ID code number)

Name of Farm _____

Name of Contact Person _____

Telephone _____ Fax # _____

Email Address: _____

Address _____

Mailing
Address _____

City _____ State _____ Zip _____

Will you sell at any other Market(s)

Yes No

If Yes, please list Market Names _____

Farmers'/Growers Banking Institution

Name of Bank _____

Address _____

Telephone _____

I intend to offer the following eligible fresh, unprepared fruits and/or vegetables that I have for purchase with the Farmers' Market Nutrition Program checks:

Farmers'/Growers

Signature _____ Date _____

Farmers' Market Manager

Signature _____ Date _____

Department of Health

Farmers' Market Nutrition Program

Signature _____ Date _____

Please Complete and Return Page 1 and 2 of Agreement to:

Farmers' Market Nutrition Program

Public Health Division

New Mexico Department of Health

2040 South Pacheco # 152

Santa Fe, NM 87505

Fax #: 505-476-8900

Please Detach and keep for your Records

Farmers'/Growers must meet the following criteria in order to be authorized to participate in the FMNP, SFMNP, and FMNEP. Farmer/Grower must comply with the selection criteria. The Department may reassess the Farmer/Grower at any time using the selection criteria. Farmers'/Growers not complying with the selection criteria will be removed from eligibility to participate in the FMNP, SFMNP, and FMNEP.

Farmers'/Growers Selection Criteria

1. The Farmers'/Growers must complete and submit a Farmers'/Growers Agreement to the Market Manager for review and approval no later than June 3 of each year.
2. If selected to participate the Market Manager will assign Farmer/Grower a Farmer/Grower ID number. Market Manager will submit the Farmers'/Growers Agreement to the Department of Health by June 8 of each year.
3. To participate in FMNP/SFMNP/FMNEP the Farmer/Grower must be a member of an organized Farmers' Market that has been approved by the Department of Health.
4. The Farmer/Grower must grow FMNP/SFMNP/FMNEP approved fruits, vegetables, and herbs and may sell only locally grown produce within the borders of New Mexico and/or within an 80 mile radius of the market outside of the New Mexico border.
5. The Farmer/Grower is responsible for applying and maintaining all required business licenses.
6. The Farmer/Grower must participate in annual training provided by the Department. The Farmer/Grower shall attend a face-to face training every year of the agreement and/or the market manager. The Department its authorized representative and/or the market manager will perform the face-to-face training. Training sites and dates will be determined and designated by the Department and/or the market manager annually.

Farmers'/Growers agree to:

1. Accept training for the WIC Farmers' Market Nutrition Program, Farmers' Market Nutrition Enhancement Program, and the Senior Farmers Market Nutrition Program.
2. Display the "New Mexico WIC Farmers' Market Nutrition Program Checks Welcome Here" sign.
3. Redeem checks only for eligible fresh, unprepared fruits and vegetables as defined by United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) and the Department of Health Farmers' Market Nutrition Program.
4. Provide eligible fresh, unprepared fruits and vegetables at no more than the current price charged to other customers.

5. Offer the New Mexico WIC Farmers' Market Nutrition Program, Farmers Market Nutrition Enhancement Program, and the Senior Farmers Market Nutrition Program participants the same courtesies as all other customers and to otherwise comply with all applicable United States Department of Agriculture regulations governing nondiscrimination in services. Farmers/Growers expressly agrees not to discriminate against any WIC Farmers' Market Nutrition Program, Farmers Market Nutrition Enhancement Program, and the Senior Farmers Market Nutrition Program participants on the basis of race, color, national origin, age, sex, handicap or disability.
6. Accept New Mexico WIC Farmers' Market Nutrition Program, Farmers Market Nutrition Enhancement Program, and the Senior Farmers Market Nutrition Program participant checks only within the valid dates (July 1 through November 15) of the current market season.
7. Provide no cash change, rain checks or "I O U's" and collect no tax.
8. Assure that I will not seek restitution from a WIC Farmers' Market Nutrition Program, Farmers Market Nutrition Enhancement Program, or a Senior Farmers Market Nutrition Program participant(s) for checks that were improperly redeemed and not paid for by the New Mexico WIC Farmers' Market Nutrition Program, Farmers Market Nutrition Enhancement Program, or the Senior Farmers Market Nutrition Program.
9. Pay the WIC Farmers' Market Nutrition Program, the Farmers Market Nutrition Enhancement Program, and the Senior Farmers Market Nutrition Program participants for any Coupons transacted in violation of the agreement.
10. Acknowledge that the Farmer/Grower is held accountable for the actions of individuals they (the Farmer/Grower) authorize to assist with any WIC FMNP, FMNEP, and SFMNP related activities.
- 11. Ensure that all WIC FMNP, FMNEP, and SFMNP checks have all required information (participant signature, individual farmer identification code number, Farmers' Market Manager or representative Market Vendor stamp) prior to depositing/cashing.**
- 12. Deposit all FMNP, FMNEP, and SFMNP checks before and/or by November 30. Any WIC FMNP, FMNEP, and SFMNP checks deposited after November 30 will be Null and Void.**
13. Cooperate with the staff from the Department of Health Farmers' Market Nutrition Program in monitoring for compliance with the required Program procedures.
- 14. Only farmers/growers selling produce grown locally may participate in the WIC Farmers Market Nutrition Program (FMNP), Farmers Market Nutrition Enhancement Program (FMNEP), and Senior Farmers Market (SFMNP). The farmer must be prepared to demonstrate that all produce subject to the program was produced locally within the borders of New Mexico and/or within an 80 mile radius of the market outside of the New Mexico border.**

- 15. Reselling of agricultural products is strictly prohibited. Reselling is defined as produce purchased for resale to market customers. Individuals who exclusively sell produce grown by someone else such as wholesale distributors cannot be authorized to participate in the WIC Farmers Market Nutrition Program (FMNP), Farmers Market Nutrition Enhancement Program (FMNEP), and Senior Farmers Market (SFMNP).**
16. Provide such information as the Department of Health Farmers' Market Nutrition Program shall require for its periodic reports to USDA, Food and Nutrition Service.
17. Promptly notify the Department of Health Farmers' Market Nutrition Program office if I cease grower operation prior to the end of the authorization period.
18. Checks may only be accepted at the authorized Farmers Market locations. You may not accept them at roadside stands or at any other locations off of authorized market grounds.
19. The FMNP, FMNEP, SFMNP and the grower understands that each market may have their own rules and regulations in determining who may sell at that market.
20. Farmers/Growers suspected and/or violating USDA/WIC FMNP, FMNEP and the SFMNP rules and regulations will be investigated by state office. If farmer/grower is found in violation(s) of USDA/WIC FMNP, FMNEP and the SFMNP rules and regulations will subject to disciplinary action as deemed appropriate to the nature and severity of the violation(s).
21. A Farmer/Grower that is disqualified from the FMNP, FMNEP or the SFMNP may not participate at any authorized farmers market during the disqualification period.
22. The FMNP, FMNEP or the SFMNP may deny payment to the farmer for improperly redeemed checks or may establish a claim for payment s already made on improperly redeemed checks.
23. The Farmer/Grower may appeal a decision that adversely affects the farmer/grower except the expiration of this agreement. The appeal procedure is detailed in the Farmers' Market Nutrition Program Manual.
24. Farmers'/Growers and Farmers' Market Manager and/or representative must ensure that all WIC FMNP, FMNEP, or the SFMNP checks have the required (participant signature, individual farmer identification code number, Farmers' Market Manager or representative Market Vendor stamp) information and are legible prior to deposit. If any checks are rejected and/or returned by the bank due to farmers/growers and /or Farmers' Market Manager and or representative error to include but not limited to (" missing / illegible farmer code" or "missing / illegible market number") the Department of Health Farmers' Market Nutrition Program will no longer pay rejected and/or returned checks or bank charges incurred by Farmers'/Growers.

25. Farmers/Growers agree to abide by all laws, regulations, policies and procedures governing the WIC FMNP/FMNEP/SFMNP and understands that violation of such provisions may result in sanctions, criminal penalties, or both. Farmer/Grower acknowledges that any and all losses, shall be the sole responsibility of the farmer/grower and that under no circumstances shall the Farmers' Market and the State FMNP/FMNEP/SFMNP Office be held liable for any such losses. Farmer/Grower acknowledges and understands that the provisions of state and federal law concerning the FMNP/FMNEP/SFMNP, and regulations, policies and procedures promulgated pursuant to such laws are incorporated into this agreement by reference.

A farmer/grower who commits fraud or abuse of the Program is liable for prosecution under applicable federal and state law. A MARKET OR FARMER WHO COMMITS FRAUD OR ABUSE OF THE PROGRAM IS LIABLE TO PROSECUTION UNDER STATE, FEDERAL AND LOCAL LAW. MARKETS WHO WILLFULLY MISAPPLY, STEAL OR FRAUDULENTLY OBTAIN PROGRAM FUNDS SHALL BE SUBJECT TO FINES OF UP TO \$10,000 (TEN THOUSAND DOLLARS), OR IMPRISONMENT FOR UP TO 5 YEARS, OR BOTH. IF SUCH FUNDS, ASSETS, OR PROPERTY ARE OF THE VALUE OF \$100 OR LESS, THE FINE IS NOT MORE THAN \$1,000 AND IMPRISONMENT IS FOR NOT MORE THAN ONE YEAR, OR BOTH.

By signing below the farmer represents that all produce subject to this agreement was produced locally by him/her or a family member. In compliance with USDA, FNS federal regulations at 7 CFR Part 248 and Department of Health Farmers' Market Nutrition Programs regulations and policies incorporated herein by reference, the farmer's signature indicates acceptance of the terms and conditions of this written agreement. Neither the WIC FMNP, FMNEP, SFMNP the farmer and/or the farmers' market have an obligation to renew the agreement. The FMNP, FMNEP, SFMNP or the farmer and/or the farmers' market may terminate the agreement for cause after providing advance written notification of at least 15 days.

This agreement is valid for the 2011, 2012 and 2013 Market years.

"In accordance with Federal Law and U.S. Department of Agriculture policy, this program is prohibited from discriminating on the basis of race, color, national origin, sex, age, and disability".