

Farmers' Market Selection Criteria

New Mexico Department of Health (NMDOH)

Five-Sandoval Indian Pueblo (FSIP)

WIC Farmers' Market Nutrition Program (FMNP)

Senior Farmers' Market Nutrition Program (SFMNP)

For purposes of the WIC Farmers' Market Nutrition Program (FMNP), the Senior Farmers' Market Nutrition Program (SFMNP), and any additional State funded electronic benefits a Farmers' Market is defined as: **an association of local farmers who assemble at a defined location for the purpose of selling their produce directly to consumers.**

The New Mexico Department of Health Farmers' Market Program establishes criteria for the selection of Farmers' Markets to be authorized to participate in the electronic WIC Farmers' Market Nutrition Program (FMNP), Senior Farmers' Market Nutrition Program (SFMNP) and any other State funded electronic benefits issued through the WIC & Senior Farmers Market Program.

The Farmers' Market must comply with the selection criteria to be authorized.

The Department may reassess the Farmers' Market at any time using the selection criteria. Farmers' Markets not complying with the selection criteria will be ineligible to participate in WIC FMNP, SFMNP and any other State funded electronic benefits issued through the WIC & Senior Farmers Market Program, for a period of time to be determined by the Department.

Farmers' Market Selection Criteria:

1. The Farmers' Market shall ensure Farmers/growers are posting their "We accept" signs who are accepting the electronic benefits from the WIC & Senior Farmers Market.
2. The Farmers' Market must have and maintain a current Market Manager and/or Market Representative who is available at all times during market operations. If Market Management changes, a new Agreement must be signed and approved by the Department.
3. The Farmers' Market must be an established market that has been in operation at its current permanent site for one (1) or more years with consistent, regular hours.
4. The Farmers' Market is responsible for applying and maintaining all required business licenses or rental agreements for the Farmers' Market site.
5. The Farmers' Market must ensure that the produce offered for sale is locally grown 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 U.S.

The Market Manager must ensure that individuals who exclusively sell produce grown by someone else, such as wholesale distributors, cannot be authorized to participate in the electronic SFMNP, FMNP programs or any other State funded electronic benefit programs issued by WIC & Senior Farmers Market Program, except individuals employed by a farmer otherwise qualified under these regulations, or individuals hired by a nonprofit organization to sell produce at roadside stands on behalf of local farmers.

The Market shall:

1. Acknowledges an obligation to become familiar with the NMDOH and FSIP WIC & Senior FMNP programs requirements, regulations and policies, and understands that violations of such requirements may be grounds for sanctions, including disqualification from the program. Allow and ensure authorized farmers/growers can demonstrate and sell produce grown 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, to participate in the NMDOH and FSIP WIC & Senior FMNP programs.
2. Ensure farmers/growers are not selling wholesale produce to WIC & Senior Farmers market nutrition program participants. If market rules allow for the reselling of wholesale produce, the farmer/grower must separate the produce from their locally grown produce. Produce must be labeled (non-local) and (local), as reselling of wholesale produce is not allowed. However, a farmer/grower may sell another farmers NM local produce, as long as it is not no more than 30% of their own product.
3. Ensure farmers/growers provide eligible foods at the current price or less than the current price charged to other customers.
4. Notify the NM NMDOH and FSIP WIC & Senior FMNP programs of any changes or additions as they occur, including change of Market Manager.

Market Responsibilities:

According to § 249.10(b)(1)(i and xii) § 248.10(b)(1)(i-xii), the farmer, farmers' market, and roadside stand shall:

1. Provide information as required for State agency periodic reports to FNS.
2. Assure that SFMNP/FMNP food instruments are redeemed only for eligible foods. Provide eligible foods at a fair price or less than the price charged to other customers.
3. Accept SFMNP/FMNP food instruments within their validity dates and submit them for payment
4. within the allowable period.
5. Mark each transacted food instrument with a farmer identifier or farmers' market identifier as required.
6. Accept training on SFMNP/FMNP procedures and ensure training of staff with program responsibilities.
7. Allow monitoring for compliance with SFMNP/FMNP requirements, including both overt and covert monitoring.
8. Be accountable for actions of farmers and employees regarding food provision and related activities.
9. Pay the State agency for any food instruments transacted in violation of this agreement. Offer SFMNP/FMNP recipients the same courtesies as other market customers.
10. Comply with USDA nondiscrimination regulations.
11. Notify the State agency if any operation ceases before the end of the authorization period and provide a regularly updated list of authorized farmers.

The Market shall not:

- i. Collect sales tax on SFMNP/FMNP food instrument purchases. Seek restitution from recipients for unpaid food instruments.
- ii. Issue cash change or credit (including rain checks) for purchases that are less than the food instrument value.

Other Requirements:

- i. The State agency or the market may terminate the agreement with advance written notice as stipulated by the State agency.
- ii. The State agency may deny payment for improperly redeemed food instruments or establish claims for overpaid amounts and may disqualify for program abuse.
- iii. Parties adversely affected by State agency actions may appeal under the procedure outlined in §249.16(a)(1)(iii), (b) and § 248.16(c)(1).
- iv. Farmers and/or farmers' market/roadside stand agreements are valid for up to 3 years.

Accountability and Compliance

- i. **Market Manager Responsibility:** The Market Manager is accountable for the actions of all authorized individuals related to NMDOH and FSIP WIC & Senior FMNP activities.
- ii. **Consequences for Fraud or Abuse:** Any manager or representative who commits fraud or abuse is liable to prosecution under federal, state, or local law, including fines and imprisonment.

Nondiscrimination Statement:

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
2. fax: (833)256-1665 or (202) 690-7442; or
3. email: Program.Intake@usda.gov

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Michelle Lujan Grisham
Governor

Gina DeBlassie
Interim Cabinet Secretary

New Mexico Department of Health

Farmers' Market Agreement

New Mexico Department of Health
(NMDOH) Five Sandoval Indian Pueblo
(FSIP)
WIC Farmers' Market Nutrition Program
(FMNP) Senior Farmers' Market Nutrition
Program (SFMNP)

This agreement is good for the following years: 2023, 2024, 2025

Market Number (5-digit ID code assigned by NM DOH):

Name of Farmers' Market: _____

Day/Times of Market: _____

Market Location: _____ Mailing Address: _____

City: _____ State: _____ Zip: _____

County: _____

Telephone: _____

Market Manager's Name: _____

Market Manager's Email address: _____

Market Manager's Telephone: _____

This Agreement is made by and between the NMDOH, FSIP WIC & Senior Farmers market nutrition program and Farmers' Market Manager or board:

(hereinafter "Market"), and the New Mexico Department of Health, Five Sandoval Indian Pueblo WIC & Senior Farmers' Market Nutrition Program Office (hereinafter "the NMDOH and FSIP WIC & Senior FMNP programs") This agreement shall become effective on the date set forth below, and shall remain in force for three years, unless otherwise terminated pursuant to law or regulation, or by mutual agreement.

CHANGE IN OWNERSHIP OR CESSATION OF OPERATION AUTOMATICALLY RENDERS THIS AGREEMENT NULL AND VOID. Neither the NMDOH and FSIP WIC & Senior FMNP programs nor the undersigned Market has an obligation to renew this Agreement. Either the NMDOH and FSIP WIC & Senior FMNP programs or the Market may terminate this Agreement after providing 15 days advance written notification.

The undersigned represent that they are either the sole owner of the above-named Market, or that they have full authority to enter into this Agreement for and on behalf of the Market, and to accept and agree to all of the provisions.

Farmers' Market Manager Signature
and/or Farmers' Market Representative Signature

Date

Print Name, Title or Farmers' Market Manager and/or Farmers' Market Representative

NMDOH FMNP Program Signature

Date

Five Sandoval Indian Pueblo Approval -needed only if farmer (s) are selling within the FSIP area

FSIP WIC & Senior 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

Email: DOH.FMNP@doh.nm.gov

Phone: (505) 469-0548

Fax: (505) 476-8900

For more information on Five Sandoval Indian Pueblos:

FSIP WIC Farmers' Market Nutrition Program

Karen Griego-Kite, WIC Director

Director

1043 Highway 313

Bernalillo, NM 87004

Phone: (505) 771-5386

FSIP WIC Senior FMNP

Joshua Madalena, acting Senior

4321-B Fulcrum Way NE

Rio Rancho, NM 87144

Phone: (505) 867-3351

Nondiscrimination Statement:

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