

From: HOLTON, BRIAN, NMENV
Sent: Tuesday, May 16, 2017 2:49 PM
To: legals@abqpubco.com
Cc: HOLTON, BRIAN, NMENV
Subject: New Mexico Environment Dept: Public Notice 17-06
Attachments: 0000027273_Albuq_Publishing.pdf; Public Notice_CAFB_CAC_6_SWMUs&AOCs_5-5-17 Spanish.docx; Public Notice_CAFB_CAC_6_SWMUs&AOCs_5-5-17.docx

Good afternoon,

Can you please publish the attached public notice, as a classified legal ad, in English and in Spanish in the Albuquerque Journal on Wednesday, May 31, 2017? We will need an affidavit of publication and a copy of the newspaper clipping. I have also attached the purchase document, please reference this PO number on the invoice.

Please send the invoice, newspaper clipping, and affidavit of publication to the attention of:

Brian Holton
State of New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East Bldg. 1
Santa Fe, NM 87505

Thank you,

Brian Holton
Finance & Data Management Manager
New Mexico Environment Department
Hazardous Waste Bureau
Phone: 505-476-6017



SUSANA MARTINEZ
Governadora

JOHN A. SANCHEZ
Vicegovernador

DEPARTAMENTO DEL MEDIO AMBIENTE DE NUEVO MÉXICO

Oficina de Residuos Peligrosos
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Teléfono (505) 476-6000 Fax (505) 476-6030
www.env.nm.gov



BUTCH TONGATE
Secretario de Gabinete

J.C. BORREGO
Secretario Adjunto

AVISO PÚBLICO NÚM. 17-06

DEPARTAMENTO DEL MEDIO AMBIENTE DE NUEVO MÉXICO OFICINA DE RESIDUOS PELIGROSOS SANTA FE, NUEVO MÉXICO Mayo de 2017

AVISO DEL PERÍODO PARA PRESENTAR COMENTARIOS DEL PÚBLICO Y OPORTUNIDAD DE SOLICITAR UNA AUDIENCIA PÚBLICA PARA LA DETERMINACIÓN DE ACCIÓN CORRECTIVA COMPLETA EN SEIS UNIDADES DE MANEJO DE RESIDUOS SÓLIDOS EN LA BASE DE LA FUERZA AÉREA CANNON, NUEVO MÉXICO, NÚM. DE IDENTIFICACIÓN DE EPA NM7572124454

El Departamento del Medio Ambiente de Nuevo México (NMED) propone hacer una determinación de Acción Correctiva Completa (CAC) para seis Unidades de Manejo de Residuos Sólidos (SWMU) en la Base de la Fuerza Aérea Cannon (CAFB), Nuevo México. Conforme a lo dispuesto por la Ley de Nuevo México para Residuos Peligrosos (Sección 74-4-1 y siguientes, Estatutos Anotados de Nuevo México (NMSA) de 1978, como fueran enmendados, 1992) y el Reglamento de Nuevo México para el Manejo de Residuos Peligrosos (20.4.1 [Código Administrativo de Nuevo México] NMAC), el NMED tiene la intención de aprobar, dependiendo de los comentarios del público sobre esta decisión, dos pedidos de modificación Clase 3 del permiso recibidos de la Base Cannon de la Fuerza Aérea de los Estados Unidos (Permisionario) para el Permiso de Acción Correctiva para Residuos Peligrosos solamente (Permiso) conforme a 20.4.1.900 NMAC (con la incorporación de 40 CFR 270.42(c)).

De aprobarse, las modificaciones propuestas otorgarían el estado de CAC a seis Unidades SWMU (Unidades SWMU 36a, 48A, 49, 111, 112 y 128) en las instalaciones de CAFB. Actualmente, la Tabla 1 del Apéndice 1 del Permiso conforme a la Ley de Recuperación y Conservación de Recursos (RCRA) para las instalaciones de CAFB indica las Unidades SWMU y el Área de Preocupación (AOC) de las instalaciones de CAFB donde es necesaria la acción correctiva para caracterizar y remediar liberaciones anteriores de residuos peligrosos o componentes peligrosos. Si el NMED aprueba esta modificación, las unidades SWMU 36a, 48A, 49, 111, 112 y 128 serán transferidas de la Tabla 1 del Apéndice I del Permiso a la Tabla 3 del Apéndice I del Permiso, que registra las unidades SWMU y las áreas AOC en estado de Acción Correctiva Completa Sin Controles. Las propuestas de CAC tienen fecha de noviembre de 2015 y de marzo de 2016.

La base CAFB está ubicada en el condado de Curry, Nuevo México, aproximadamente siete millas al oeste de la ciudad de Clovis y 15 millas al norte de la ciudad de Portales. La base CAFB abarca aproximadamente 4,320 acres de terreno en la Provincia Fisiográfica de los Altiplanos Meridionales. No hay arroyos en la CAFB ni cerca de esa base. Los arroyos más cercanos a la Base son Running Water Draw y Frio Draw, ubicados aproximadamente a 10 y 20 miles al norte de CAFB respectivamente. La mayor parte de las tierras que rodean la Base CAFB son tierras de cultivo irrigadas y usadas para pastoreo de ganado para producción de carne de res y productos lácteos.

El Permisionario está ubicado en la siguiente dirección: Cannon Air Force Base, 110 East Alison Avenue, Suite 1098, Cannon Air Force Base, New Mexico, 88103. El contacto principal con el Permisionario para esta acción es: Coronel Douglas W. Gilpin, Comandante, 27th Special Operations Mission Support Group en la dirección antes indicada.

El NMED ha determinado que los lugares antes mencionados no generan un riesgo inaceptable para la salud humana ni para el medio ambiente, y propone aprobar las propuestas de CAC.

REVISIÓN PÚBLICA DEL REGISTRO ADMINISTRATIVO

Los interesados podrán revisar una copia del registro administrativo para esta acción en la siguiente dirección:

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Lunes a viernes de 8:00 de la mañana a 5:00 de la tarde
Contacto: Pam Allen
(505) 476-6000

También se puede obtener una copia de las Propuestas de CAC, del proyecto de permiso, de la Hoja de Datos y del aviso público en el sitio web del NMED en www.env.nm.gov/HWB/cafbperm.html. Los interesados en obtener una copia del registro administrativo, o parte del mismo, o en recibir más información deberán comunicarse con el señor Dave Cobrain llamando al (505) 476-6055 o en la dirección que aparece más adelante.

El período de 60 días para recibir comentarios del público comienza el **31 de mayo de 2017** y **finaliza el 30 de julio de 2017**. Quienes deseen comentar sobre esta acción o solicitar una Audiencia Pública deberán enviar sus comentarios escritos por correo o mediante un mensaje electrónico (e-mail) con el nombre y la dirección del autor de los comentarios a la dirección que aparece más abajo. Se considerarán solamente los comentarios y las solicitudes que se reciban antes de las **5:00 de la tarde del 30 de julio de 2017**.

Dave Cobrain, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Ref: *Cannon Air Force Base, CAC requests dated November 2015 and March 2016.*
Correo electrónico: dave.cobrain@state.nm.us

Los comentarios escritos deben basarse en la información disponible para su revisión e incluir, en la medida de lo posible, todos los materiales fácticos a los que se haga referencia. No es necesario volver a presentar documentos que se encuentren en el registro administrativo si el autor de los comentarios hace expresamente referencia a los mismos. Las solicitudes de audiencia pública deberán incluir: (1) una declaración fáctica clara y concisa de la naturaleza y el alcance del interés de la persona que solicita la audiencia; (2) el nombre y la dirección de todas las personas a quienes representa el solicitante; (3) una declaración de todas las objeciones a las propuestas de CAC; y (4) una declaración de los asuntos que el autor de los comentarios propone plantear para su consideración en la audiencia. El NMED proporcionará un aviso de audiencia pública como mínimo 30 días antes de la audiencia, si fuera programada.

El NMED debe garantizar que las determinaciones de CAC sean congruentes con el Reglamento de Nuevo México para el Manejo de Residuos Peligrosos. Se considerarán todos los comentarios presentados por escrito para tomar la decisión final, la cual podrá tener como resultado que el NMED modifique o desapruebe las propuestas de CAC. El NMED responderá por escrito a todos los comentarios recibidos del público. Esa respuesta especificará qué disposiciones, de haber alguna, de las propuestas CAC se han cambiado en la decisión final y los motivos del cambio, y proporcionará una breve descripción de todos los comentarios del público. Todos aquellos que presenten comentarios escritos y quienes soliciten notificación escrita serán notificados por correo sobre la decisión. La decisión final será también publicada en el sitio web del NMED.

Luego de considerar todos los comentarios escritos recibidos del público, el NMED aprobará, modificará o desaprobará la modificación del permiso. Si el NMED modificara o desaprobara la modificación del permiso, el NMED le enviará por correo al Permisionario una copia del proyecto de permiso modificado y una declaración escrita detallada que contenga los motivos por los que se modificaron o desaprobaron.

El NMED pondrá a disposición del público la decisión final y notificará al Permisionario por correo certificado. La decisión final constituirá la decisión final del departamento y podrá apelarse según lo establece la Oficina de Residuos Peligrosos.

ADAPTACIONES PARA PERSONAS CON DISCAPACIDADES

Aquellas personas con discapacidades y que necesiten asistencia o ayuda auxiliar para participar en este proceso deberán comunicarse con el señor Vincent Velarde, NMED, Room S-4303, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110. Los usuarios de TDD y TDY podrán acceder al número del señor Velarde por medio de New Mexico Relay Network llamando al 1-800-659-8331.

Declaración de no discriminación

El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades conforme a las leyes y a los reglamentos correspondientes. El NMED es responsable de la coordinación de esfuerzos para el cumplimiento de las reglas y la recepción de indagaciones relativas a los requisitos de no discriminación implementados por 40 CFR Parte 7, que incluye el Título VI de la Ley de

Derechos Civiles de 1964, como fuera enmendado; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975; el Título IX de las Enmiendas de Educación de 1972; y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene preguntas sobre este aviso o sobre cualquier programa, norma o procedimiento de no discriminación del NMED, puede comunicarse con la Coordinadora de No Discriminación:

Kristine Pintado, Non-Discrimination Coordinator
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
NMED.NDC@state.nm.us

Si piensa que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la Coordinadora de No Discriminación antes indicada o visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja por discriminación.



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.env.nm.gov



BUTCH TONGATE
Cabinet Secretary

J.C. BORREGO
Deputy Secretary

PUBLIC NOTICE NO. 17-06

NEW MEXICO ENVIRONMENT DEPARTMENT HAZARDOUS WASTE BUREAU SANTA FE, NEW MEXICO May, 2017

NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING ON DETERMINATION OF CORRECTIVE ACTION COMPLETE AT SIX SOLID WASTE MANAGEMENT UNITS AT CANNON AIR FORCE BASE, NEW MEXICO, EPA ID NO. NM7572124454

The New Mexico Environment Department (NMED) proposes to make a determination of Corrective Action Complete (CAC) for six Solid Waste Management Units (SWMUs) at Cannon Air Force Base (CAFB), New Mexico. Under authority of the New Mexico Hazardous Waste Act (Section 74-4-1 *et seq.*, New Mexico Statutes Annotated (NMSA) 1978, as amended, 1992) and the New Mexico Hazardous Waste Management Regulations (20.4.1 [New Mexico Administrative Code] NMAC), NMED intends to approve, pending public input into this decision, two Class 3 permit modification requests (PMRs) received from the United States Air Force Cannon Air Force Base (Permittee) for the Hazardous Waste Corrective Action-only Permit (Permit) pursuant to 20.4.1.900 NMAC (incorporating 40 CFR § 270.42(c)).

If approved, the proposed modifications would grant CAC status for six SWMUs (SWMUs 36a, 48A, 49, 111, 112 and 128) at the CAFB facility. Currently, Table 1 in Permit Attachment 1 of CAFB's Resource Conservation and Recovery Act (RCRA) Permit lists SWMUs and AOCs at the CAFB facility where corrective action is necessary to characterize and remediate past releases of hazardous wastes or hazardous waste constituents. If this modification is approved by NMED, SWMUs 36a, 48A, 49, 111, 112, and 128 will be transferred from Table 1 of Permit Attachment I to Table 3 of Permit Attachment I that lists SWMUs and AOCs with the status of Corrective Action Complete Without Controls. The CAC proposals are dated November 2015 and March 2016.

CAFB is located in Curry County, New Mexico, approximately seven miles west of the City of Clovis and 15 miles north of the City of Portales. CAFB covers approximately 4,320 acres of land in the Southern High Plains Physiographic Province. No streams exist on or near CAFB. Running Water Draw and Frio Draw located approximately 10 and 20 miles north of CAFB, respectively, are the closest streams to the Base. The majority of land surrounding CAFB is irrigated farmland and used for grazing land for beef and dairy cattle.

The Permittee is located at the following address: Cannon Air Force Base, 110 East Alison Avenue, Suite 1098, Cannon Air Force Base, New Mexico, 88103. The Permittee's primary contact for the action is: Colonel Douglas W. Gilpin, Commander, 27th Special Operations Mission Support Group at the address listed above.

NMED has determined that the sites listed above do not pose an unacceptable risk to human health or the environment and proposes to approve the CAC Proposals.

PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD

A copy of the administrative record for this action may be reviewed at the following location:

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Monday - Friday from 8:00 a.m. to 5:00 p.m.
Contact: Pam Allen
(505) 476-6000

A copy of the CAC Proposals, draft Permit, Fact Sheet, and public notice are also available on the NMED website at www.env.nm.gov/HWB/cafbperm.html. To obtain a copy of the administrative record or a portion thereof, or for further information, contact Mr. Dave Cobrain at (505) 476-6055 or at the address given below.

The 60-day public comment period begins on **May 31, 2017 and ends on July 30, 2017**. Any person who wishes to comment on this action or request a Public Hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the address below. Only comments or requests received on or before **5:00 p.m. July 30, 2017** will be considered.

Dave Cobrain, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Ref: Cannon Air Force Base, CAC requests dated November 2015 and March 2016.
email: dave.cobrain@state.nm.us

Written comments must be based on the information available for review and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter. Requests for a Public Hearing shall provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of all persons whom the requester represents; (3) a statement of any objections to the CAC proposals; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. NMED will provide a minimum of 30 days notice of a public hearing, if scheduled.

NMED must ensure that the CAC determinations are consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a final decision and may result in NMED modifying or disapproving the CAC proposals. NMED will respond in writing to all public comments received. This response will specify which provisions, if any, of the CAC proposals have been changed in the final decision and the reasons for the change, and will provide a brief description of all public comments. All persons presenting written comments or who request notification in writing will be notified of the decision by mail. The final decision will also be posted on the NMED website.

After consideration of all the written public comments received, NMED will approve, modify, or disapprove the permit modification. If NMED modifies or disapproves the permit modification, NMED will provide to the Permittee a copy of the modified draft permit and a detailed written statement containing the reasons for the modifications or disapproval by mail.

NMED will make the final decision publicly available and will notify the Permittee by certified mail. The final decision will constitute a final agency decision and may be appealed as provided by the Hazardous Waste Bureau.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability and requiring assistance or auxiliary aid to participate in this process should contact Vincent Velarde, NMED, Room S-4303, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110. TDD or TDY users please access Mr. Velarde's number via the New Mexico Relay Network at 1-800-659-8331.

Non-Discrimination Statement

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kristine Pintado, Non-Discrimination Coordinator
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
NMED.NDC@state.nm.us

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our

website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.



State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence

CHANGE ORDER

Dispatch via Print

NM Environment Department

NMED-1190 St. Francis Drive Rm. S4051
Santa Fe NM 87502
United States

Vendor: 0000049778
ALBUQUERQUE PUBLISHING CO
P O DRAWER J-T
ALBUQUERQUE NM 87103

Purchase Order 66700-0000027273	Date 04/11/2017	Revision 1 - 04/11/2017	Page 1
Payment Terms Pay Now	Freight Terms FOB Destination	Ship Via Best Way	
Buyer Rosan C Duran		Phone	

Ship To: 2905 Rodeo Park Drive East
Bldg. 1
Santa Fe NM 87505
United States

Bill To: 2905 Rodeo Park Drive East
Bldg. 1
Santa Fe NM 87505
United States

Origin: EXE **Excl/Excl #:** 13-1-98V

Line-Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
1- 1	Encumber funds for public notices as needed for the HWB for FY17.		1.00	EA	3,000.00	3,000.00	07/01/2016
	66700-06400-3500000000-546900-HWB3391- - - -117-A0000						
	Schedule Total					<u>3,000.00</u>	
	Item Total					<u>3,000.00</u>	
2- 1	Encumber funds for public notices as needed for the HWB for FY17.		1.00	EA	1,500.00	1,500.00	07/01/2016
	66700-06400-3500000000-546900-HWB3394- - - -117-A0000						
	Schedule Total					<u>1,500.00</u>	
	Item Total					<u>1,500.00</u>	
3- 1	Encumber funds for public notices as needed for the HWB for FY17.		1.00	EA	4,000.00	4,000.00	04/11/2017
	66700-06400-3500000000-546900-ENV00354TP- -ENV00354TP- -117-A0000						
	Schedule Total					<u>4,000.00</u>	
	Item Total					<u>4,000.00</u>	
	Total PO Amount					<u>8,500.00</u>	

Agency Approval - I certify that the proposed purchase represented by this document is authorized by and is made in accordance with all State (and if applicable Federal) legislation rules and regulation. I further certify that adequate unencumbered cash and budget expenditure authority exists for this proposed purchase and all other outstanding purchase commitments and accounts payable.

Authorized Signature

Butch Jorgate

STATE OF NEW MEXICO
GENERAL SERVICES DEPARTMENT- PURCHASING DIVISION
TERMS AND CONDITIONS UNLESS OTHERWISE SPECIFIED

SPD-101A (07/92)

1. **GENERAL:** When the State Purchasing Agent issues a purchase document in response to the Vendors bid, a binding contract is created.
2. **VARIATION IN QUANTITY:** No variation in the quantity of any item called for by this order will be accepted unless such variation has been caused by conditions of loading, shipping, packing or allowances in manufacturing process, and then only to the extent, if any, specified elsewhere in this order.
3. **ASSIGNMENT:**
 - A: Neither the order, nor any interest therein, nor claim thereunder, shall be assigned or transferred by the Vendor, except as set forth in subparagraph 3B below or as expressly authorized in writing by the STATE PURCHASING AGENTS OFFICE. No such assignment or transfer shall relieve the Vendor from the obligations and liabilities under this order.
 - B: Vendor agrees that any and all claims for overcharge resulting from antitrust violations which are borne by the State as to goods, services, and materials purchased in connection with this bid are hereby assigned to the State.
4. **STATE FURNISHED PROPERTY:** State furnished property shall be returned to the state upon request in the same condition as received except for ordinary wear, tear, and modifications ordered hereunder.
5. **DISCOUNTS:** Prompt payment discounts will not be considered in computing the low bid. Discounts for payment within 20 days will be considered after the award of the contract. Discounted time will be computed from the date of receipt of the merchandise or invoice, whichever is later.
6. **INSPECTION:** Final inspection and acceptance will be made at the destination. Supplies rejected at the destination for non-conformance with specifications shall be removed, at the Vendors risk and expense, promptly after notice of rejection.
7. **INSPECTION OF PLANT:** The State Purchasing Agent may inspect, at any reasonable time, the part of the contractors, or any subcontractors plant or place of business, which is related to the performance of this contract.
8. **COMMERCIAL WARRANTY:** The Vendor agrees that the supplies or services furnished under this order shall be covered by the most favorable commercial warranties the Vendor gives to any customer for such supplies or services, and that the rights and remedies provided herein shall extend to the State and are in addition to and do not limit any rights afforded to the State by any other cause of this order. Vendor agrees not to disclaim warranties of fitness for a particular purpose or merchantability.
9. **TAXES:** The unit price shall exclude all State taxes.
10. **PACKING, SHIPPING AND INVOICING:**
 - A: The States purchase document number and the Vendors name, users name and location shall be shown on each packing and delivery ticket, package, bill of lading and other correspondence in connection with the shipment. The users count will be accepted by the Vendor as final and conclusive on all shipments not accompanied by a packing ticket.
 - B: The Vendors invoice shall be submitted in triplicate, duly certified and shall contain the following information: order number, description of supplies or services, quantities, unit prices and extended totals. Separate invoices shall be rendered for each and every complete shipment.
 - C: Invoices must be submitted to the using agency and NOT THE STATE PURCHASING AGENT.
11. **DEFAULT:** The State reserves the right to cancel all or any part of this order without cost to the State, if the Vendor fails to meet the provisions of this order and, except as otherwise provided herein, to hold the Vendor liable for any excess cost occasioned by the State due to the Vendors default. The Vendor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Vendor, such causes include, but are not restricted to, acts of God or of the public enemy, acts of the State or of the Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargos, unusually severe weather and defaults of subcontractors due to any of the above, unless the State shall determine that the supplies or services to be furnished by the subcontractor where obtainable from other sources in sufficient time to permit the Vendor to meet the required delivery scheduled. The rights and remedies of the State provided in this paragraph shall not be exclusive and are in addition to any other rights now being provided by law or under this order.
12. **NON-COLLUSION:** In signing this bid, the Vendor certifies he/she has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this proposal submitted to the State Purchasing Agent.
13. **NON-DISCRIMINATION:** Vendors doing business with the State of New Mexico must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of that Act, Rev., 1979.
14. **THE PROCUREMENT CODE:** Sections 13-1-28 through 13-1-199 NMSA 1978 imposes civil and criminal penalties for its violation.
In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.
15. All bid items are to be NEW and most current production, unless otherwise specified.
16. **PAYMENT FOR PURCHASES:** Except as otherwise agreed to: late payment charges may be assessed against the user state agency in the amount and under the conditions set forth in section 13-14158 NMSA 1978.
17. **WORKERS COMPENSATION:** The Contractor agrees to comply with state laws and rules pertaining to workers compensation benefits for its employees. If the Contractor fails to comply with Workers Compensation Act and applicable rules when required to do so, this (Agreement) may be terminated by the contracting agency.
18. **PAY EQUITY RECORDING:** The Contractor agrees to comply with New Mexico Pay Equity reporting requirements as detailed in Executive Order 2009-049 Implementation Guidance available at <http://www.generalservices.state.nm.us/spd/guidance.pdf>