



FARMER-VENDOR APPLICATION AND AGREEMENT



WIC and Senior Farmers' Market Nutrition Program (FMNP) and/or WIC Fruit and Vegetable Check (FVC)

Check One (Required)

Applicant must currently be selling produce at a market authorized for the program being applied for.

- New **FMNP** Applicant
- New **FVC/FMNP** Applicant
- Re-authorization

Mail completed application forms to:

Farmers' Market Nutrition Program
 California WIC Program
 3901 Lennane Drive
 Sacramento, CA 95834-2956

State Use Only

- FMNP Only Approved Incomplete
- FVC and FMNP Approved Denied

Signature: _____

Date: _____

WIC ID #: _____

The California Women, Infants and Children Program (CDPH/WIC) uses the Farmer-Vendor Application to authorize individual farmers to accept and redeem Farmers' Market Nutrition Program (FMNP) checks and/or WIC Fruit and Vegetable Checks (FVC). This agreement will be in effect for up to three years unless terminated by the CDPH/WIC Division or the Farmer-Vendor.

Please review the instructions that accompany this application.

Section 1: Certified Producer Information (Farmer)				Producer's Certificate Information		
Name of Farm				Issuing County (Required)		
Certified Producer's Name #1 (Last, First)				Certificate Number (Required)		
Certified Producer's Name #2 (Last, First)				Expiration Date (Required)		
Mailing Address			City	County	State	Zip
Phone (Business)	Phone (Cell)	Fax Number	Email			
Section 2: Market Manager Verification of Producer's Certificate Information ¹						
If Market Manager is unavailable to complete Section 2, please provide a copy of your Producer's Certificate from your county						
<input type="checkbox"/> I certify that the information in Section 1 provided by the farmer is correct.						
Signature of Market Manager (Required)			Printed Name of Market Manager (Required)		Date (Required)	
Market #	Market Name (Required)			Market Location (Required if no Market #)		
Section 3: Training Requirement (Check one, required prior to submitting application)						
3a. FMNP: First time FMNP applicants must attend a face-to-face or interactive (webinar) training.						
First time FMNP applicant trained by (check one) <input type="checkbox"/> WIC Authorized Market Manager <input type="checkbox"/> CDPH/WIC Staff <input type="checkbox"/> WIC Local Agency Staff <input type="checkbox"/> Webinar						
Signature of Trainer (Required)		Print Name of Trainer (Required)		Title (Required)		Date (Required)
Webinar Registration ID # (If applicable)					Webinar Date (If applicable)	
Re-Authorizing FMNP Applicant: <input type="checkbox"/> Check here to certify that you have reviewed the FMNP newsletter or other materials provided by CDPH/WIC to meet the training requirements.						
3b. New and/or Re-Authorizing FVC/FMNP Farmer-Vendors are REQUIRED to attend an interactive training from CDPH/WIC Training can completed from a webinar or by participating in a field or phone training conducted by CDPH/WIC staff.						
Required training received from (check one) <input type="checkbox"/> Webinar						
Webinar Registration ID # (If applicable)					Webinar Date (If applicable)	
<input type="checkbox"/> CDPH/WIC staff in Person or Over Phone	Print Name of Trainer and Title (Required)			Signature of Trainer		Date (Required)

Complete, sign and return with page 2

¹ CDPH/WIC reserves the right to verify this information.

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Section 4: WIC Authorized Farmers' Market Locations Where You Sell Produce

1. List all WIC Authorized Farmers' Markets where you sell produce.
2. Find the Market # from the current list of WIC Authorized Markets located at www.wicfarmers.ca.gov

Market#	Market Name	County	Operation Day(s) (Check Below) <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S
	Market Location	City	Hours of Operation
Market#	Market Name	County	Operation Day(s) (Check Below) <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S
	Market Location	City	Hours of Operation
Market#	Market Name	County	Operation Day(s) (Check Below) <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S
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Market#	Market Name	County	Operation Day(s) (Check Below) <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> T <input type="checkbox"/> F <input type="checkbox"/> S
	Market Location	City	Hours of Operation

Application will not be processed without this information. Use additional sheets if necessary.

Section 5: Certified Producer (Farmer) Agreement and Signature (Required)

All the information in this application is true and correct. I understand that providing any false information may result in the CDPH/WIC Division denying or terminating my authorization to participate. By signing this application, I agree to follow all the program requirements in the attached sections and as stated in the Farmer and Market Manager Handbook.

Certified Producer's Signature #1	Print Name	Date
Certified Producer's Signature #2	Print Name	Date

Complete, sign and return with page 1

NOTE: PLEASE READ AND KEEP THE FOLLOWING SECTIONS FOR YOUR RECORDS

**WIC FARMER-VENDOR
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Section 6: Terms and Conditions of Farmer-Vendor Agreement

1. This Farmer-Vendor Agreement is in effect for up to three years.
 - a. Neither CDPH/WIC nor the Farmer-Vendor has an obligation to renew this agreement at the end of the agreement term.
 - b. The farmer may terminate the agreement for any reason after providing 10 days of advanced written notification.
 - c. The CDPH/WIC may disqualify a farmer for program abuse with a minimum of 10 days advanced written notification.
 - 1) A farmer that commits fraud or engages in other illegal activity is liable to prosecution under applicable Federal or State laws.
 - 2) If you suspect any type of abuse, do not accept the check and contact the Market Manager or CDPH/WIC staff immediately.
 - 3) The farmer is responsible for any fees, fines, or penalties resulting from fraud, abuse, or mismanagement of the authorizations granted by this agreement.
2. CDPH/WIC and the Farmer-Vendor must comply with all nondiscrimination provisions of USDA Regulations as provided in 7 CFR, Section 248.7 for FMNP; or Section 246.8 for WIC Regulations; or Section 249.7 for SFMNP. The requirements of this section are available via the Internet by accessing <http://www.ecfr.gov>
3. A WIC-authorized Farmer Vendor who commits fraud or abuse is subject to program sanctions and may result in disqualification from the program, including repayment, penalty, or both. Violations are classified into four levels of non-compliance: Class I, Class II, Class III and Class IV. If a violation is found to be valid, the sanctions below will be imposed. Note that violations are not limited to those listed below and sanctions listed may be subject to change.
 - a. **Class I Violation**
 - 1) Accepting FMNP/SFMNP/FVC checks before you receive the Notice of Authorization (NOA) Packet from the CDPH/WIC Division.
 - 2) Accepting checks without a current FMNP/FVC farmer identification number.
 - 3) Failure to display current WIC Authorization signs.
 - 4) **Sanction: Class I violation results in a warning letter from the CDPH/WIC Division.**
 - b. **Class II Violation**
 - 1) Accepting FMNP/SFMNP/FVC checks for non-eligible food or non-food items.
 - 2) Accepting FMNP/SFMNP/FVC checks at an unauthorized farmers' market.
 - 3) Depositing or cashing FMNP checks without a valid FMNP farmer identification number in the appropriate box on the check.
 - 4) Accepting or depositing FVC checks without the actual dollar amount written on the appropriate box on the check.
 - 5) Accepting or depositing FVC checks without an authorized participant's signature.
 - 6) Promotion of an unauthorized farmer by a Market Manager.
 - 7) Discriminating actions demonstrated against a WIC or Senior participant.
 - 8) Two or more Class I violations.
 - 9) **Sanction: A Class II violation results in a non-compliance letter from the CDPH/WIC Division. In addition, the Farmer Vendor will be required to attend a special training to resolve the violation.**
 - c. **Class III Violation**
 - 1) Charging FMNP/SFMNP/FVC customers more than the price charged to other customers.
 - 2) Providing money back to customers for purchases where the amount of the purchase is less than the value of the checks.

- 3) Attempting to collect or collecting sales tax on produce sold to WIC and Senior participants.
- 4) Two or more Class II violations.
- 5) **Sanction: A Class III violation results in disqualification from the FMNP/SFMNP/FVC, which also results in disqualification from the CalFresh Program. The length of disqualification is one year.**

d. **Class IV Violation**

- 1) Committing fraud or abuse in connection with the FMNP/SFMNP/FVC checks.
 - 2) Providing drugs, alcohol or cash to a customer for FMNP/SFMNP/FVC checks.
 - 3) Two or more Class III violations.
 - 4) **Sanction: A Class IV violation results in disqualification of the Farmer Vendor from the FMNP/SFMNP/FVC programs and/or required to repay CDPH/WIC Division for improperly redeemed checks, whichever applies. Disqualification from FMNP/SFMNP/FVC programs also results in disqualification from the CalFresh Program. The length of disqualification is three years.**
4. The Farmer-Vendor has the right of appeal to the state within 30 days of receiving written notice regarding denial of application to participate, imposing of a sanction, or denied payment from CDPH/WIC. To appeal, please contact CDPH/WIC at 916-928-8513 or email WICFMNP@cdph.ca.gov
 5. The Farmer-Vendor has the right of appeal to the state regarding disqualification from FMNP/SFMNP. Farmer-Vendors that wish to file an appeal must submit a written notice stating the basis for disagreement within 30 days of receiving written notice from CDPH/WIC. The written notice of formal appeal should be directed to:

California Department of Public Health
Office of Legal Services
Administrative Litigation Unit
1415 L Street, Suite 500
Sacramento, CA 95814

A copy of your appeal letter should also be sent to:

Hearing and Appeals Unit (HAU)
California Department of Public Health
Women, Infants, and Children (WIC) Division
3901 Lennane Drive
Sacramento, CA 95834

6. If you appeal, an administrative hearing will be scheduled in Sacramento. If you are unable to attend in person, you may attend the hearing via teleconference. You will receive advance notice of the time and place of the hearing and you will be given the opportunity to present your case. Counsel may represent you if you so desire.
7. If you have any questions regarding the appeal process, please call (916) 928-8595.
8. Expiration of a contract or agreement and claims action under 7 Code of Federal Regulations (CFR), Section 248.20 of the FMNP Regulations; or Section 246.23 of the WIC Regulations; or Section 249.20 of the SFMNP Regulations are not subject to appeal. The requirements of this section are available via the Internet by accessing <http://www.ecfr.gov>

Section 7: Responsibilities of Farmer-Vendor

1. Farmer-Vendors shall:

- a. Maintain a current Certified Producer's Certificate issued by the Agricultural Commissioner's office from the county in which the farm is located.
- b. Be accountable for actions of employees in check handling and processing.
- c. Notify CDPH/WIC if you are no longer selling at a WIC Authorized Market.
- d. Agree to be monitored, both overtly and covertly, for compliance with program requirements.
- e. Provide access and cooperate with the CDPH/WIC and CDFA program representatives when being monitored for compliance with program procedures and requirements.

- f. Handle checks as CASH. Checks should be stored in a secure, locked location. Lost or stolen checks will not be replaced.
- g. Agree to reimburse CDPH/WIC for any checks transacted in violation of program requirements.
- h. Understand that CDPH/WIC may deny payment and demand reimbursement for any improperly redeemed checks, e.g. checks redeemed prior to authorization, checks accepted for non-eligible foods.
- i. Accept that the federal WIC logo and the WIC acronym are registered service marks of the United States Department of Agriculture (USDA); the federal WIC logo service mark, the WIC acronym service mark, and the CDPH/WIC logo are the property of the federal and state governments and their use is restricted as described below.
 - 1) Agree to use the CDPH/WIC logo only through use of materials produced by the CDPH/WIC Division such as banners, posters, decals or stickers and by guidelines provided at <https://vwix.ca.gov>
 - 2) Agree to not reproduce or use the CDPH/WIC logo without written permission from CDPH/WIC. Farmer- Vendors shall request and receive written permission from CDPH/WIC before implementing a WIC Program outreach message.

2. The authorized Farmer-Vendor shall not:

- a. Collect sales tax on purchases or levy a surcharge to participants using checks.
- b. Charge higher prices to WIC and Senior participants compared to other customers.
- c. Seek restitution from recipients for checks not paid by the CA State Treasurer's office.
- d. Issue cash change for purchases for an amount less than the value of the checks.
- e. Accept and exchange checks for cash.
- f. Accept checks for non-eligible foods.
- g. Void a check by marking the check "VOID".
- h. Levy a surcharge for participants who use the checks.
- i. Accept out-of-state checks. These checks are not honored by banks in California.
- j. Commit fraud or abuse of the programs.
- k. Participate in the program if you are sanctioned or disqualified by CDPH/WIC or CDFA.
- l. Accept checks that are canceled, marked VOID, or appear to be reproduced or tampered with, and inform the Market Manager or CDPH/WIC immediately.

3. If authorized to accept Farmers' Market Nutrition Program (FMNP) checks for WIC and Senior the Farmer-Vendors shall:

- a. Accept and redeem FMNP/SFMNP checks only after becoming authorized for FMNP/SFMNP.
- b. Not accept WIC Fruit and Vegetable Checks (FVC), unless authorized for FVC.
- c. Accept checks only at WIC- Authorized Farmers' Markets.
- d. Accept FMNP/SFMNP checks within the dates of their validity and submit checks for payment within the allowable time period established by CDPH/WIC and as indicated on the checks.
- e. Mark each transacted FMNP/SFMNP check with a Farmer-Vendor WIC identification number prior to cashing or depositing into banks.
- f. Assure that FMNP/SFMNP checks are redeemed only for eligible foods grown within California.
- g. Accept training on FMNP procedures and provide training on such procedures to farm employees with FMNP responsibilities.
- h. Review annual FMNP/SFMNP self-study materials prior to May 1st each year.
- i. Prominently display the "**WIC and Senior Farmers' Market Checks Welcome**" sign at the point of sale at the farm stalls so WIC and Senior participants can identify you as an approved Farmer-Vendor. These signs are provided by the CDPH/WIC.

4. If authorized to accept WIC Fruit and Vegetable Checks (FVC) Farmer-Vendors shall:

- a. Accept and redeem FVC only after being authorized for FVC.
- b. Accept checks only at WIC FMNP/FVC authorized Farmers' Markets.
- c. Accept FVC only for foods listed in the WIC Authorized Food List Shopping Guide.
- d. Prominently display the "**Your WIC Fruit and Vegetable Checks Are Welcome Here**" sign at point of sale so WIC participants can identify approved Farmer-Vendors. These signs are provided by CDPH/WIC.

- e. Provide the full amount of eligible foods to participants upon receipt of a valid, signed FVC.
- f. Accept FVC only between the printed “first day to use” and “last day to use.”
- g. Accept FVC with a printed cash value specifying the maximum allowable amount for which they may be redeemed for the purchase of fruits and vegetables using the following process: The Farmer-Vendor must enter the actual sales total of the fruits and vegetables up to the check maximum value
 - 1) If actual sale of fruits and vegetables exceeds the FVC maximum, the Farmer-Vendor should enter the check maximum value on the FVC, and collect the additional amount according to (ii) below.
 - 2) If the actual selling price exceeds the check maximum value and the participant wishes to purchase the full quantity, the Farmer-Vendor shall accept and collect payment from the participant using other forms of payment, such as cash or EBT for the amount over the FVC maximum.
 - 3) Not issue change to participants if the check maximum amount exceeds the price.
- h. Request payment for FVC by following the redemption procedure as specified below.
 - 1) Transmit the serial numbers of all FVC checks to CDPH/WIC through one of the options described below. Check serial numbers must be entered by 9:00 pm for deposit into a bank the next day; if entered after 9:00 pm, wait two days until depositing.
 - a) Use a computer to access the CDPH/WIC Program Vendor Information Exchange (V-WIX) website at www.vwix.ca.gov and follow the instructions provided by the website.
 - b) Acquire technology or a service that will scan the Magnetic Ink Character Recognition (MICR) line imprinted on the bottom of each FVC check. Scan each FVC serial number and prepare a batch file and submit to CDPH/WIC through the V-WIC website or through File Transfer Protocol (FTP) software.
 - 2) After submitting the FVC serial numbers, verify that the CDPH/WIC successfully received the serial numbers either through accessing the V-WIX website or calling CDPH/WIC Technical Support at 1-800-224-7472. Upon receiving confirmation that the serial numbers were received, deposit the FVC checks into the Vendor’s bank account within forty-five (45) days of the “first day to use” date printed on the check.
- i. Assume all responsibility to acquire the technology, resources and knowledge for successful transmission of serial numbers to CDPH/WIC.
- j. Accept that failure to meet the requirements for submitting FVC serial numbers may result in returned checks from your bank, a delay in payment, or no reimbursement for FVC checks.
- k. Accept responsibility for successful transmission of all FVC serial numbers to CDPH/WIC.
- l. Accept all financial responsibility for all account costs including returned check charges if incurred by the Farmer-Vendor in the FVC redemption process.
- m. Be accountable for actions of employees in check handling and processing.

Section 8: CDPH/WIC Division Responsibilities

1. CDPH WIC shall:

- a. Reimburse the Farmer-Vendor for the face value of each checks properly presented for payment through normal banking procedures.
- b. Provide the Farmer-Vendor clarification of applicable program requirements, and provide training and technical assistance.
- c. Monitor operations and provide written notification of any noncompliance observations of the Farmer-Vendor as outlined in the Farmer and Market Manager Handbook.
- d. Provide the Farmer-Vendor access to the FMNP/SFMNP Approved Produce List and the WIC Authorized Food List Shopping Guide for fruits and vegetables.
- e. Provide the Farmer-Vendor with a “WIC and Senior Farmers’ Market Checks Welcome” sign and/or a “Your WIC Fruit and Vegetable Checks Are Welcome Here” signs.
- f. Provide training on all program requirements and provide the times and dates of training sessions.
- g. Have the right to terminate this agreement, and the termination shall become effective **10** days after receipt of written notification.

- h. Have the right to reimbursement from the Farmer-Vendor of an amount equal in value to checks deposited and paid in violation of Federal or State laws and regulations or of the terms of this agreement, after the final notice of suspension or disqualification.
2. **CDPH WIC may:**
- a. Deny payment and seek repayment from the farmer, farmers' market or any entities for improperly redeemed checks.
 - b. Disqualify the Farmer-Vendor for program abuse upon written notification for a period of up to 3 years based on the severity of the violation. Program abuse shall include any violations of the terms of this agreement.
 - c. Authorize special exceptions to rules and procedures involving unique circumstances; however, such exceptions shall not be effective until CDPH/WIC provides written notification to the Farmer-Vendor.

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](#), (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