

STATE OF MARYLAND

MARYLAND DEPARTMENT OF AGRICULTURE

2012 FARMERS MARKET NUTRITION PROGRAM

AUTHORIZED MARKET APPLICATION / AGREEMENT

THIS AGREEMENT dated the _____ day of _____, 2012 is between the Maryland Department of Agriculture, Farmers Market Nutrition Program (MDA/FMNP), and _____, an established organization which is a designated market comprised of agricultural producers who sell local agricultural products to the public at the complete address of: _____.

This agreement is in furtherance of MDA's "Farmers Market Nutrition Program" (FMNP), wherein eligible persons may use checks to purchase fruits, vegetables, cut herbs and/or honey at authorized markets. This agreement describes the duties and responsibilities of MDA and the Market regarding the use and redemption of Seniors and Women, Infant and Children FMNP checks which are used to purchase fruits, vegetables, cut herbs and/or honey at the Market.

A. The Market, _____, through its authorized representative, (Name) _____ at (Phone) _____ agrees to:

1. Designate an FMNP representative ("Market Master") who shall have authority to address matters and issues relating to this agreement;
2. The market shall agree to abide by all FMNP rules and shall provide a Market Master willing to train new FMNP vendors and provide general FMNP program support;
3. The market shall have at least three (3) farmers selling fruits, vegetables, cut herbs and/or honey grown or produced in Maryland or the contiguous counties of the bordering states (Virginia, West Virginia, Delaware or Pennsylvania);
4. The major activity of the market shall involve the selling of fruits and vegetables to the public;
5. The market shall have stated hours of operation for a minimum of three hours, at least one day per week, during July-October;
6. The market shall require all farmers and other vendors to comply with all applicable federal, state, and local government laws and regulations.
7. Be accountable for the actions of any market employees and for the display of check acceptance signs by participating producers;

8. Immediately notify the FMNP administrator if a producer violates any of the FMNP rules;
9. Immediately notify the FMNP administrator if the market operation ceases or if hours of operation change;
10. Provide any information that MDA requires for its annual report to the Food and Nutrition Service (FNS), United States Department of Agriculture (USDA);
11. Comply with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 to ensure that no person shall, on the grounds of race, color, national origin, age, sex or handicap, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under the project; and likewise comply with all applicable state laws prohibiting discrimination on the grounds of race, color, national origin, age, sex or handicap.
12. If the market is in its first year of operation, the following additional criteria shall be met:
 - a. Provide proof to the MDA FMNP Administrator that the new market has a market location that will be established for at least 2 years (via copy of a lease agreement, letter from the organization that is providing the location, etc.) AND
 - b. Provide proof to the MDA FMNP Administrator that the new market has at least three (3) authorized FMNP farmers* who will be participating in the market for the duration of the season (via copy of an agreement between the market and the farmer, a commitment letter, or other form of written agreement).
 - c. Additional information in support of the FMNP application which can be provided but is not mandatory includes: proof of market sponsorship (by a community organization, nonprofit, economic development agency, etc.); proof of retention of a market master (via some sort of written agreement – voluntary or paid); and any other supporting documentation that will confirm the successful establishment of the new market and its participation in the FMNP program.
 - d. MDA has the discretion of approving or denying new markets for participation in the FMNP program, and will inform the market of the status of its application prior to April 30th of each year.

*authorized FMNP farmers can be either: renewing farmers or new farmers; however regardless of whether renewing or new to FMNP, the farmer shall have a current completed agreement on file with MDA and shall be in good standing with regards to meeting the training requirement.

B. By the signature below, the Market attests that it has not been debarred or suspended from participating in transactions involving federal funds.

C. The Market agrees not to:

1. Collect sales tax on check purchases;
2. Seek restitution from participants for checks not paid by MDA; and
3. Issue cash change for purchases that are in an amount less than the value of the check(s).

D. MDA and the Market agree that:

1. Unless this agreement is otherwise terminated as provided in this section, it shall remain in effect for the 2012, 2013 and 2014 market seasons;
2. The Market may terminate this agreement after providing MDA at least 30 days advance written notification of its intention to terminate; neither party has an obligation to renew the agreement;
3. MDA or its representative may deny payment to producers for improperly redeemed checks or may seek restitution for payments already made on improperly redeemed checks;
4. MDA may terminate this agreement at anytime if the Market or any producer selling in the Market violates any of the agreement's terms after having been provided written notice of previous violation(s) by MDA;
6. A Market or producer that commits fraud or theft is liable to prosecution under applicable Federal, State or Local Laws;
7. MDA may disqualify a producer from participation in the Farmers Market Nutrition Program if the Producer violates the Agreement Terms, State or Federal Laws or the individually-signed farmer Acknowledgement Agreements; and
8. The FMNP is an equal opportunity program. If you or members of your market believe you have been discriminated against because of race, color, national origin, age, sex, or disability write immediately to the Secretary of Agriculture, Washington D.C.
9. Any questions, complaints, or suggestions concerning the Senior or WIC Farmers Market Nutrition Program should be directed to:

For MDA:

Amy G. Crone

FMNP Administrator

Maryland Department of Agriculture

50 Harry S. Truman Parkway

Annapolis, MD 21401

Phone 410-841-5770 or 800-492-5590

Email: croneag@mda.state.md.us

For Market:

FMNP Market Representative

Organization:

Name:

Address:

Phone:

Email:

Signatures:

Maryland Department of Agriculture

Maryland Market Representative

Title

Title

Date

Date