

Smart Markets, Inc.

General Rules and Regulations 2017

Eligibility

All persons who grow agricultural produce within a 200-mile radius of Northern Virginia; raise beef, lamb, pork, and/or poultry in accordance with federal and state regulations; or produce foodstuffs in state-approved (where applicable) kitchens using local ingredients whenever possible are eligible for participation in Smart Markets farmers' markets.

Smart Markets management expects all vendors to sign an agreement that acknowledges their understanding of these rules and regulations and their commitment to abide by them.

Smart Markets will guarantee that our markets are producer-only. For Smart Markets, this means that all produce or products sold at our markets are provided by a vendor who has applied to be a participant in our markets and from whom we have all applicable paperwork including insurance and inspection certificates. We take this guarantee very seriously, as do our customers and organizational and corporate sponsors. We will vigorously undertake to inspect produce that arrives at our markets, and we reserve the right to visit a farm at any time to verify producer-only status.

While we do not impose a Buy Local requirement on our value-added or prepared-food vendors, we do encourage the vendors to purchase from one another whenever feasible, and we are available to help vendors locate suppliers who meet their needs and requirements.

The vendor signature on the application will serve as a contractual commitment and a pledge of adherence to this policy. Failure to comply can lead to temporary or permanent suspension and/or legal action.

Definition of Terms

Vendor: The producer of goods grown, raised or manufactured for sale in a Smart Markets market including family members and bona fide employees of the farm or business owner.

Producer-only: Description of a market that permits only the sale of items grown, raised or produced by vendors who qualify as participants in our markets.

Product List: An accurate and explicit list of everything that the vendor intends to sell at a Smart Markets farmers' market. This list is not meant to exclude anything but to provide a basis of comparison for assigning vendors to markets. The more you include, the easier it is for us to place you in a market where you can succeed. If you wish to add items to the list during market season, just ask.

Farm Visit: A requirement by Smart Markets for all farmers sometime during their participation as vendors in our markets. First visits will be announced and arranged with the vendor at least one week in advance; any other visits prompted by the need to verify producer-only status may be impromptu and unannounced.

Carrying: The practice of allowing one farmer or vendor to sell the produce or foodstuffs of another qualified and approved producer, including farmers and value-added vendors, in order to enable an owner of a smaller business to gain entrance to the farmers' market system, to further the objective of serving as a business incubator, to facilitate the incorporation of new and interesting products into the market, and to help small farmers stay in business. This is a recognized practice by many market-management groups but not by others. When permitted, it is considered a trust arrangement but will be monitored to avoid the exploitation of the policy.

Market Master: Smart Markets provides paid Market Masters at each market. Market Masters have specific duties and responsibilities that are spelled out in a Job Description. Market Masters are the primary point of contact during hours of operation and they are instructed to interpret the rules and regulations in specific cases as necessary.

Market Application

Most of our eventual vendors are invited to apply for participation by an email going out in January. Vendors who have fully completed in good standing their commitment to Smart Markets during previous seasons will be given priority consideration for the following season. All applicants hoping to join Smart Markets for the entire 2017 season must have their applications in by March 1, 2017.

We do accept new vendors in mid-season if convinced that it will be good for our markets and for the vendor. We also encourage vendors who have been doing markets that close in the fall to contact us about joining us for the winter months. Anyone can access this application on our website at any time of the year.

All applications for the new summer season should be as complete as possible by the submission deadline. Checks should accompany the application but will not be cashed until a vendor has been assigned markets for which the vendor has accepted placement. However, the vendor may wait to submit their kitchen inspection and Certificate of Insurance after acceptance but before the markets open if they can demonstrate good business reasons for doing so. Vendors will receive notice of acceptance into Smart Markets and market assignments within three weeks of the submission deadline.

Market Assignments

Each vendor will be asked to indicate their space requirements, and space in the markets will be allocated with three considerations in mind:

- 1) Space available in the market area itself—if space is unlimited, all vendors will receive their full requests up to but usually not exceeding three canopies.
- 2) Design and layout considerations of any particular market—sometimes the constraints of the market area dictate both allocation and location of particular vendors, such as where trucks are allowed as opposed to vans; where vendors may be required to set up and then park elsewhere; where natural or man-made barriers must be considered; where shade is most prevalent; and numerous other constraints that the site itself may present.
- 3) Management decisions based on an attempt to create a unique signature style for each market and to integrate farmers and producers into each market in a layout that enhances the variety and complimentary aspects of the offerings.

Any vendor may appeal a space assignment, and if their arguments are persuasive, management will consider a reassignment with due consideration of the above conditions.

Participation Fees

The application fee for April 2017–March 2018 is \$100. This is non-refundable once a vendor has accepted assignment to one or more markets. However, the check will not be cashed until the vendor has accepted placement in at least one market. This fee entitles the vendor to request assignment to as many markets as are preferred and to participate in as many as can be assigned. One exception: If you joined our market for the first time after October 1, 2016, the application fee you paid at that time will apply to this year's markets.

Vendors will also be charged a 4 percent commission on sales, payable monthly. A form for reporting sales by market will be provided and required with each monthly check, payable by the 10th of each month. Timely payment of fees is necessary to remain in good standing with Smart Markets. Falling more than one month behind may result in suspension from the market(s) until rectified.

A vendor's check is a sign of serious intent to join Smart Markets, but if a vendor is not accepted to Smart Markets or if the vendor chooses not to participate, the check will be returned or the amount refunded if it has already been deposited.

Market Set-Up

Vendors are encouraged to arrive at least an hour before the market opens, but the objective is to be ready to sell 15 minutes before opening. All vendors must arrive no later than 30 minutes prior to opening and be ready to sell 15 minutes before opening time. Repeated late arrivals will affect a vendor's standing with Smart Markets. One late arrival will result in a verbal reminder, two will result in a written notice, and three may result in temporary or permanent suspension.

All vendors are required to have at least one tent and to have with them weights for each leg of each tent; Smart Markets recommends four 18–20 lb. weights that must be attached to the tent, not just laid at each corner. Bungee cords work well. This is non-negotiable, and vendors will be required to have proper weights in order to set up. NO weights = NO set-up. NO excuses. Weights must meet our standards for safety and effectiveness; this is for your safety and that of our shoppers. It will also save you money in the long run to have good weights that protect your tent. We have a vendor who will make you a set of approved weights. You can email Dick Duval at info@funcountrykettlecorn.com for more information, including pricing.

Sales are not permitted until the advertised opening time except when the market master determines that it is in the best interest of the vendors and/or customers to begin early. The same considerations apply to closing. We are flexible with this because there are circumstances when and where it is better for the market to welcome rather than turn away customers—especially at new markets where the customers are just learning the ropes or in extreme weather conditions.

Smart Markets will always consider the desires and needs of the vendors, but in some locations accommodations must be made to ensure our access to the best sites for conducting business, and that is our prime consideration: how to fit into a location in a way that creates a successful market for all of the vendors and satisfies the expectations of the host.

This often requires compromises, but we will also encourage compromise on the part of our hosts. All of our sites will have different requirements, but they will be selected because we believe they promise successful results.

Market Cleanup

All vendors must bring a broom and/or rake to each market and participate in cleanup of our assigned area at the end of each market. The vendor will also be required to dispose of their own trash from the market. Smart Markets will have in place written agreements with each host group or agency that pledge our commitment to leaving the area in the same condition in which we find it upon our arrival each week. If we notice persistent problems with the condition of the site when we arrive, management will address that issue, and we request that vendors report to us any unsafe or unsightly conditions noticeable upon arrival.

You may be asked to produce your broom for inspection before set-up. Do not forget it. This is becoming more of an issue with our hosts, and in order to maintain our good record—which enables us to set up in such good locations without having to pay rent—this rule will be enforced.

All of these on-site rules and regulations will be enforced by either the Smart Markets president, paid market masters or assigned volunteers, and all personnel working for Smart Markets will have the authority to ask vendors to leave a market if the rules are not followed or if a vendor refuses to adhere when asked to comply at a market.

Vendor Requirements

- Vendors will bring only those items to sell that they have grown or made or which meet the value-added definition developed by the U.S. Department of Agriculture and accepted by the State of Virginia, unless they have permission to “carry” for another vendor.
- Smart Markets are No Smoking areas. Even before the market opens and during shut-down, smoking is not permitted within the market environs or within sight or smell of market shoppers.
- We require all vendors to openly list all prices either on price cards or on a board displayed at the entrance to the stall.
- All vendors must have a sign with the name of their farm or business displayed for all to see. Throughout the season market management may be able to assist with the design and purchase of such signs as needed.

- If a vendor cannot make it to a market where their attendance is expected or if they are going to be late, the vendor must call market management before the market opens to let them know. Before the start of the market season, a reminder about how to contact market management at each market for these situations will be sent to all vendors. Failure to follow this rule may result in expulsion from the market. All vendors are permitted two absences with no explanation (no call, no show); beyond that, permission to miss a market must be received in advance for a vendor to retain their good standing with Smart Markets. An exception to this rule may be when weather conditions prevent a vendor from attending a market.
- All vendors who provide samples must comply with state food-safety regulations, which will be provided. At sites where hand-washing facilities are not readily and closely available, vendors must have a hand-washing station nearby if they will be cooking or heating anything for tasting. Vendors will be supplied with detailed instructions and assistance for meeting the guidelines.
- Vendors will supply copies of all federal, state and local certifications and business licenses as requested before market openings each season. Vendors are personally responsible for paying taxes and acquiring all necessary permits to do business in the State of Virginia.
- Vendors will be expected to comply with the unwritten rules of decorum and team spirit that Smart Markets will clarify as necessary throughout the season. We expect that all of our vendors will work together to create a winning team for each market. This expectation is a basic tenet of Smart Markets, and we take it seriously enough to enforce it with expulsion if we determine that a vendor is attempting to undermine another vendor or the market itself. We are very proud of the team spirit we nurture and support, and our markets thrive as a result of this commitment. Simply put: If you cause trouble, you will be asked to leave.

This list of rules and regulations is considered accepted as binding guidelines for participation in Smart Markets by your application to participate.