

State Agency Farmers' Market/Farmstand/Farmer Agreement

AGREEMENT

Between State of Alaska – DHSS and Farmers'
Market/Farmstand/Farmer:

Farmer No. _____ (If Applicable)



This agreement is entered into by and between the State of Alaska, Department of Health and Social Services (AK DHSS) and the Farmers' Market/Farmstand/Farmer named above to participate in the United States Department of Agriculture (USDA) and the Alaska State Farmers' Market Nutrition Program (FMNP), Senior Farmers' Market Nutrition Program (SFMNP), and WIC Program.

The duration of this agreement shall be for the **2012-2013** Farmers' Market seasons of June 1 - November 30 of each year unless terminated earlier as provided below. All Farmers' Market/Farmstand/Farmer must deposit all coupons at their banks by November 30 of the current year. WIC Fruit and Vegetable Vouchers (FVVs) have more stringent requirements and must be deposited by the authorized Farmers' Market/Farmstand/Farmer within 60 days from the first "Valid Date" printed on the FVV and no later than November 30 of the current year.

Senior Farmers' Market/Farmstand/Farmer must ensure that their coupons are received by the assigned payment agency no later than November 30 of the current year. All reimbursements of SFMNP coupons will be processed by the assigned senior reimbursement agency by December 31 of the current year.

It is the purpose of this agreement to:

1. Provide locally grown, fresh fruits, vegetables, and herbs for currently eligible WIC women, infants and children, and senior citizens in areas where the FMNP and SFMNP are offered.
2. Expand customer base and use of farmer's markets where consumers can buy directly from the farmer.

It is therefore mutually agreed that:

1. The Farmers' Market/Farmstand/Farmer shall furnish the necessary personnel and services and otherwise do all things necessary for, or incidental to, the performance of conditions set forth below.
2. The Farmers' Market/Farmstand/Farmer authorized to participate in the Alaska WIC Program, FMNP, and SFMNP agrees to all of the following conditions and rules.

Definitions:

AK DHSS stands for Alaska Department of Health and Social Services. This is also sometimes referred to as the State Agency throughout this document.

Compliance Buy means a covert, on-site investigation in which a representative of WIC, FMNP and/or SFMNP poses as a participant, parent or caretaker of an infant or child participant, or

proxy, transacts one or more food instruments (FIs) or FVVs, and does not reveal during the visit that he or she is a WIC, FMNP and/or SFMNP representative.

Coupon means a coupon, food instrument (FI), warrant, voucher, or other negotiable financial instrument by which benefits under the FVV, FMNP, and SFMNP are transferred to participants.

Days means calendar days.

Eligible Foods (FMNP and SFMNP) means fresh, nutritious, unprepared, **locally grown**, WIC approved fruits, berries, vegetables and herbs for human consumption. Eligible foods may not be processed or prepared beyond their natural state except for usual harvesting and cleaning processes. Dried fruits and vegetables, honey, maple syrup, cider, juices, nuts, seeds, eggs, meat, cheese and seafood are examples of foods not eligible for purposes of the FMNP and SFMNP.

Eligible Foods (FVVs) means any combination of WIC approved fresh fruits and vegetables. They do not have to be grown in Alaska. This includes whole or cut varieties. They may not have any added sugars, fats or oils. Edible blossoms or flowers, herbs or spices, fruit leathers or fruit rollups, white potatoes, vegetable-grain or fruit-nut mixtures, dried fruits and vegetables, canned or dried mature legumes, honey, maple syrup, cider, juices, nuts, seeds, eggs, meat, cheese and seafood are examples of foods not eligible for purposes of the FVV.

Employee Fraud and Abuse means the intentional conduct of a State, local agency or clinic employee which violates WIC Program, FMNP and/or SFMNP regulations, policies, or procedures, including, but not limited to, misappropriating or altering FIs or FVVs, entering false or misleading information in case records, or creating case records for fictitious participants.

Farmer means an individual authorized to sell eligible fruits and vegetables to participants at a farmers' market or farmstand. Individuals who exclusively sell produce grown by someone else, such as wholesale distributors, cannot be authorized to participate in WIC, FMNP and SFMNP. For purposes of this agreement, this includes the term "Farmer" as defined in WIC Farmers' Market Nutrition Program (FMNP), 7 C.F.R. § 248.2, and Seniors FMNP, 7 C.F.R. § 249.2, and in Special Supplemental Nutrition Program for Women, Infants and Children (WIC), 7 C.F.R. § 246.2.

Farmers' Market means an association of local farmers who assemble at a defined location and scheduled time for the purpose of selling their produce directly to consumers.

Farmstand means a location at which a single, individual farmer sells his/her produce directly to the consumer. This is in contrast to a group or association of farmers selling their produce at a farmers' market.

FMNP stands for Farmers' Market Nutrition Program.

Fruit and Vegetable Voucher (FVV) means a fixed-dollar amount (for example, \$6, \$10, or \$15) check, voucher, electronic benefit transfer (EBT) card or other document which can be used only to obtain authorized fruits and vegetables.

Local Agency means any nonprofit entity or local government agency which issues FVV, FMNP or SFMNP coupons, and provides nutrition education and/or information on operational aspects of the Programs to eligible participants.

Locally Grown means produce grown only within Alaska borders. Under no circumstances can

produce grown outside of Alaska be considered eligible for the FMNP and SFMNP.

Participants means pregnant women, breastfeeding women, postpartum women, infants and children who are receiving supplemental foods or FIs, including FVVs under the WIC Program and/or FMNP; and low income seniors age 60 or older, who are eligible to receive SFMNP benefits.

Participant Violation means any intentional action of a participant, parent or caretaker of an infant or child participant, or proxy that violates Federal or State statutes, regulations, policies, or procedures governing the WIC Program, FMNP, and SFMNP. Participant violations include intentionally making false or misleading statements or intentionally misrepresenting, concealing, or withholding facts to obtain benefits; exchanging FVVs, FIs or supplemental foods for cash, credit, non-food items, or unauthorized food items, including supplemental foods in excess of those listed on the participant's FI; threatening to harm or physically harming clinic, farmer or vendor staff; and dual participation.

Proxy means any person designated by a woman participant, or by a parent or caretaker of an infant or child participant, to obtain and transact FIs or FVVs or to obtain supplemental foods on behalf of a participant. The proxy must be designated consistent with the State agency's procedures established pursuant to 7 CFR § 246.12 (r) (1). Parents or caretakers applying on behalf of child and infant participants are not proxies. For the SFMNP, "proxy" means an individual authorized by an eligible senior to act on the senior's behalf according to 7 CFR §249.2.

Senior Participant means eligible low-income seniors age 60 and over.

SFMNP stands for Senior Farmers' Market Nutrition Program.

USDA stands for United States Department of Agriculture.

WIC stands for Special Supplemental Nutrition Program for Women, Infants and Children.

The State of Alaska, Department of Health and Social Services shall:

1. Provide each eligible FMNP participant a one-time benefit of FMNP coupons totaling \$25, (in \$5.00 increments,) that may be redeemed only at qualifying farmers' markets or farmstands between June 1 and October 31. Distribution of the FMNP coupons will be made by the Local Agency.
 2. Provide each eligible Senior participant SFMNP coupons totaling \$25 (in \$5.00 increments) that may be redeemed only at qualifying farmers' markets or farmstands between June 1 and October 31. Distribution of the SFMNP coupons will be made by the Local Agency.
 3. Provide each eligible WIC participant with a monthly benefit of FVV in \$6.00, \$10.00, or \$15.00 increments that may be redeemed at qualifying farmers' markets or farmstands between June 1 and October 31. Distribution of FVVs will be made by the WIC local agency.
 4. Assure payments (to authorized farmers) of valid FMNP coupons and FVVs deposited at the bank.
 5. Assure payments (to authorized farmers) of valid SFMNP coupons received by the appropriate local senior reimbursement agency.
 6. Provide training to farmers' market managers/farmstands/farmers.
 7. Provide "WIC Farmers' Market & Senior Farmers' Market Coupons & Fruit & Vegetable Vouchers Welcome Here!" signs for the farmers authorized to accept the FVV, FMNP, and SFMNP coupons.
 8. Deny payment to a farmer for improperly redeemed coupons and/or demand repayment for already
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redeemed coupons..

9. Provide monitoring of farmers' markets, farmers, and farmstands to assure compliance with 7 CFR 246 (WIC regulations), 7 CFR 248 (FMNP regulations) and 7 CFR 249 (SFMNP regulations).

The Farmers' Market representative shall:

1. Provide FVV, FMNP, and SFMNP information and training to farmers requesting authorization to participate in these programs.
2. Provide the AK DHSS with the location and scheduled dates and hours of market operation.

The Farmers' Market representative/Farmstand operator shall:

1. Be located in an area where the local WIC agency and/or local senior agency is/are able to provide the necessary services required to administer the WIC Program, FMNP, and SFMNP.
2. Be located in an area that serves enough eligible WIC, FMNP, and SFMNP participants to justify the need for the farmers' market or farmstand.
3. Be open for a minimum of four hours on at least one day a week.
4. Include enough authorized farmers participating in the market or if a farmstand, enough variety and quantity of produce to meet the demand of eligible WIC, FMNP, and SFMNP participants in the area it serves.

The Farmers' Market representative/Farmstand operator/Farmer shall:

1. Accept training on WIC Program, FMNP, and SFMNP procedures and provide training to any employees with WIC Program, FMNP, and Senior FMNP responsibilities on such procedures.
2. Assure that FVV, FMNP and SFMNP coupons are redeemed only after receiving a copy of this agreement, a Farmer-Vendor number stamp, and an annual decal to display verifying that s/he is authorized to participate in the current year. Accept FVV, FMNP and SFMNP coupons only at authorized farmers' markets or farmstands.
3. Display the "WIC Farmers' Market & Senior Farmers' Market Coupons & Fruit & Vegetable Vouchers Welcome Here!" sign during the market days when selling eligible produce.
4. Assure that FVV, FMNP and SFMNP coupons are redeemed only for eligible, unprocessed, fresh, fruits, vegetables and herbs. (Please note: Herbs are not allowed in FVV.) Refer to the definitions for eligible foods on page two of this agreement.
5. Accept FVV, FMNP and SFMNP coupons only within the valid market dates of June 1 through October 31 of the current year. FVVs must be redeemed within the "valid dates" printed on the food instrument.
6. Provide customers with the full amount of produce for the value of each coupon, no change given.
7. Allow WIC, FMNP, and SFMNP participants to pay the difference if the total of their fruit and vegetable purchase is over the amount printed on the coupon or FVV. Clients may use any payment method offered to other customers, including cash, check, credit or debit card, or SNAP EBT card.
8. Allow WIC, FMNP, and SFMNP participants to combine multiple coupons in a single transaction.
10. Not charge sales tax in conjunction with any FMNP or SFMNP coupon, or FVV transaction, except for any portion that exceeds the amount printed on the coupon or FVV.
11. Assure that the "Farmer's Number" is stamped in the appropriate area on the FMNP or SFMNP coupon or FVV before redeeming it.
12. Deposit FMNP coupons at their banks no later than November 30 of the current year. WIC FVVs must be deposited by farmers within 60 days from the first "Valid Date" printed on the FVV.

13. Assure that SFMNP coupons are received by the assigned senior reimbursement agency no later than November 30 of the current year. Reimbursement of SFMNP coupons will be processed within 30 days of receipt.
14. Provide equitable treatment of Alaska WIC, FMNP, and SFMNP participants, including the availability of produce that is of the same quality and no greater price as that sold to other customers.
15. Provide the AK DHSS with any information it has available which the Farmers' Market or AK DHSS deems necessary to track the impact of the FMNP, SFMNP, and FVVs on the market or farmstand, including information required for annual reports to the USDA, Food and Nutrition Services.
16. Comply with applicable state and federal regulations pertaining to Civil Rights and Nondiscrimination.
17. Cooperate with AK DHSS staff in monitoring for compliance with WIC Program, FMNP, and SFMNP procedures.
18. Be accountable for actions of farmers or employees in the provision of foods and related activities.
19. Pay the AK DHSS for any FVV, FMNP and SFMNP coupons and FVVs transacted in violation of the agreement.
20. Not seek restitution from WIC, FMNP, and SFMNP participants for coupons not paid or partially paid by AK DHSS.
21. Safeguard WIC, FMNP, and SFMNP participant information.
22. Notify the AK DHSS when and if a farmers' market/farmstand/farmer ceases operation prior to the end of the authorization period.

Any violation of these rules may result in the AK DHSS disqualifying the farmers' market/farmstand/farmer from the program. The farmers' market/farmstand/farmer may be subject to sanctions in addition to, or in lieu of, disqualification. The AK DHSS shall notify the farmers' market/farmstand/farmer in writing 30 calendar days prior to the disqualification effective date.

A Farmers' Market/Farmstand/Farmer who commits fraud or abuse of the Alaska State Farmers' Market Nutrition Program (FMNP), Senior Farmers' Market Nutrition Program (SFMNP), or WIC Program is subject to prosecution under applicable federal, state or local regulations. Farmers' market/farmstand/farmer disqualification or any other adverse action that affects participation may be appealed within 30 calendar days of notification. All appeals must be in writing, and addressed to: Alaska State WIC Farmers' Market Program Coordinator, 130 Seward Street, Room 508, Juneau, Alaska 99801. Expiration of contract and monetary claims action is not subject to appeal.

The Alaska State Farmers' Market Nutrition Program (FMNP) maintains no obligation to reinstate a farmers' market/farmstand/farmer agreement after disqualification. The farmers' market/farmstand/farmer understands that they may reapply to participate in the program as stipulated in the disqualification notification.

Any of the parties to this agreement shall have the right to terminate the agreement with 30 days' notice upon submission of a written notice to the other parties. Termination notices or other correspondence from the farmers' market/farmstand/farmer shall be addressed to:

Alaska Farmers' Market Nutrition Program
Department of Health and Social Services
Division of Public Assistance
Family Nutrition Programs-WIC
130 Seward Street, Room 508
Juneau, Alaska 99801

Order of Precedence:

In the event of an inconsistency in this agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order:

1. Applicable federal and state statutes and regulations.
2. Special Terms and Conditions.
3. Any other provisions of the agreement whether incorporated by reference or otherwise.

This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties.

In witness whereof, the undersigned have affixed their signatures in execution thereof.

**FARMERS' MARKET/
FARMSTAND/FARMER
REPRESENTATIVE**

**ALASKA DEPARTMENT OF
HEALTH AND SOCIAL SERVICES**

Signature

Signature

Name

Name

Title

Title

Date

Date

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Civil Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (866) 632-9992 (voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

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Return the completed application, agreement, and banking information form to:

*Alaska Farmers' Market Nutrition Program
Department of Health and Social Services
Division of Public Assistance
Family Nutrition Programs-WIC
130 Seward Street, Room 508
Juneau, Alaska 99801*

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