United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park Center Drive
Alexandria, VA 22302

Reply to
Attn. of: SF-112

FEB 23 1995

Subject: FMNP Policy Memorandum: #95-2
Applicability of the Departmental Nonprocurement Suspension and Debarment Regulations to Farmers in the WIC Farmers Market Nutrition Program (FMNP)

To: Regional Directors
Supplemental Food Programs
All Regions

Recently we were asked to clarify whether farmers or farmers' markets participating in the FMNP were excluded from the certification requirements set forth in Departmental regulations 7 CFR Part 3017, Nonprocurement Suspension and Debarment. This rule requires persons who are applying to participate in covered transactions at both the primary and lower-tier level to certify that neither they nor their principals are presently debarred, suspended, or proposed for debarment by any Federal department or agency under the government-wide nonprocurement, debarment and suspension regulations. Covered transactions include numerous types of nonprocurement transactions in the Department's domestic assistance programs including grants, cooperative agreements, scholarships, fellowships, loans, loan guarantees, subsidies, insurance payments, payments for specified use and donation agreements.

We have concluded that neither the authorization of farmers or farmers' markets nor the exchange of a FMNP coupon between a certified FMNP recipient and an approved farmer or farmers' markets in the FMNP represents "covered transactions". Therefore, farmers or farmers' markets in the FMNP are not subject to the certification requirements stated at 7 CFR Part 3017.

STANLEY C. GARNETT
Director
Supplemental Food Programs Division

for CATHY SQUIRES
Acting Director
Grants Management Division