



# TEXAS DEPARTMENT OF AGRICULTURE

## 2011 Operation New Fences Qualified Vendor Application and Agreement to Participate

Mailing Address: P.O. Box 12847, Austin, Texas 78711  
 Physical Address: 1700 N. Congress Avenue, Austin, Texas 78701  
 ♦ Voice (800) 835-5832 ♦ (512) 475-1615 ♦ [www.TexasAgriculture.gov](http://www.TexasAgriculture.gov)  
 ♦ Fax (888) 223-9048 ♦ E-mail [Grants@TexasAgriculture.gov](mailto:Grants@TexasAgriculture.gov)

TODD STAPLES, COMMISSIONER

SECTION A – VENDOR INFORMATION				
Vendor Name	Vendor Tax ID No.	Store Location and Counties Served (if multiple locations are interested in participating, please attach a list of all locations):		
Mailing Address		City	State	Zip
Main Phone No.	Fax No.	E-mail Address		
SECTION B – AUTHORIZED CONTACT (Please list the full legal name (no aliases or nicknames) of the primary person responsible for the business, or of the person authorized to enter the entity into a legal agreement.)				
<input type="checkbox"/> Mr. <input type="checkbox"/> Dr. <input type="checkbox"/> Ms. <input type="checkbox"/> Other		First Name	Last Name	
Position Title	Phone No.	Fax No.	E-mail Address	
Mailing Address		City	State	Zip
SECTION C – ADDITIONAL CONTACT				
<input type="checkbox"/> Mr. <input type="checkbox"/> Dr. <input type="checkbox"/> Ms. <input type="checkbox"/> Other _____		First Name	Last Name	
Phone No.	Fax No.	E-mail Address		
SECTION D – SIGNATURE				
<b>By signature on this Application, vendor agrees to the terms and conditions of the Operation New Fences Program stated below.</b>  Authorized Signature _____				Date _____

*\*Vendors with multiple locations wishing to participate may complete only one Application, and by attaching a list of all participating locations.*

### Operation New Fences Qualified Vendor Terms and Conditions

TDA and Vendor agree to the following terms and conditions.

#### 1. AGREEMENT TERM

This Agreement shall commence on July 15, 2011, and shall terminate thirty (30) days after payment and processing of all vouchers received from vendor.

## 2. PURPOSE

Vendor agrees to accept TDA vouchers given to eligible producers for the purchase of those items directly necessary for building, mending and maintaining of agricultural fences damaged by wildfire, such as fence posts, fasteners, stays, tools, and other fencing related materials. Vendor will be reimbursed for 90% of the voucher value. For example, if a voucher is redeemed for \$100 worth of fencing supplies, the Vendor will cover \$10 (or 10%) of the expense and submit the voucher and a copy of the purchase order or receipt that itemizes the purchase to TDA for reimbursement for the remaining \$90 (or 90%). Eligible producers will have a thirty (30) day period, as identified on the voucher, to redeem same at Qualified Vendors.

## 3. TERMINATION

Vendor may terminate its participation in the Operation New Fences Program by providing written notice to TDA at any time, but will only be eligible for reimbursement of those vouchers redeemed by eligible producers prior to the date of termination.

## 4. NO AGENCY OR EMPLOYEE RELATIONSHIP

Vendor is acting as an independent contractor under this Application and Agreement, and is not TDA's agent or employee.

## 5. REIMBURSEMENT

With each voucher, vendor will submit invoices or point of sale documentation of the eligible landowner's purchase(s). TDA will have sole discretion to determine the adequacy and sufficiency of vendor's documentation. All payments to vendor shall be made in accordance with the Texas Prompt Payment Act, Chapter 2251 of the Texas Government Code.

## 6. AUDIT

The acceptance of payment under this Application and Agreement acknowledges the authority of the Texas Department of Agriculture (TDA), or any successor agency, to conduct an investigation in connection with those funds. Vendor agrees to cooperate fully with TDA or its successor in the conduct of any audit or investigation, including, without limitation, providing all records that may be requested by TDA.

## 7. RECORDS

Vendor shall maintain and retain all documents and other records (including electronic data and records) relating to this Application and Agreement for a period of at least three (3) years after the date of submission of final submission of vouchers for reimbursement pursuant to the terms of this Application and Agreement, or until a resolution of all billing questions, whichever is later.

## 8. PUBLIC INFORMATION ACT

Vendor acknowledges that all documents and information submitted to TDA pursuant to this Application and Agreement are subject to the Texas Public Information Act, Chapter 552, Texas Government Code.

## 9. TDA CONTACT

TDA's contact under this Agreement is Mr. Lance Williams, Producer Relations Specialist, or such other individuals as may be designated by TDA.

## 10. ASSIGNMENT OR SUBCONTRACT

Absent the express written consent of TDA, vendor may not assign or subcontract any right or duty under this Application and Agreement.

## 11. MISCELLANEOUS

Notwithstanding any other provision herein, this Application and Agreement is subject to cancellation, without penalty, either in whole or in part, if funds become unavailable.

Any alterations, additions or deletions to this Application and Agreement's terms shall be by written amendment and executed by TDA and vendor.

Each individual signing this Application and Agreement certifies that he or she has the authority to execute and bind his or her party to this Agreement.

**Deadline:** A complete and signed application must be submitted to TDA by **Friday, July 15, 2011**.

Applications sent by mail must be **postmarked on or before July 15, 2011** and mailed to TDA at: P.O. Box 12847, Austin, Texas 78711. If faxed, emailed, or hand delivered, applications must be **received by TDA on or before July 15, 2011**.

Fax: (888) 223-9048;

Email: [Grants@TexasAgriculture.gov](mailto:Grants@TexasAgriculture.gov);

Hand-delivery: 1700 N. Congress Avenue, 11th Floor, Austin, Texas 78701.

## **Application and Agreement to Participate: 2011 Operation New Fences Qualified Vendor**

**Purpose:** The Texas Department of Agriculture (TDA) is seeking vendor participation in the 2011 Operation New Fences (Program). The Program is designed to provide relief to Texas agricultural producers adversely impacted by wildfires between November 15, 2010 and June 30, 2011 (please note a second round of assistances is anticipated to be announced at a later date to help producers still being affected by wildfire destruction). Funding for the program is available through the State of Texas Agriculture Relief Fund (STAR Fund) established to collect monetary contributions from private individuals and entities to fund disaster recovery efforts. TDA will provide vouchers to qualified producers. Vouchers may be redeemed at participating Qualified Vendors for agricultural fencing supplies.

**Deadline:** Retailers wishing to be a Qualified Vendor for this Program must complete an Application and Agreement to Participate and submit it to TDA by **Friday, July 15, 2011**. (Please note there is a separate application process also currently open for producers seeking assistance from the fund – go to [www.TexasAgriculture.gov](http://www.TexasAgriculture.gov) for more information.)

**Submission:** Vendor applications may be submitted by mail, fax, email, or hand-delivered. If mailed, applications must be **postmarked on or before July 15, 2011** and mailed to TDA at P.O. Box 12847, Austin, Texas 78711. If faxed, emailed, or hand-delivered, applications must be **received by TDA on or before July 15, 2011**. Fax: (888) 223-9048; Email: [Grants@TexasAgriculture.gov](mailto:Grants@TexasAgriculture.gov); Hand-delivery address: 1700 N. Congress Avenue, 11th Floor, Austin, Texas 78701.

**Participation Requirement:** In order to extend the value of the donations contributed to the STAR Fund and the assistance provided to landowners, TDA will be qualifying only vendors that agree to seek reimbursement from the STAR fund for 90 percent or less of the voucher's value, as issued by TDA. For example, if a voucher is issued by TDA and therefore redeemed by a producer for \$100 worth of fencing supplies, the Qualified Vendor will submit the voucher and a copy of the purchase order or receipt that itemizes the purchase to TDA for reimbursement for \$90 (or 90 percent). The remaining 10 percent will be considered a donation to the STAR Fund from the Vendor and a receipt for such donation will be provided to the Vendor. TDA looks forward to the opportunity to partner with vendors and will work with vendors to promote the program.

**General Information:** Eligible producers will use vouchers at Qualified Vendors in a similar manner as they would use a gift certificate without a cash back option.

Reimbursement is limited to items directly involved and necessary for building, mending and maintaining agricultural fences.

Eligible producers will have a limited time (30 days) to use the vouchers at Qualified Vendors. Vendors must submit documentation to TDA for reimbursement within 30 days of the purchase.

It is anticipated that vouchers to individual producers will have a value of \$200 to \$500. TDA anticipates it will have two rounds of awards to eligible producers under the 2011 Operation New Fences Program, at times to be established by TDA. The redemption period for the first round of voucher awards is anticipated to commence on August 1, 2011 and end of August 31, 2011.

**Attached Graphic: Application and Agreement to Participate**

**Questions:** For questions or requests for additional information, vendors may contact Ms. Jessica Glover at (512) 475-1615 or by email at [Grants@TexasAgriculture.gov](mailto:Grants@TexasAgriculture.gov).

<p>Filed with the Office of the Secretary of State on June 22, 2011.

Dolores Alvarado Hibbs  
General Counsel  
Texas Department of Agriculture\*n