



Farmer-Vendor Agreement

Between the State of Alaska Department of Health and the farmer named below:

This agreement is entered into by and between the State of Alaska, Department of Health and the farm named above to participate in the State of Alaska WIC Farmers' Market Nutrition Program (FMNP) and Senior Farmers' Market Nutrition Program (SFMNP). The duration of this agreement shall be for the 2023-2024 Farmers' Market seasons unless terminated earlier as provided below.

It is the purpose of this agreement to:

1. Describe and agree to program policies, procedures, and expectations for the proper redemption and reimbursement of WIC and Senior FMNP benefits.
2. Expand customer base and use of Alaska farmers' markets, farmstands, and farms where consumers buy direction from the farmer.

It is therefore mutually agreed that:

1. The farm named above 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 farm named above authorized to participate in the Alaska FMNP, and SFMNP agrees to conditions and rules listed in this agreement and supplemental documentation provided by the State of Alaska.

Deposit deadlines are as follows:

1. All FMNP and SFMNP checks must be deposited during the same year of issue into the authorized farm bank of their choice no later than November 15 of each year.

Definitions:

DOH stands for Alaska Department of Health. This is also sometimes referred to as the State Agency.

Compliance buy means a covert, on-site investigation in which a representative of WIC, FMNP and/or SFMNP poses as a program participant or proxy, transacts a purchase with program benefits, and does not reveal during the visit that he or she is a WIC, FMNP and/or SFMNP representative.

Benefit means a check, coupon, food instrument, warrant, voucher, or other negotiable financial instrument by which benefits under the FMNP and SFMNP are transferred to participants.

Community Supported Agriculture (CSA) is a system in which a farm is supported by local consumers who purchase prepaid shares in the farm's output which they receive periodically through the growing season. CSAs are not authorized for the FMNP or SFMNP in the State of Alaska.

Distribution agency means any entity or local government agency which issues FMNP or SFMNP benefits and provides nutrition education and/or information on operational aspects of the program to eligible participants.

Eligible foods for purchase with WIC and Senior Farmers Market Nutrition Program benefits (FMNP/SFMNP) means fresh, nutritious unprepared, locally grown, approved fruits, 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. Ineligible foods include, but are not limited to potted plants, marijuana, dried fruits and vegetables, maple syrup, cider, juices, nuts, seeds, eggs, meat, cheese, and seafood. Alaska produced honey is approved only for purchase with SFMNP benefits.

Fraud and abuse mean the intentional conduct which violates WIC program, FMNP and/or SFMNP regulations, policies, or procedures, including but not limited to, misappropriating, or altering benefits, falsifying, or providing misleading information, incorrectly redeeming, and receiving reimbursement for benefits, receiving reimbursement for benefits not redeemed by your farm, and others.

Farmer means an individual authorized to sell eligible fruits, vegetables, and herbs to participants at a farmers' market, farmstand or farm. Individuals or organizations which exclusively sell product grown by someone else cannot be

authorized to participate in the 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 Senior 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 as well as the term “producer” as that term is used in C.N.A. 42 U.S.C. 1786.

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

Farmstand means a location at which a single, individual farm or 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.

Local agency means any entity or local government agency which issues FMNP benefits and provides nutrition education and/or information on operational aspects of the program 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 women, infants, and children who are receiving supplemental food benefits under the FMNP; and seniors aged 60 or older who have applied and have met eligibility criteria.

Participant violation means any intentional action of a participant, parent, caretaker, 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 benefits or supplemental foods for cash, credit, non-food items, or unauthorized food items, including supplemental foods more than those listed on the participant’s benefits; treating to harm or physically harming clinic, farmer, or vendor staff; and dual participation.

Proxy means any person designated by a participant, or by a parent or caretaker of an infant or child participant, to obtain and redeem benefits 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 C.F.R 246.12(r)(1). Parents or caretakers applying on behalf of a child and/or infant 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 C.F.R. 249.2.

Senior participant means eligible seniors 60 years old and over who have applied and have been approved for participation.

SFMNP stands for Senior Farmers’ Market Nutrition Program.

USDA stands for United States Department of Agriculture.

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

The State of Alaska Department of Health shall:

1. Provide each eligible senior, woman, infant, and child applicant a one-time benefit issuance. Distribution of the FMNP benefits will be made by Local agencies. Distribution of the SFMNP benefits will be made by approved distribution agencies.
2. Correctly determine and monitor farmer eligibility.
3. Evaluate and determine regions of program benefit distribution prior to June 1st of each season.
4. Assure payments to authorized farmers of properly processed and valid FMNP and SFMNP benefits are submitted by the end of the calendar year.
5. Deny payments to a farmer for improperly redeemed benefits and/or demand repayment for improperly reimbursed benefits prior to the farm’s continued participation in future seasons.
6. Provide training to authorized farmers’ market managers, farmstands, and farmers.
7. Provide accepted here signs to be displayed by authorized farmers at point of sale.
8. Provide monitoring of authorized farmers and farmstands to assure compliance with 7 C.F.R. 248 (FMNP regulations) and 7 C.F.R. 249 (SFMNP regulations).

9. Communicate with authorized farmers via the email provided on the Farm Application or other email per the request of the farmer.

The Farmer shall:

1. Be in an area that serves enough participating seniors, women, infants, and children to justify the authorization of the farm.
2. Include enough variety and quantity of produce to meet the demand of eligible FMNP and SFMNP participants in the area it serves.
3. Be open for business to the public at a consistent location for a minimum of three hours on at least one consistent day of the week for at least eight weeks between June 1 and October 31.
4. Must have authorized sales locations staffed and may not operate on the self-serve or honor system.
5. Maintain a valid agriculture-related Alaska business license.
6. Accept training relating to the FMNP and SFMNP procedures and provide training to any employees and/or volunteers on all procedures. Farms in their first year of FMNP and/or SFMNP authorization are required to participate in one-on-one training with the State of Alaska prior to participation in the programs.
7. Assure that FMNP and SFMNP benefits are redeemed only after receiving a complete copy of this agreement.
8. Accept FMNP and SFMNP benefits at all public sales locations offering eligible foods.
9. Display the Accepted Here sign at all public sales locations when selling eligible foods.
10. Assure that FMNP and SFMNP benefits are redeemed only for eligible, unprocessed, fresh fruits, vegetables, and herbs. Alaska honey is also eligible for purchase with SFMNP benefits.
11. Do not provide unauthorized food items, nonfood items, cash, or credit (including rain checks) in exchange for benefits.
12. Accept FMNP and SFMNP benefits only within the valid market dates of June 1 through October 31 of the year listed on the benefit.
13. Offer customers the opportunity to use the full benefit value.
14. Do not provide cash change in exchange for program benefits.
15. Allow FMNP and SFMNP participants to pay the difference if the total of their purchased is over the amount printed on the benefit. Shoppers may use any payment method offered to other customers, including cash, check, debit, credit, and/or SNAP (previously known as Food Stamps).
16. Allow FMNP and SFMNP participants to combine multiple benefits in a single transaction.
17. Do not charge tax on portions of the sale paid for using FMNP and/or SFMNP benefits.
18. Assure that all benefits feature the unique State of Alaska WIC and Senior FMNP farmer identifier prior to submitting for reimbursement.
19. Take responsibility for ensuring all FMNP and SFMNP benefits are deposited at their bank of choice no later than November 15 of the current year.
20. Provide equitable treatment of FMNP and SFMNP shoppers and participants, including the availability of produce that is of the same quality and at the current price as sold to other customers.
21. Provide program staff with any information available which the Alaska FMNP and SFMNP deems necessary to track the impact of the FMNP and SFMNP, including information required for annual reports to the USDA, Food and Nutrition Services.
22. Comply with applicable state and federal regulations pertaining to civil rights and nondiscrimination.
23. Cooperate with Alaska FMNP and SFMNP staff in over and covert monitoring for compliance with FMNP and SFMNP procedures.
24. Be accountable for actions of all farm employees and volunteers.
25. Pay the Alaska FMNP and SFMNP for any benefits transacted in violation of this agreement.
26. Not seek restitution from FMNP and SFMNP shoppers for benefits not paid or partially paid by Alaska DOH.
27. Safeguard confidential FMNP and SFMNP participant information including names, phone numbers, email addresses, mailing and physical addresses, and other personal identifiable information.
28. Notify the DOH FMNP and SFMNP office when and if your farm ceases operation prior to the end of the authorization period.
29. Submit an annual Information Update Form provided by the State of Alaska WIC program by the stated deadline.
30. Accept communications via email and regularly monitor the email address provided to the Alaska DOH FMNP and SFMNP for program related communications, deadlines and requirements, training, and others.

Any violation of these rules may result in the Alaska DOH disqualifying the farm from the programs. The farm may be subject to sanctions in addition to, or in lieu of, disqualification. For a list of sanctions please refer to the FMNP/SFMNP Sanction Schedule at the end of this agreement. The Alaska DOH shall notify the farm in writing 15 calendar days prior to the disqualification effective date. The Alaska DOH may deny payment to the farm from improperly redeemed FMNP and/or SFMNP benefits or may establish a claim for payments already made on improperly redeemed benefits. The Alaska DOH may disqualify a farm for program abuse with a minimum of 15 days' advance written notification.

A farm which commits fraud, abuse, or engages in other illegal activity is liable to prosecution under applicable federal, state, and/or local regulations. Farm may appeal an action of the Alaska DOH denying its application to participate, imposing a sanction, or disqualifying it from participating in the FMNP/SFMNP if received within 30 calendar days of notification. Expiration of an agreement shall not be subject to appeal through the Alaska DOH. All appeals must be in writing, and addressed to: State of Alaska, Farmers' Market Nutrition Program, PO Box 110612, Juneau, Alaska 99811. The State of Alaska Farmers' Market Nutrition Program maintains no obligation to reinstate a farm agreement after disqualification. The farm 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 farm shall be addressed to: State of Alaska, Farmers' Market Nutrition Program, PO Box 110612, Juneau, Alaska.

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 provision 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. The undersigned have affixed their signatures in execution thereof.

Farm Representative

State of Alaska Department of Health

Signature

Signature

Printed Name

Printed Name

Title or Position

Title or Position

Date Signed

Date Signed

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, disability, age, 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 discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, 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.

This institution is an equal opportunity provider.

FMNP and SFMNP Sanction Schedule

Each occurrence is considered one day and/or one location unless otherwise stated.

Violation Type

Category I

- Failure to display a S/FMNP Accepted Here sign at public sales location.
- Depositing/cashing incomplete benefit checks.

State Agency Action/Penalty

Violation will result in verbal or written warning, with corrective action requested. The farmer-vendor may be required to participate in special training to resolve the violation.

Category II

- Two Category I violations.
- Providing false information on the Farmer Application which did not result in incorrect eligibility and/or authorization.
- Failure to provide updated sales location information by the annual deadline.
- Failing to participate in annual training.
- Accepting FMNP or SFMNP benefits before June 1st or after October 31st or before authorization is complete.
- Operating a sales location on the self-service or honor system, i.e., not staffing the sales location.
- Accepting FMNP or SFMNP benefits for in- eligible food products. (See Category IV for issues concerning drugs, weapons, alcohol, or cash.)
- Attempting to collect or collecting tax on produce sold to FMNP and SFMNP participants (benefit portion only).
- Refusal to accept valid FMNP and/or SFMNP benefit checks for eligible products.

State Agency Action/Penalty

Violation will result in a written notification of noncompliance from the State Agency. The farmer-vendor may be required to participate in special training to resolve the violation. Vendor may be required to reimburse the State of Alaska for any incorrectly redeemed and/or reimbursed benefit checks.

Category III

- Three or more Category I violations or two or more Category II violations.
- Providing false information on the Farmer Application which resulted in incorrect eligibility and/or authorization.
- Failure to meet the minimum eligibility criteria during the current market season.
- Failure to sell any produce grown during the agreement year.
- Accepting FMNP or SFMNP benefits for non- food products. (See Category IV for issues concerning drugs, weapons, alcohol, or cash.)
- Providing money, rain checks, or services in exchange for benefit checks.
- Charging FMNP or SFMNP participants more than other customers.
- Seeking restitution from program participants for benefits not paid by the Dept.
- Discrimination, hostile actions, and/or inappropriate behavior towards a FMNP or SFMNP participant.
- Receiving reimbursement or cashing benefit checks for a grower who is not authorized or bartering for benefits the non-authorized grower has accepted.
- Failing to allow, comply with, or cooperate in the Department's inspections and monitoring.
- Any noncompliance with the Program Requirements not specifically identified as a Category I, II or IV violation.

State Agency Action/Penalty

Violation will result in termination of Farmer-Vendor agreement and disqualification from the FMNP and SFMNP for a full market season (June 1-Oct 31). Farmer-vendor will need to reapply for authorization after suspension. Vendor may be required to reimburse the State of Alaska for any reimbursed benefits resulting of false application approval and authorization. Program staff may notify the Alaska Business License office of any farmer operating without a valid business license.

Category IV

- Two or more category III violations.
- Committing fraud or abuse in connection with the FMNP or SFMNP including providing drugs, weapons, alcohol, or cash to a customer in exchange for program benefits.
- Continuing to participate in FMNP and/or SFMNP during a period of suspension or disqualification.

State Agency Action/Penalty

Violation will result in termination of Farmer- Vendor agreement and disqualification from the program for a period of three full seasons. Fraud, abuse, and/or the sale of drugs, weapons, and/or alcohol may be reported to the police or federal government for further investigation or disciplinary action. Vendor may be required to reimburse the State of Alaska for invalidly redeemed benefits.