

Farmer/Grower Agreement

New Mexico Department of Health (NMDOH)

WIC Farmers' Market Nutrition Program (FMNP)

Farmers' Market Nutrition Enhancement Program (FMNEP)

Senior Farmers' Market Nutrition Program (SFMNP)

Five Sandoval Indian Pueblos

WIC Farmers' Market Nutrition Program (FSIP WIC FMNP) Senior

Farmers' Market Nutrition Program (FSIP WIC SFMNP)

This agreement is good for the following years:

2020, 2021, 2022

Name of Contact Person:	
Name of Farm:	
Farm Address:	
Telephone Number:	
Fax Number:	
Email Address:	
Mailing Address:	
City:	
State:	
Zip:	

Farmer/Grower Identification Code Number:	
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(4-Digit Permanent ID Code Number
Issued by Market)

Main Market where Farmer/Grower will sell produce: <i>MAINSTREET ROSWELL FARMERS AND GROWERS MARKET</i>	<i>03607</i>
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(5-Digit Market ID Code Number Issued
by NMDOH)

Please list all AUTHORIZED Markets you will sell at. Your Permanent ID number will work only at Farmers' Markets authorized by NMDOH, FSIP WIC FMNP and FSIP WIC SFMNP.

Market Name:	
Market Name:	
Market Name:	
Market Name:	

I intend to offer the following eligible fresh, unprepared fruits and/or vegetables, and herbs for purchase with FMNP, FMNEP, SFMNP, FSIP WIC FMNP, and FSIP WIC SFMNP checks:

By signing below, the Farmer/Grower has read over and understands the agreement on pages 3-7 below.

Farmer/Grower Signature Date

Farmers' Market Manager Signature Date

NMDOH FMNP Program Manager Signature Date

FSIP WIC FMNP Program Manager Signature Date

FSIP WIC SFMNP Program Manager Signature Date

Please Complete and Return to:
Farmers' Market Nutrition Program
NMDOH PHD WIC
2040 S. Pacheco St. Suite # 123B
Santa Fe, NM 87505

Phone: (505) 476-8816
Fax: (505) 476-8900

For More Information on Five Sandoval Indian Pueblos
FSIP WIC FMNP
Karen Griego-Kite, WIC Director
1043 Highway 313
Bernalillo, NM 87004
(505) 771-5386

FSIP WIC Senior FMNP
Senior Program Director
4321-B Fulcrum Way NE
Rio Rancho, NM 87144
(505) 771-5376

Farmer/Grower Agreement

Please detach and keep for your records

FARMER/GROWER:

Your permanent ID Code Number is:

This number should be used at all authorized Farmers' Markets you participate in. If you have any questions, or changes to contact information, please call NMDOH - FMNP State Office at (505) 476-8816.

This agreement is valid for the 2020, 2021, and 2022 market years.

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

Farmer/Grower Selection Criteria:

1. The Farmer/Grower must complete and submit a Farmer/Grower Agreement to the Market Manager for review and approval no later than June 1 of each year.
2. If selected to participate, the Market Manager will assign Farmer/Grower a Farmer/Grower ID Code Number. The Market Manager will submit the Farmer/Grower Agreements to the NMDOH.
3. To participate in FMNP, FMNEP and SFMNP and/or FSIP WIC FMNP, FSIP WIC SFMNP, the Farmer/Grower must be an authorized member of an organized Farmers' Market that has been approved by the NMDOH.
4. The Farmer/Grower must be the grower of FMNP, FMNEP and SFMNP or FSIP WIC FMNP, FSIP WIC SFMNP eligible 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 if outside of the New Mexico border, but must be within the USA.
5. The Farmer/Grower is responsible for applying for and maintaining all required business licenses.
6. The Farmer/Grower must participate in annual training provided by the NMDOH. The Farmer/Grower shall attend a face-to-face training every year of the agreement. The NMDOH, or 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 NMDOH and/or the market managers, annually.

7. The term of the Agreement is three years. A grower may sign up any time during the three-year cycle but must renew when the next three-year cycle starts.

Farmer/Grower Agrees To:

1. Accept training for the FSIP WIC Farmers' Market Nutrition Program and the FSIP WIC Senior Farmers' Market Nutrition Program.
2. Display the "New Mexico WIC Farmers' Market Nutrition Program, WIC SFMNP Checks Welcome Here" sign as proof of authorization to participate.
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 NMDOH FMNP or FSIP.
4. Provide eligible fresh, unprepared fruits and vegetables at not more than the current price charged to other customers.
5. Offer the New Mexico WIC FMNP, FMNEP, SFMNP and/or FSIP WIC FMNP, FSIP WIC SFMNP participants the same courtesies as all other customers and to otherwise comply with all applicable USDA regulations governing nondiscrimination in services.
Farmer/Grower expressly agrees not to discriminate against any WIC FMNP, FMNEP, SFMNP or FSIP WIC FMNP, FSIP WIC SFMNP participants on the basis of race, color, national origin, age, sex, handicap or disability.
6. Accept New Mexico WIC FMNP, FMNEP, SFMNP or FSIP WIC FMNP, FSIP WIC SFMNP 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 Farmer/Grower will not seek restitution from WIC FMNP, FMNEP, SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP participant(s) for checks that were improperly redeemed and not paid for by the New Mexico WIC FMNP, FMNEP, SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP.
9. Pay WIC FMNP, FMNEP, SFMNP, FSIP WIC FMNP, or FSIP WIC SFMNP for any checks 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, SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP-related activities.
11. Cooperate with the staff from the NMDOH Farmers' Market Nutrition Program, and FSIP WIC FMNP in monitoring for compliance with the required program procedures.
12. 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 Nutrition Program (SFMNP), or in the Five Sandoval Indian Pueblos WIC Farmers' Market Nutrition Program (FSIP WIC FMNP), or Five Sandoval Indian Pueblos WIC Senior Farmers' Market Nutrition Program (FSIP WIC SFMNP). The Farmer/Grower 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 if outside of the New Mexico border, but must be within the USA.
13. 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), or Five Sandoval Indian Pueblos WIC Farmers' Market Nutrition Program or Five Sandoval Indian Pueblos WIC Senior Farmers' Market Nutrition Program (FSIP WIC FMNP, FSIP WIC SFMNP).
14. Provide such information as the DOH FMNP and FSIP WIC FMNP shall require for its periodic reports to USDA, Food and Nutrition Service (FNS).
 15. Promptly notify the NMDOH FMNP office, or FSIP WIC FMNP Program Manager if grower operations cease prior to the end of the authorization period.
 16. Checks may only be accepted at the authorized Farmers' Market locations. You may not accept them at roadside stands (unless you have a Roadside Stand contract with the NMDOH FMNP, FSIP WIC FMNP) or at any other locations off of authorized market grounds.
 17. The FMNP, FMNEP, SFMNP, FSIP WIC FMNP, FSIP WIC SFMNP and the Farmer/Grower understand that each market may have their own rules and regulations in determining who may sell at that market.
 18. A Farmer/Grower suspected of, and/or, violating USDA, FMNP, FMNEP, SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP rules and regulations will be investigated by the NMDOH, or by FSIP WIC. If Farmer/Grower is found in violation(s) of USDA, WIC FMNP, FMNEP, SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP rules and regulations, the Farmer/Grower will be subject to disciplinary action as deemed appropriate to the nature and severity of the violation(s).
 19. A Farmer/Grower that is disqualified from the FMNP, FMNEP or SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP may not participate at any authorized farmers' market during the disqualification period.
 20. The FMNP, FMNEP, SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP may deny payment to the Farmer/Grower for improperly redeemed checks or may establish a claim for payments already made on improperly redeemed checks.
 21. 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.
 22. Farmer/Grower and Farmers' Market Manager, and/or representative, must ensure that all FMNP, FMNEP, SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP checks have all required information, prior to depositing/cashing. This includes:
 - a. Participant's signature
 - b. Farmer/Grower's Identification Code number
 - c. Farmers' Market, or representative Market Vendor stamp
 - d. Ensure all are legible prior to deposit
 23. 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 NMDOH FMNP, or the FSIP WIC FMNP, FSIP WIC SFMNP will not pay rejected and/or returned checks or bank charges incurred by Farmers/Growers.

24. Deposit all FMNP, FMNEP, SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP checks before or by November 30. Any FMNP, FMNEP, SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP checks deposited after November 30 will be Null and Void.
25. Farmer/Grower agrees to abide by all laws, regulations, policies and procedures governing the FMNP, FMNEP, SFMNP, or FSIP WIC FMNP, FSIP WIC 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 State FMNP, FMNEP, SFMNP Office, or FSIP WIC FMNP, FSIP WIC SFMNP Office be held liable for any such losses.
26. Farmer/Grower acknowledges and understands that the provisions of state and federal law concerning the FMNP, FMNEP, SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP and regulations, policies and procedures promulgated pursuant to such laws are incorporated into this agreement by reference.

IMPORTANT!

A Farmer/Grower who commits fraud or abuse of the program is liable to prosecution under State, Federal, and Local law. Farmers/Growers and/or Farmers' 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 five years, or both. If such funds, assets, or property are the value of \$100 (one hundred dollars) or less, the fine is not more than \$1,000 (one thousand dollars) and imprisonment is for not more than one year, or both.

By signing this agreement (page 2) the Farmer/Grower 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 7 CFR Part 249, and NMDOH Farmers' Market Nutrition Programs, and FSIP WIC FMNP, SFIP WIC SFMNP regulations and policies incorporated herein by reference, the Farmer's/Grower's signature indicates acceptance of the terms and conditions of this written agreement. Neither the WIC FMNP, FMNEP, SFMNP, or FSIP WIC FMNP, FSIP WIC SFMNP, or the Farmer/Grower and/or the Farmers' Market have an obligation to renew the agreement. The FMNP, FMNEP, SFMNP, FSIP WIC FMNP, FSIP WIC SFMNP or the Farmer/Grower and/or the Farmers' Market may terminate the agreement after providing advance written notification of at least 15 days.

USDA Nondiscrimination Statement:

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800)

877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD3027) found online at:

http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992.

Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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