

# Section 3000

# Program Agreements

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## **3100 SFMNP Agreements**

### **3110 SFMNP Agreement between Texas Department of Agriculture and Contracting Entity.**

If an organization is approved to participate in the SFMNP, the CE and TDA will complete and sign the *Agreement between Texas Department of Agriculture and Contracting Entity* (SFMNP Agreement) (SFMNP-01). The agreement is effective upon signature by the parties and expires in accordance with its terms at the end of a three-year program cycle. This agreement provides the terms and conditions for participation in the SFMNP and is a legally binding agreement between TDA and the CE. The terms and conditions relate to the following topics:

- Accountability,
- Distribution and redemption of vouchers,
- Certification,
- Debarment, suspension, ineligibility or voluntary exclusion for covered contracts,
- Federal lobbying,
- Subcontracts for goods and services,
- Civil rights,
- Information Technology
- Appeals
- Disqualification and sanctions
- Nutrition education, and
- Program payments.

**NOTE:** TDA may terminate an SFMNP Agreement, as provided by federal regulations, state rules and the terms and conditions of the agreement. Additionally, the SFMNP Agreement may be terminated with 30 days' notice by mutual consent or by TDA, without mutual consent, for material breach of the Agreement. If funds for the continued fulfillment of the agreement by TDA are at any time unavailable or are insufficient, through failure of any entity to appropriate funds or otherwise, then TDA has the right to terminate the agreement at no additional cost and with no penalty by giving written notice documenting the lack of funding.

After TDA has approved the SFMNP Agreement, it can only be amended with TDA's consent.

## **3120 Additional SFMNP Agreements**

If a CE is unable to fulfill one or more of the requirements identified in the SFMNP Agreement, a CE may be able to enter into a written agreement with a sub-agency to fulfill these requirements. In SFMNP, a sub-agency is a Farmer's Market Association. TDA provides the following agreements in SFMNP:

- SFMNP-02, *Senior Farmers' Market Nutrition Program Agreement Between [CE] and [Sub-Distributing Agency]*.
- SFMNP-03, *Senior Farmers' Market Nutrition Program Agreement Between [CE] and [Farmers' Market Association]*.
- SFMNP-04, *Senior Farmers' Market Nutrition Program Farmer Profile and Agreement Between [Farmer] and [Farmers' Market Association]*.
- SFMNP-05, *Senior Farmers' Market Nutrition Program Farmer Profile and Bulk Purchase Agreement*

An agreement between the CE and FMA (sub-agency) or pantry (sub-distributing agency) is effective upon signature by the parties and expires in accordance with its terms at the end of a three-year program cycle. The agreement provides the terms and conditions for participation in the SFMNP and is a legally binding agreement between the CE and FMA (sub-agency) or pantry (sub-distributing agency). These agreements are subject to TDA approval. TDA will approve or deny these agreements during the application process or during the program year.

Further, only farmers authorized by TDA or that have a valid agreement with an authorized farmers' market may redeem vouchers (7 CFR §249.10(b)). Farmers' markets are required to enter into a written agreement with each farmer within the market that is participating in the SFMNP. TDA provides an agreement with the required terms which must be used (7 CFR §249.10(c)).

## **3200 Program Payments**

### **3210 Claims for Reimbursement**

TDA reimburses CEs for their actual, allowable costs as administrative funds are available, according to the terms and conditions of the SFMNP Agreement. Refer to Section 4000, *Managing the Program*, and Section 7000, *Financial Management*, for additional information.