



# Downtown Growers' Market

Rules and Regulations 2021

Updated 3.19.2021 with COVID19 Requirements

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The Downtown Growers' Market's mission is to support and promote local agriculture, small business development, and community engagement in order to better the economics, health, wellbeing and education of New Mexico residents and visitors.

## Section 1 – Application and Acceptance Process

- 1) To be considered for a full season space, vendor applications must be turned in by the specified years' deadline through the Manage My Market platform ([www.managemymarket.com](http://www.managemymarket.com)). Applications may be accepted past the deadline if room allows, growers will be prioritized first.
- 2) Vendor Percentages
  - a. In order to maintain our Growers' Market status with the New Mexico Farmers' Marketing Association, the Market must contain at least 50% agricultural goods. The DGM reserves at least 50% of market spaces for growers.
  - b. 25% of spaces are reserved for prepared food vendors
  - c. 20% of spaces are reserved for arts and crafts vendors
  - d. 5% of spaces are reserved for health and wellness vendors
  - e. The DGM reserves the right to limit the number of vendors selling similar products.
  - f. No food trucks are allowed to vend at the Downtown Growers' Market.
  - g. Due to the COVID-19 pandemic, booth spaces have been restricted and these percentages do not necessarily reflect what they would be in a non-pandemic year.
- 3) In a non-pandemic year all new and returning art, prepared food and health/wellness vendors are juried for acceptance into the Market. However, due to the COVID-19 pandemic, time and funding restrictions, no jury was put together. Market Management will approve vendors in the following order. Management reserves the right to decline/waitlist any new vendor (including growers) that 1) does not meet the typical jury criteria\* or 2) causes the market to have too many vendors selling the same product. Management will work to curate varied products to allow for the best experience for customers attending the market. This is done not only at the individual vendor level but when looking at the assortment of vendors and products at the market as a whole. Too many

similar products will also hinder business sales, which we want to avoid as much as possible.

- a. Growers
- b. Return 2020 prepared food vendors
- c. New prepared food vendors
- d. Return artisan and health/wellness
  - i. Vendor jury scores from 2020
  - ii. Vendors who participated in the physical market in 2020 were given 5 additional points to their 2020 jury score
  - iii. Total score determined status
- e. New artisan and health/wellness

\* Jury criteria includes 1) high quality products 2) products are unique 3) materials are sourced locally 4) products fit in with the market 5) vendor uses sustainable packaging 6) if a return vendor, payments have been on time 7) vendor is reliable 8) vendor has a good attitude

- 4) Due to space limitations, only farmers and market coffee sponsors will be allowed to occupy two spaces.

## Section 2 – Market Fees

	Grower	Prepared Food	Art/Health
Application Fee	\$20 (one time fee)	\$20 (one time fee)	\$20 (one time fee)
Manage My Market	\$12 (one time fee)	\$12 (one time fee)	\$12 (one time fee)
Full booth (10'X10')	\$25/week	\$30/week	\$35/week

All booth fees will be charged to vendors weekly on the Wednesday after Market. The Market will charge the booth fee to the credit card that the vendor has put on file in ManageMyMarket. No yearly booth fees will be accepted due to the changing nature of the COVID19 pandemic.

If the credit card on file expires or does not work for any reason, Management will reach out to the vendor and the vendor will have one week to upload a working credit card. Emergencies can be worked out with Management on a case-by-case basis.

## Section 3 – Orientation and Paperwork

- 5) Orientation is strongly recommended for ALL vendors. Orientation will be held virtually on Saturday, March 20: 2-3:30pm.
- 6) All vendors (past and new) must follow email updates from management on paperwork due dates. To turn in your paperwork you can:
  - a. Email it to [liz@abqmainstreet.org](mailto:liz@abqmainstreet.org)

- b. Mail it to:
    - DowntownAbq MainStreet
    - Attn: Downtown Growers' Market
    - PO Box: 27246
    - Albuquerque, NM 87125-7246
  - c. Drop it off at Farm to Car: Winter Edition pickup: Saturdays  
10am-noon through April 3: 715 Gold Ave. SW
  - d. Drop it off during the Market to the info booth if your scheduled start date is May 15th or after.
- 7) **Business License:** required by the City of Albuquerque for all vendors accepting payment, with the exclusion of growers selling agricultural products only and buskers. Please have copies of pertinent tax licenses at your booth ready for review either by market management or by respective license or permit inspectors.
- 8) **Environmental Health Permit:** All vendors selling food and edible plants must obtain an Environmental Health Permit to sell at any Growers' Market. Permit applications are available by emailing the market manager at [market@abqmainstreet.org](mailto:market@abqmainstreet.org) or by downloading the current form from ManageMyMarket under the "document" tab. All permits must be turned in to the market manager 30 days before their start date. The market manager will bring applications to the Environmental Health Department to process. Vendors selling food and edible plants are NOT allowed to sell at the market without an approved permit!
- a. There is a \$15 fee to the City of ABQ Health Department for the permit if you are selling raw produce and/or honey only
  - b. There is a \$50 fee to the City of ABQ Health Department for the permit if you are selling processed food: eggs, meats, dairy, baked and prepared foods
  - c. Please make checks payable to the City of ABQ Health Department
  - d. Main Contact at Health Department: Michael Pittman, [mpittman@cabq.gov](mailto:mpittman@cabq.gov) , 505-768-2643 or 505-228-0560
  - e. All processed food must be prepared in a certified commercial kitchen. You must present proof of this commercial kitchen license to the Market Manager with your application.
  - f. Vendors are required to display their Health permit at all times while at the Market.
  - g. All vendors must abide by the rules and regulations of the Environmental Health Department.
  - h. For more information check out the City of ABQ Environmental Health Department website [www.cabq.gov/environmentalhealth.com](http://www.cabq.gov/environmentalhealth.com) or call 505-768-2643.
  - i. Your City of ABQ Health Permit is applicable to Growers' Markets in the following ABQ locations: Railyard Market, Nob Hill, Mile-Hi, Uptown, Presbyterian Hospital, and Three Sister's Kitchen.

- 9) Double Up Food Bucks and FreshRX Agreement:** All vendors who plan to accept DUFB tokens must first watch a training video and receive a certificate at the end of the video. Those who do not have access to a computer or internet, can take a paper version of the training. Ask DGM staff for more information if interested in participating.
- 10) WIC/Senior Check Agreement:** All growers planning to accept WIC checks must sign and turn in the NMDOH Farmer/Grower Agreement. These agreements are good from 2020-2022. For more information contact the market manager.
- 11) Nursery Stock License:** The Downtown Growers' Market applies for a yearly Nursery Stock License. Any vendor selling nursery stock (cut flowers, etc.), wishing to be covered under the DGM's umbrella permit, needs to contact the DGM Manager. This permit only covers the DGM market, and is not allowed to cover vendors with their own individual license.
- 12) Special Booth configuration application:** All vendors wishing to use propane/open flame in their tent must turn in a special booth configuration diagram. This can be hand drawn or computer generated. It must show the location of propane, any open flame and your general booth set up. This will be approved by DGM Management and the ABQ Fire Marshal. For more information, or to see an example of a diagram, email market management.
- 13) ACH Form:** Required by all vendors wanting reimbursement for accepting market tokens. This form allows vendors to accept tokens from customers and the DGM to deposit the money from these tokens into the vendor accounts. *More on this in section 11.*
- 14) Commercial Liability Insurance:** Vendor's must maintain a commercial general liability policy with a minimum limit of \$1,000,000 per occurrence. Vendors must provide the market with their certificate of insurance listing the market as additional insured. The policy must be in effect for the entire market season.

#### Section 4 – Booked Musicians, Buskers, Specialty Booths

- 15) At this time, none of the above types of vendors are allowed to set up at the park as we are discouraging any kind of lines or extended stays at the park.
- 16) If Bernalillo County moves to the Green COVID-19 level, Management will consider allowing specialty booths if space allows and they do not take away from vendor applicants.

#### Section 5 – Business Promotional Booths

- 17) The DGM reserves one space per market for local business promotion, to be charged \$150 per market.
- 18) All businesses interested in setting up a promotional booth must fill out the vendor application on [managemymarket.com](http://managemymarket.com). They will be charged a one-time \$20 application fee and \$12 website fee.

- 19) To be considered to set up a booth, businesses must be located in Albuquerque, and must pertain to the DGM mission statement.
- 20) Accepted businesses are not allowed to accept payment or donations during market.
- 21) If a business does not meet the necessary requirements, they are allowed to become a market sponsor, which does allow for booth set up during the market season at certain sponsorship levels. Email management for levels and questions: [market@abqmainstreet.org](mailto:market@abqmainstreet.org)

## Section 6 – Preparing for Market – Supplies List

- 22) Mats (required)
  - a. All vendors are required to have a breathable mat anywhere in their allocated space where they or customers will be standing. **This includes the 6 feet of space between the sidewalk and vendor storefront.** This rule has been set in place to protect the grass and must be followed to comply with the ABQ Parks Department’s rules and regulations.
  - b. Breathable mat examples include: bamboo, burlap, woven rugs, etc.
  - c. Examples of unacceptable mats include: tarp or anything with a completely covered plastic backing.
- 23) “No Smoking” sign (as required by the Albuquerque Fire Department).
  - a. Each vendor must post a no smoking sign in their tent to be visible by customers. No smoking is allowed in the park; if you see customers smoking, please contact Market Management.
- 24) Price signs (required). Prices should be clearly marked on all items.
- 25) Table coverings (optional). While table coverings better the appearance of each vendor’s booth, they may impede the thorough cleaning and sanitizing procedures required to protect against COVID19. If used, they should be clean and attractive in appearance, and be easily sanitized. **To make cleaning easier, you may consider not using table cloths, or using plastic/vinyl table cloths instead of fabric.**
- 26) Tent (optional)
  - a. All tents, canopies and umbrellas must be made out of fire-resistant material.
  - b. Most vendors use a pop-up tent, but other options are allowed as long as they fall under the specific tent requirements outlined by the ABQ Fire Department.
  - c. Tents cannot be staked. All tents are required to be securely weighted to the ground using 25lbs per leg or 50lbs per side. Some examples include sandbags, cinder block tops, dumbbell weights, etc.
- 27) Paperwork to be displayed (required)
  - a. Business license,
  - b. Environmental Health permit,
  - c. DUFEB sign, and

d. WIC sign

- 28) COVID-19 Safety Signs (Optional: see separate document entitled “Health and Wellness Signs for Vendors”). DGM Management has signs that you can print yourselves for your booths. These signs are located in the “documents” section in your ManageMyMarket account. You are also welcome to make your own if you’d prefer. Available signs include:
- a. Social Distancing
  - b. Handwashing
  - c. Face Covering Required
  - d. Shop with Your Eyes
  - e. Come, Shop, and Leave

**Section 7 – COVID19 related rules for vendors and customers.**

For Vendors:

- 29) Vendors are required to wear a face barrier (mask, bandana, etc.) at all times.
- 30) All vendors are required to wear gloves and wash/sanitize hands frequently.
- 31) Vendors are allowed 2 staff per 10X10 booth space during market hours (8am-noon) until Turquoise level PHO is reached. One person should be assigned to handle money only and the other should be assigned to handle food only. If you have one person only at your booth, wash/sanitize your hands and change your gloves between touching food and money.
- a. If vendors need more than two people to set up/tear down the booth that is allowed, however only 2 vendors can be in the booth during market.
- 32) Vendors are required to stop by the Info Booth before setting up their booth Saturday mornings so that DGM staff can take their temperature to be sure they are within range of acceptable temperature (under 100.4 degrees). This is a requirement even if vendors have been vaccinated.
- 33) Vendors are encouraged to take the State’s NM Safe Certification and share their completion on the State’s website as well as their own online website/social medias.
- 34) Vendors are expected to follow NM State Covid Safe requirements and guidelines in accordance with their business type.
- 35) All vendors are required to have sanitizing/hygiene products at their booth or a hand washing station.
- a. Hand washing stations must include: water, spout, soap, paper towels, and a bucket to catch excess water.
- 36) Do not touch your face with unwashed/sanitized hands and wash/sanitize your hands after touching your face.
- 37) If you are sick or feel that you are getting sick, stay home and communicate with management.
- a. You will not incur a strike or be charged for the day as public safety and minimizing the spread of germs is a top priority. For all other reasons you may need to miss a market, normal rules still apply.

- 38) Farmers are encouraged to pre-package produce whenever possible. However, it is not required.
- 39) Prepared food onsite preparation is ALLOWED!
- a. Prepared food vendors must have a plan to orient a line that forms at their booth in a manner that encourages social distancing and does not block nearby booths.
- 40) No sampling allowed.
- 41) Only vendors are allowed to handle products. Customers can shop with their eyes and indicate what they would like to buy to the vendors. Vendors must then bag products to give to the customer.
- 42) Clean your booth frequently (at least once per hour) with bleach solutions or antibacterial sprays/wipes. To make cleaning easier, you may consider not using table cloths, or using plastic/vinyl table cloths instead of fabric.
- 43) Booth set up:
- b. All vendors required to set up with the front of their booth towards the sidewalk, 6 feet off the sidewalk. The ground in front of your booth must be covered as described in section 6, #22).
  - c. Help orient your customer line in a way that promotes social distancing and does not hinder nearby booths.
  - d. All vendors are required to set up their booth in a manner that ensures social distancing between customer and vendor. The Market recommends choosing one of the two following options (for visuals, see separate document labeled "COVID19 Booth Set Up":
    - i. Caution Tape Method.
    - ii. Two Table Method
  - a. Vendors are encouraged to post signs at their booths promoting social distancing, informing customers to not handle products, reminders about proper hygiene around hand washing, and reminders to wash products/bags when they get home.
- 44) Vendors are encouraged to advertise (social media, at their booth, etc.) all measures they are taking to ensure public safety.
- 45) Customers are allowed to bring reusable bags, but vendors should not touch the bags. Vendors should place the items the customer wishes to purchase on the table and allow the customer to put the items into their bag.
- 46) Vendors are responsible for training all employees on all the rules outlined in this document.

### **For Customers**

- 47) All customers must enter/exit at the south side of the park on 8<sup>th</sup> street. The Market will follow capacity restrictions per State rules and will monitor how many people are in the park at one time.
- 48) Customers are required to wear a face barrier (mask, bandana, etc.) at all times.
- 49) Maintain a 6' distance between yourself, staff, volunteers, vendor booth employees, and other customers

- 50) Minimize socializing. We ask that you view our market as a grocery store and to come, shop, and leave as quickly and safely as possible
- 51) Shop alone. Send 1 person per family when possible.
- 52) If you sneeze or cough, do so only into a tissue (and immediately dispose of it) or into the crease of your elbow
- 53) Thoroughly wash your hands often with soap for at least 20 seconds, or use alcohol-based hand sanitizer, if available.
- 54) Avoid touching your face and mask.
- 55) Only vendors are allowed to handle products. Customers can shop with their eyes and indicate what they would like to the vendors. Vendors must then bag products to give to the customer.
- 56) Customers are not allowed to touch products until they are purchased.
  - e. If a customer does not have a reusable bag, vendors must bag the items in a bag and give it to the customer.
  - f. If a customer does have a reusable bag, vendors should not touch the reusable bag, but instead place the customers items on the table, for the customer to bag themselves. Customers are encouraged to wash bags between each use.
- 57) Pets are strongly discouraged.
- 58) If you are sick, stay home.
- 59) Wash your produce well when you return home with water.
- 60) Be patient and kind with one another, we're all in this together.

### **Section 8 – Things that are not allowed at market**

- 61) No music is allowed in vendor booths (this includes instruments and electronic systems).
- 62) No special discount signs are allowed. Shouting price discounts and product information is not allowed.
- 63) Resale or brokered items are not acceptable for selling. I.e. you cannot sell your friends' stuff, including produce at your stand.
- 64) Pets are strongly discouraged due to State covid safety rules for outdoor dining.
- 65) All programming has been canceled until further notice. This includes musicians, yoga, buskers, cooking classes and the like.

### **Section 9 – CBD at Market**

- 66) Anyone wishing to sell CBD products must submit Certificate of Analysis to Management proving <0.3% THC in the product (per federal regulations).
- 67) Anyone selling products with CBD are not allowed to make health claims.
- 68) Both consumable and non-consumable products are allowed with the required paperwork and licenses. In regards to CBD, the following definitions apply:
  - g. Consumable: any food or drink
  - h. Non-Consumable: tinctures, or anything topically applied

- 69) Farmers selling the plant must provide a “Harvest Report” from the Department of Agriculture, proving their plants have been tested.
- 70) Prepared Food vendors selling consumable products must provide “Certificate of Analysis” for all products with CBD.
- 71) Health and Wellness vendors selling non consumable products must provide “Certificate of Analysis” for all products containing CBD.
- 72) Depending on the amount of CBD applicants received, those growing or sourcing their ingredients locally, will be considered with higher priority.

### Section 10 – Day of Market Operations

- 73) The market is held at Robinson Park (8<sup>th</sup> Street and Central Avenue), beginning April 17<sup>th</sup> and ending November 6<sup>th</sup>. Time of operation is 8:00am – 12:00pm.
- 74) Vendors must be set up and ready to sell 30 minutes prior to market opening time (7:30am).
- 75) DGM staff will temp vendors each Saturday morning. Vendors are required to come by the Info Booth before setting up their booth and DGM staff will cross reference that day’s attendance to be sure all vendors are checked.
- 76) The Park may be enclosed with flag line and cones depending on 2021 City requirements surrounding the COVID19 pandemic. When setting up, the flag line can be taken down to make unloading vendor products easier. All flag line must be back up by 7:30AM to ensure customers are not able to enter anywhere other than the specified entrance/exit. Because of this, no vendors will be allowed into the park after 7:30AM, unless pre-approved by management.
- 77) In the event of an emergency during, before or after market, please notify DGM management who will notify the correct authorities.
  - If any dangerous objects are found, please notify DGM management or a DGM volunteer. DO NOT attempt to pick up anything dangerous on your own. Needles will be placed in a sharps container by staff, any other dangerous object will be dealt with on a case by case basis.
- 78) Parking: The success of parking and unloading/loading goods depends greatly on the cooperation of all market vendors. **Please act with courtesy and respect** when communicating with each other and make accommodations for other vendors when possible. **City parking is enforced on Saturdays from 7am-6pm.**
  - i. No vendors are allowed to stay parked around the park (8<sup>th</sup>, copper or central) unless you are assigned a booth on Copper. Vendors on Copper are allowed to stay parked on Copper, but must not block the flow of traffic going westbound on Copper. Exceptions for staying parked can be made for handicapped parking and other exceptions as approved by Market Management.
  - j. Vendors in a space that is NOT on Copper are allowed to unload along 8<sup>th</sup> and Central (not Copper), and must move their vehicle to park after unloading. If vendors assigned a space NOT on Copper, but unload along Copper, they must move their car before 7AM.

- k. Vendors must unload goods quickly. Do not start setting up until your items are unloaded and your vehicle has been moved to its parked location.
  - l. As per ABQ Police Department, vendors are not allowed to double-park along Central while unloading/loading or stay parked in the median along Central.
  - m. Vendors should not block the flow of traffic when unloading their goods.
  - n. Parked vehicles cannot block handicap access on sidewalks.
  - o. See below parking suggestions:
    - i. MRCOG building on Copper & 9<sup>th</sup>. Open 6AM-2PM.
    - ii. Southeast corner of 8<sup>th</sup> & Central, near the bookstore. Look for the DGM Parking Sign.
    - iii. On Central between 8<sup>th</sup> and 7<sup>th</sup> just west of Goodyear store.
    - iv. Eastside of 8<sup>th</sup> and Kent
    - v. In Capo's parking lot. Please be courteous of leaving space for Capo's customers, otherwise we will lose this privilege.
    - vi. Molina Parking lot on 8<sup>th</sup> between Copper and Kent
- 2) When parking issues arise that cannot be respectfully worked out amongst vendors, the manager should be contacted to help facilitate parking conflicts. The manager has the final say in all issues regarding space utilization and parking. The vendor agrees to abide by the final decisions of the market manager for the good of the market and in accordance with facility requirements.
- 79) Market is held rain, snow or shine. See "Market Cancellation Policy" section for more information.
- 80) Only DGM registered and approved vendors are allowed to sell at Robinson Park during Market hours.
- 81) Vendors are allowed to sell between open hours: 8:00am-12:00pm
- 82) Market tear down will begin immediately after posted market closing. The market is not responsible for you or your product after the posted market closing.
- a. The only reason a vendor should leave the Market before closing time is if they are **COMPLETELY sold out** of their product or if there is an emergency. Alert Management at the information table if you completely sell out and are leaving early. Any other case must be pre-approved by the Manager.
- 83) After each market, vendors are required to report their sales on the Manage My Market website. See "Sales Reporting" section for more information.
- 84) Vendors must adhere to the DGM's "Code of Conduct".
- 85) Complaints should be taken to the Market management and will be regarded with confidentiality.
- 86) The Market Managers have complete authority to interpret and implement policy on the Market site. In all matters of Market safety and viability to the Market, Management has the final say.

- 87) Dispute resolution through arbitration. Process defined in section 18. To protect the safety of the public as well as the integrity of the Market, the Market Management has the discretion and authority to immediately dismiss any vendor from the Market area for violations of these Rules and Regulations. A daily vendor immediately dismissed for a violation will forfeit the day's rental fee and will not be allowed to rent space in the future unless appropriate assurances are provided to the Market Manager that the problem is resolved.
- 88) The Market Manager will give members in violation of Market Rules and Regulations or any other membership agreement a verbal warning at the time of dismissal or, if the violation does not warrant immediate dismissal, at the time the violation becomes known to the Market Manager. If the violation has not been cured by the next market day (one week later), the Market Manager will give the member a written warning detailing the violation, action required to cure the violation, and stating the violation must be cured by the next Market day (one week later). If the violation remains uncured, the Market Manager will notify the erring member in writing of a hearing date before the Vendor Advisory Committee (VAC).

## Section 11 – Market Tokens

### Accepting Tokens from Customers

- 89) The Market has its own currency for customers to purchase from the Information Booth with a credit/debit card (\$5 increments) or EBT/SNAP card (\$1 increments). This currency comes in the form of \$1 and \$5 wooden tokens and is identified with *Albuquerque Growers' Market* name printed on each token. There are also tokens through the DUFb program (silver \$2 tokens) and Fresh Rx program (wooden \$1 tokens).
- 90) Vendors should not accept tokens that are from a different Market.
- 91) Arts/Crafts vendors cannot accept \$1 tokens or \$2 tokens.
- 92) \$1 tokens are for EBT/SNAP participants and are only for fresh produce, pasta, meat, cheese, granola, and bread. Ready to eat food or hot food are not eligible.
- 93) \$2 tokens for DUFb are to be used ONLY for fresh produce and produce starts. No other food products are eligible.
- 94) \$1 tokens for Fresh Rx participants are to be used ONLY for fresh produce and produce starts. No other food products are eligible.
- 95) Tokens cannot be given to customers as change. Real money must be given as change, even when a customer uses a token.
- 96) \$5 tokens can be used to purchase anything at the Market. All vendors are required to accept the \$5 Debit tokens.
- 97) In order to redeem tokens for real money a vendor must sign-up at the Info Booth by providing a voided check and completing an ACH form for Direct Deposits.

### Token Reimbursement

DowntownAbq MainStreet, Attn: Downtown Growers' Market, PO Box: 27246, Albuquerque, NM 87125-7246 | 252-2959 | market@abqmainstreet.org

- 98) In order for vendors to be reimbursed they must turn in an accurate ACH form with voided check or bank print out. This allows the DGM bookkeeper to deposit earned money into each vendor's bank account. Each year all vendors will be asked to turn in a new ACH form if their bank has changed, or sign a form stating their bank account information is the same as the previous year. This form can be turned in any time during market season, but needs to be turned in before you can get reimbursed.
- 99) Tokens can be redeemed at the Info Booth during the time of Market operation with a DGM representative. Vendors can choose to participate in token drop off, or wait in line to get their tokens redeemed:
- b. Token Drop off (8am-10:30am)
    - i. Place all tokens to be redeemed in a sealable bag (i.e. zip lock bag). Make sure your business name and contact name is listed on the bag (i.e. use a sharpie to write on the bag).
    - ii. Count your tokens and write on a piece of paper 1) business name and 2) how many of each token you have in the bag. (i.e. \$25 in 5's, \$11 in 1's, \$12 in 2's, etc.). Place this piece of paper in the bag.
    - iii. Bring your bag of tokens to the info booth and place them in the tote labeled "token drop-off".
    - iv. The Info booth staff will count your tokens and put a receipt in your bag when there is down time between customers. When you come back for your receipt and bag at the end of market, you will need to initial the vendor reimbursement sheet.
  - c. The other option is to wait in line and have your tokens counted when it is your turn. When you reach the front of the line, info booth staff will count your tokens and give you a receipt right away.
- 100) **After vendors turn in tokens, those tokens will be quarantined in a container for at least 2 weeks before they are resold to customers. This will provide time for any contamination to die.**
- 101) Reimbursements will be directly deposited into the vendor's account 5-10 business days after tokens have been turned in.
- 102) Vendors should keep their receipts in case future questions arise with reimbursement.

## Section 12 – Sales Reporting

- 103) Sales data must be reported through Manage My Market after each week that you vend. Sales for the previous week must be reported by the next market date.
- 104) If absolutely necessary, sales data for the past market may be dropped off in person at the info booth or emailed to the market manager.
- 105) We ask for sales data, as it is extremely important to have these numbers when reporting data as a whole for grants and other funding purposes. Understanding how well our market is supporting our local economy and serving

- the needs of our surrounding community is incredibly important. As a vendor, you hold the key to that figure. These numbers will only be used for your continued benefit. Aside from discretely and internally tracking this information, your information will not leave our office with any connection to your name or business. We have no interest or obligation to report any of the sales data which we collect to any government entity, including the IRS.
- 106) How to report sales online:
    - d. Go to [www.managemymarket.com](http://www.managemymarket.com), login using the email and password you used to apply to the market. If you forgot your password, click “forgot password”.
    - e. Once logged in, click “account” in the top panel
    - f. Select the “Market” and “date”
    - g. Enter your sales and submit!
  - 107) Applications for the following year will not be accepted if sales data is not entered by the vendor.

### Section 13 – Special Requirements for Farmer/Grower Participants

- 108) Farmer/Grower vendors refer to farmers, nursery stock growers, herb growers, market gardeners, or backyard growers.
- 109) Farmer/Grower vendors agree that 100% of produce is grown in New Mexico. All produce must be grown by that Farmer/Grower.
  - h. Should a farmer be suspected of selling produce they did not grow themselves, management reserves the right to hire an independent farmer to visit the farm and inspect what the farmer is growing. Should the independent farmer find that the farmer is selling produce they did not grow, the inspected farmer is required to pay for the farm inspection, and will no longer be allowed to sell at the DGM. If the independent farmer finds that the inspected farmer is growing the produce they are selling, the Downtown Growers’ Market will pay for the inspection.
- 110) Farmer/Grower claiming to be certified “organic” must have the corroborating certification with them at all times.
- 111) Plant and flower sellers who do not have their own Nursery stock license and want to be covered under the Market’s umbrella license must indicate this on their application.
- 112) Farm Merchandise: Farm merchandise that features your farm is allowed to be sold, but cannot exceed 20% of your farm stand’s goods.
- 113) Value Added Products: DGM recognizes the importance of value-added products to your farm stand and will attempt to accommodate additional goods when possible, while working to maintain an overall focus on agricultural products. If you would like to sell value-added products at your stand, you must include a list of these products on your application and the farmer must obtain a business license and any other corresponding licenses (i.e. commercial kitchen license).

- i. Value-added products cannot exceed 20% of your farm stand's goods.
  - j. If value-added products exceed 20% of your farm stand's goods, they must be approved and juried by the DGM jury during the application process.
  - k. Food products must be prepared according to the City of Albuquerque Environmental Health Department regulation.
    - i. Must be sourced using local produce/plants
- 114) WIC (Woman, Infants, Children) and Senior Checks
- l. Only vendors who have signed the WIC and Senior Check agreement to be in this program are permitted to accept WIC and Senior checks.
  - m. All vendors participating in the WIC and Senior Check program must display the Vendor Permit Sign provided by the NM Department of Health, which includes the Vendor Name and Permit Number.
  - n. Only eligible fresh, unprepared fruits and vegetables may be purchased with the WIC checks.
  - o. Only eligible fresh, unprepared fruits and vegetables and New Mexico honey may be purchased with the Senior checks.
  - p. Products that are not eligible under WIC and Senior Check guidelines include the following: processed foods, eggs, nursery and cut flowers, herbal products, meat and dairy products, chicos, posole, dried fruit, juice, ristras, jam or jellies and arts and crafts.
  - q. WIC and Senior checks must be stamped with the DGM stamp by a Market Representative at the Info Booth during the Market in order to be redeemed at your bank.
  - r. For more information regarding registering with the WIC and Senior Check program, contact the Market Manager.

#### Section 14 – Missing a Market

- 115) If a vendor has to miss a scheduled Market day, they must notify the Manager one week before their scheduled Market.
- s. Vendors are responsible for being present at the market for all dates approved and scheduled in Manage My Market (MMM).
  - t. Notification of absence should be completed by telling the Manager of the date the vendor will be missing through email at [market@abqmainstreet.org](mailto:market@abqmainstreet.org) OR by calling/texting the market phone 505.252.2959. Message will be confirmed upon receipt. DO NOT verbally tell the Manager during market.
- 116) If a vendor misses a scheduled Market without notifying the Manager **one week before their scheduled Market**, they are responsible for paying their booth fee **AND WILL INCUR A STRIKE**. **For the 2021 season, this rule will be enforced more leniently for those that are sick. If you are sick, stay home! Please notify management as soon as you are able.**

- u. Vendors are not allowed to set-up at the Market until booth fee and associated strike fine is paid in full.
  - v. Vendors who have paid for a full season space in advance and miss a Market without proper notification will still be charged the associated strike penalty fine.
  - w. Real, immediate issues and exceptions, such as illness or crop shortage are acceptable, but please be honest.
- 117) The DGM reserves the right to replace a vendor's space if they do not comply with rules and regulations.
- 118) If a vendor left the Market still owing money from a previous season, their application will not be accepted until their payment is received, including accrued interest and penalty fees.
- 119) The Market has the right to refuse applications for those who have left the Market in a previous season in arrears on payment.
- 120) Vendors who have paid for a full season space or paid for their space in advance and forfeit their space before the season ends, will be refunded their space payment ONLY if they notify the Market Manager that they are forfeiting their space one week prior to their last Market day. Notification should be completed by sending an email to the Manager at [market@apqmainstreet.org](mailto:market@apqmainstreet.org)
- x. The manager will confirm that the vendor's message has been received through email.

### Section 15 – Market Cancellations

- 121) In the rare event of dangerous weather, such as thunderstorms and heavy rain/hail, Market may be cancelled.
- 122) Market cancellation will be communicated in the following ways to vendors:
- y. An email will be sent to all vendors with email addresses
  - z. A message on our Facebook and Instagram Pages will be posted
  - aa. A message on the homepage of our website will be posted (downtowngrowers.org)
- 123) In the case of cancellation, if a vendor chooses to set up their booth and vend at Robinson Park, they do so at their own risk and are liable for anything that occurs to them while at the park.

### Section 16 – Waste Management

- 124) City trash cans are utilized during the market. **Green team operations are suspended until further notice (no recycling or compost bins on site).**
- 125) Vendors are responsible for hauling their own waste generated during market. I.e. no dumping trash in public waste cans. Take out what you bring into the park to help alleviate the amount of trash generated during market.  
**BURDENING THE MARKET TEAM AND THE WASTE SYSTEM WITH YOUR BUSINESS' WASTE WILL RESULT IN A STRIKE.**

- 126) Please keep the area around your booth clean and in good condition. Additionally, vendors are required to clean up their site after the market is closed. Again, **leftover product is not allowed to be dumped in the Park's waste containers.**
- 127) Styrofoam is not allowed at the Market for any reason.
- 128) All straws, silverware, and items used to serve samples are **RECOMMENDED** to be *commercially* compostable. [Commercially compostable means that ABQ's Soilution's facility is capable of composting the materials. Please visit their website (<http://soilutions.net/foodwaste-recycling/what-we-dont-accept-for-recycling/>) for more information.] Please visit the DGM website-vendor portal (<http://www.downtowngrowers.org/vendor-portal.html>) for links that will direct you to DGM/Soilutions approved products. If the products found on the DGM website do not work for a vendor's needs, vendors are allowed to find and purchase their own products, but are required to get them approved through DGM management prior to purchase, to ensure Soilutions will be able to accept these products.
- 129) All produce bags and shopping bags are **recommended** to be made of paper or compostable products.
- 130) All other materials (plates, cups, bowls, etc.) are **recommended** to be either compostable or recyclable (the City of Albuquerque accepts plastics #1-7).  
 bb. In order to be recyclable, the item must not be covered in food by the end of its use. If it will be, it should be compostable. For example, a cup served with agua fresca will be clean enough to be recycled, as opposed to a plate that will have enchilada all over it. The plate should be compostable.

### Section 17 - Strikes

- 131) Strikes are given to vendors when rules and regulations are not followed.
- a. **Strike 1:** An emailed notification will be sent to the vendor by the market manager along with a notification requiring a \$10 fine.
  - b. **Strike 2:** An emailed notification will be sent to the vendor by the market manager along with a notification requiring a \$20 fine.
  - c. **Strike 3:** An emailed notification will be sent to the vendor by the market manager notifying the vendor of their exclusion from the market for the season.

### Section 18 – Arbitration

By renting a stall at the Market, the vendor agrees to settle disputes by arbitration that cannot otherwise be resolved. This form of dispute resolution will be the sole remedy for resolution of any and all disagreements or disputes arising under or related to the

Market Rules and Regulations or the membership agreement (including, but not limited to, any statutory or tort claims arising from the relationship between the parties). One neutral arbitrator agreed on by the parties shall conduct the arbitration in Albuquerque, New Mexico. If the parties cannot agree on an arbitrator, each party shall select and pay for its own arbitrator, and the arbitrators so selected will select an arbitrator to chair the proceedings. The costs of the neutral arbitrator (whether the sole arbitrator or the chairperson of an arbitration panel) will be shared equally by the parties.

Consistent with the expedited nature of arbitration, each party will, upon the written request of the other party, promptly provide the other with copies of documents relevant to the issues raised by any claim or counterclaim on which the producing party may rely in support of or in opposition to any claim or defense. Any dispute regarding discovery, or its relevance or scope, shall be determined by the arbitrator (or chairperson, if a panel), which determination shall be conclusive. Other discovery will not be permitted. All discovery shall be completed within 60 days following the appointment of the arbitrator(s). The decision and award determined by the arbitration shall be final and binding upon the parties. Judgment upon the arbitration award may be entered and enforced in any court having jurisdiction. The parties agree that any arbitration shall be governed by the New Mexico Uniform Arbitration Act, NMSA 1978, §§ 44-7A-1, et seq., as now existing or hereinafter amended. These rules and Regulations shall otherwise be governed by, and construed in accordance with, the laws of the State of New Mexico.

**Acknowledgment that you have read and understand the DGM Rules and Regulations must be indicated on your vendor application with your initials, signature and date.**

Keep a copy of these Rules and Regulations for your records.

If you have any questions, please contact Danielle Schlobohm (DGM Manager) or Liz Skinner (DGM Assistant Manager).

Phone: 505.252.2959

Email: [market@abqmainstreet.org](mailto:market@abqmainstreet.org)

PO Box: 27246

Albuquerque, NM 87125-7246

DowntownGrowers.org

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