

**Allen, Pam, NMENV**

MWL

**From:** Baros, Vanessa, NMENV  
**Sent:** Wednesday, May 08, 2019 10:08 AM  
**To:** legals@abqpubco.com  
**Cc:** HOLTON, BRIAN, NMENV; Cobrain, Dave, NMENV; Allen, Pam, NMENV  
**Subject:** Public Notice 19-002 SNL MWL 5-year Review  
**Attachments:** MWL 5-Yr Report Public Notice 5-24-19.docx; HWB\_Spanish\_MWL 5-Yr Report Public Notice 4-3-19.docx; 0000032018\_AlbuquerquePublishing.pdf



Good Morning,

Can you please publish the attached advertisement for Public Notice 19-002 SNL MWL 5-year Review, as a classified legal ad, in English and Spanish in the ABQ Journal on **Friday, May 24, 2019**? 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**

Thanks much and have a great day!

Vanessa

Vanessa Baros

NMED/Hazardous Waste Bureau

2905 Rodeo Park Drive East, Bldg. 1

Santa Fe, New Mexico 87505

Phone: (505) 476-6003

[vanessa.baros@state.nm.us](mailto:vanessa.baros@state.nm.us)



**MICHELLE LUJAN GRISHAM**  
Governor

**HOWIE C. MORALES**  
Lt. Governor

**State of New Mexico**  
**ENVIRONMENT DEPARTMENT**

**Hazardous Waste Bureau**

2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6313  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.env.nm.gov](http://www.env.nm.gov)



**JAMES C. KENNEY**  
Cabinet Secretary

**JENNIFER J. PRUETT**  
Deputy Secretary

**PUBLIC NOTICE NO. 19-002**

**NEW MEXICO ENVIRONMENT DEPARTMENT**  
**HAZARDOUS WASTE BUREAU**  
**SANTA FE, NEW MEXICO**  
**May 24, 2019**

**NOTICE OF PUBLIC COMMENT PERIOD FOR THE U. S. DEPARTMENT OF ENERGY/ NATIONAL TECHNOLOGY & ENGINEERING SOLUTIONS OF SANDIA, LLC MIXED WASTE LANDFILL FIVE-YEAR REPORT FOR SANDIA NATIONAL LABORATORIES**

The New Mexico Environment Department issues for public comment the Sandia National Laboratories Mixed Waste Landfill Five-year Report. The Secretary of the New Mexico Environment Department (NMED) approved a remedy for corrective measures for Solid Waste Management Unit (SWMU) 76, Mixed Waste Landfill (MWL) at Sandia National Laboratories (SNL) in a Final Order dated May 26, 2005. The May 2005 Final Order established the requirement for a five-year report assessing the remedy performance for the MWL. SNL is owned by the U.S. Department of Energy (NNSA/DOE) and operated by National Technology & Engineering Solutions of Sandia, LLC (NTESS) (collectively, the Permittees). The Permittees are located at the following addresses: NTESS, 1515 Eubank SE, Albuquerque, NM 87123; and NNSA/DOE, Sandia Field Office, KAFB-East, Pennsylvania & H Street, Albuquerque, NM 87116. The Permittee's primary contact for this action is Mr. David Rast, NNSA/Sandia Field Office, DOE, P.O. Box 5400, Albuquerque, NM 87185.

The MWL is a 2.6-acre SWMU located in the north-central portion of Technical Area-III approximately five miles southeast of the Albuquerque International Sunport. The MWL was used as a disposal area for low level radioactive waste, hazardous waste, and mixed waste generated at SNL/NM research facilities and offsite locations from March 1959 to December 1988. In the May 2005 Final Order, the NMED selected a vegetative soil cover with a biointrusion barrier (i.e., evapotranspiration [ET] cover) as the remedy for the MWL that includes unsaturated zone and groundwater monitoring. On January 8, 2014 NMED approved the MWL Long-Term Monitoring and Maintenance Plan (LTMMP), which started the first five-year evaluation period.

NMED received the MWL Five-Year Report in January 2019. The May 2005 Final Order requires that NMED provide a process whereby members of the public may comment on the MWL Five-Year Report and its conclusions and respond to those comments in its final approval of the MWL Five-Year Report.

## **PUBLIC REVIEW OF THE ADMINISTRATIVE RECORD**

The Administrative Record for this proposed action consists of the SNL MWL Five-Year Report, this Public Notice, the May 2005 Final Order, the LTMMP, the MWL Annual Long-Term and Maintenance Monitoring Reports, and the referenced supporting documentation. The complete Administrative Record may be reviewed at the following location during the public comment period with prior appointment:

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

A copy of the Public Notice and the MWL Five-Year Report are available electronically on the NMED website at: [www.env.nm.gov/hazardous-waste/snl-mwl-2/](http://www.env.nm.gov/hazardous-waste/snl-mwl-2/).

Any person seeking additional information regarding this notice or the draft permit may contact:

Dave Cobrain, Program Manager  
Hazardous Waste Bureau - NMED  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
E-mail: [dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us)  
Telephone: (505) 476-6000  
Fax: (505) 476-6030

To obtain a copy of the Administrative Record or a portion thereof, in addition to further information, please contact Ms. Pamela Allen at (505) 476-6000, or at the Santa Fe address given above. NMED will provide copies, or portions thereof, of the Administrative Record at a charge to the requestor.

NMED issues this public notice on May 24, 2019 to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MDT, July 23, 2019**. Any person who wishes to comment on the Report should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the address below. Only comments and/or requests received on or before **5:00 p.m. MDT, July 23, 2019** 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: Sandia National Laboratories – MWL Five-Year Report, January 2019  
E-mail: [dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us)

Written comments must be based on the Administrative Record. Documents in the Administrative Record need not be re-submitted if referenced by the commenter.

NMED must ensure that the approved MWL Five-Year Report will be consistent with the requirements of the LTMMP, the May 2005 Final Order, and the New Mexico Hazardous Waste Management Regulations. All written comments submitted on the MWL Five-Year Report will become part of the Administrative Record, will be considered in formulating a final decision, and may cause the MWL Five-Year Report to be disapproved. NMED will respond in writing to all significant public comment. This response will also be posted on the NMED website in addition to NMED notifying all persons providing written comments.

After consideration of all written public comments received, NMED will approve or disapprove the MWL Five-Year Report. If NMED disapproves the MWL Five-Year Report, the Permittees shall be provided by mail a copy of the disapproval and will be required to submit a revised MWL Five-Year Report for NMED approval. All persons on the mailing list, or that provided written comments, or who requested notification in writing, will be notified of the final decision by mail.

### **ARRANGEMENTS FOR PERSONS WITH DISABILITIES**

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Stephanie Sloman no less than ten days prior to the end of the public comment period at the following address: New Mexico Environment Department, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502-6110, (505) 827-9769. TDD or TDY users please access Ms. Sloman'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. Parts 5 and 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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kristine Yurdin, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us). You may also 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.



**MICHELLE LUJAN GRISHAM**  
Gobernadora

**HOWIE C. MORALES**  
Vicegobernador

**DEPARTAMENTO DE MEDIO AMBIENTE  
DE NUEVO MÉXICO**

***Oficina de Residuos Peligrosos***

2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6313  
Teléfono (505) 476-6000 - Fax (505) 476-6030  
[www.env.nm.gov](http://www.env.nm.gov)



**JAMES C. KENNEY**  
Secretario de Gabinete

**JENNIFER J. PRUETT**  
Subsecretaria

**AVISO PUBLICO NÚM. 19-002**

**DEPARTAMENTO DE MEDIO AMBIENTE DE NUEVO MÉXICO  
OFICINA DE RESIDUOS PELIGROSOS  
SANTA FE, NUEVO MÉXICO  
24 de mayo de 2019**

**AVISO DE PERÍODO DE COMENTARIOS PÚBLICOS PARA EL DEPARTAMENTO  
DE ENERGÍA DE LOS ESTADOS UNIDOS / TECNOLOGÍA NACIONAL Y  
SOLUCIONES DE INGENIERÍA DE SANDIA, LLC INFORME DE CINCO AÑOS DEL  
VERTEDERO DE RESIDUOS MIXTOS DE LOS LABORATORIOS NACIONALES  
SANDIA**

El Departamento de Medio Ambiente de Nuevo México emite para comentarios del público el Informe de Cinco Años del Vertedero de Residuos Mixtos de los Laboratorios Nacionales Sandia. El secretario del Departamento de Medio Ambiente de Nuevo México (NMED, por sus siglas en inglés) aprobó una remediación para acciones correctivas para la Unidad de Manejo de Residuos Sólidos (SWMU, por sus siglas en inglés) 76, Vertedero de Residuos Mixtos (MWL, por sus siglas en inglés) en los Laboratorios Nacionales Sandia (SNL, por sus siglas en inglés) en una Orden Final con fecha de 26 de mayo de 2005. La Orden Final de mayo de 2005 estableció el requisito de un informe de cinco años que evalúe el rendimiento de la remediación para el MWL. SNL es propiedad del Departamento de Energía de los Estados Unidos (NNSA/DOE) y es operado por Tecnología Nacional y Soluciones de Ingeniería de Sandia, LLC (NTESS) (en conjunto, los Permisionarios). Los Permisionarios se ubican en las siguientes direcciones: NTESS, 1515 Eubank SE, Albuquerque, NM 87123; y NNSA/DOE, Sandia Field Office, KAFB-East, Pennsylvania & H Street, Albuquerque, NM 87116. El contacto principal del Permisionario para esta acción es el Sr. David Rast, NNSA/Sandia Field Office, DOE, P.O. Box 5400, Albuquerque, NM 87185.

El MWL es una SWMU de 2,6 acres ubicado en la parte centro-norte del Área Técnica III, aproximadamente cinco millas al sureste del Albuquerque International Sunport. El MWL se usó como área de eliminación para residuos radiactivos de bajo nivel, residuos peligrosos y residuos mixtos generados en las instalaciones de investigación SNL/NM y en ubicaciones fuera del sitio desde marzo de 1959 a diciembre de 1988. En la Orden Final de mayo de 2005, el NMED seleccionó una cubierta de suelo vegetativo con una barrera de biointrusión (es decir, una

cubierta de evapotranspiración [ET]) como remediación para el MWL que incluye la zona insaturada y el monitoreo de aguas subterráneas. El 8 de enero de 2014, NMED aprobó el Plan de Mantenimiento y Monitoreo a Largo Plazo del MWL (LTMMP, por sus siglas en inglés), el cual comenzó el primer período de evaluación de cinco años.

NMED recibió el Informe de Cinco Años del MWL en enero de 2019. La Orden Final de mayo de 2005 requiere que NMED proporcione un proceso por el cual los miembros del público puedan comentar sobre el Informe de Cinco Años del MWL y sus conclusiones, y responder a esos comentarios en la aprobación final del Informe de Cinco Años del MWL.

## **REVISIÓN PÚBLICA DEL REGISTRO ADMINISTRATIVO**

El Registro Administrativo para esta acción propuesta consiste en el Informe de Cinco Años del MWL de SNL, este Aviso Público, la Orden Final de mayo de 2005, el LTMMP, el Informe Anual del MWL a Largo Plazo, los Informes de Supervisión de Mantenimiento y la documentación de respaldo a la que se hace referencia. El Registro Administrativo completo se puede revisar en la siguiente ubicación durante el período de comentarios públicos con cita previa:

NMED – Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
(505) 476-6000

*Lunes a viernes de 8:00 a.m. a 5:00 p.m.*

*Contacto: Pamela Allen*

Una copia del Aviso Público y el Informe de Cinco Años del MWL están disponibles electrónicamente en el sitio web de NMED en: [www.env.nm.gov/hazardous-waste/snl-mwl-2/](http://www.env.nm.gov/hazardous-waste/snl-mwl-2/).

Cualquier persona que quiera información adicional con respecto a este aviso o al borrador del permiso puede comunicarse con:

Dave Cobrain, Program Manager  
Hazardous Waste Bureau - NMED  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Correo electrónico: [dave.cobrain@state.nm.us](mailto:dave.cobrain@state.nm.us)  
Teléfono: (505) 476-6000  
Fax: (505) 476-6030

Para obtener una copia del Registro Administrativo o una parte del mismo, además de información adicional, comuníquese con la Sra. Pamela Allen al (505) 476-6000, o en la dirección de Santa Fe que figura más arriba. NMED proporcionará copias del Registro Administrativo o partes del mismo a quien las solicite mediante el pago de una tarifa.

NMED emite este aviso público el 24 de mayo de 2019 para anunciar el comienzo de un período de comentarios de 60 días que finalizará a las **5:00 p.m. MDT, el 23 de julio de 2019**. Cualquier persona que desee hacer comentarios sobre el Informe debe enviar los comentarios por correo

postal o por correo electrónico con el nombre y la dirección del comentarista a la dirección que figura a continuación. Solamente los comentarios y/o solicitudes recibidas antes de las **5:00 p.m. MDT, 23 de julio de 2019** serán considerados.

Dave Cobrain, Program Manager  
Hazardous Waste Bureau - New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6303  
Ref: Sandia National Laboratories – MWL Five-Year Report, January 2019  
E-mail: dave.cobrain@state.nm.us

Los comentarios escritos deben estar basados en el Registro Administrativo. Los documentos que ya están en el Registro Administrativo no tienen que volver a enviarse si el comentarista hace referencia a ellos.

NMED debe garantizar que el Informe de Cinco Años del MWL aprobado sea consistente con los requisitos del LTMMP, la Orden Final de mayo de 2005 y los Reglamentos de Manejo de residuos Peligrosos de Nuevo México. Todos los comentarios escritos que se envíen sobre el Informe de Cinco Años del MWL pasarán a formar parte del Registro Administrativo, serán considerados al formular una decisión final y pueden hacer que el Informe de Cinco Años del MWL sea rechazado. NMED responderá por escrito a todos los comentarios públicos importantes. Estas respuestas también se publicarán en el sitio web de NMED además de que NMED notificará a todas las personas que proporcionen comentarios por escrito.

Después de considerar todos los comentarios públicos recibidos por escrito, el NMED aprobará o desaprobará el Informe de Cinco Años del MWL. Si el NMED desaprueba el Informe de Cinco Años del MWL, los Permisionarios recibirán por correo una copia de la desaprobación y deberán presentar un Informe de Cinco Años del MWL revisado para aprobación por parte de NMED. Todas las personas en la lista de correo o que proporcionaron comentarios por escrito o que solicitaron una notificación por escrito serán notificadas por correo postal de la decisión final.

## **ARREGLOS PARA PERSONAS CON DISCAPACIDAD**

Cualquier persona con una discapacidad que requiera ayuda o un dispositivo auxiliar para participar en este proceso debe comunicarse con Stephanie Sloman al menos diez días antes de que finalice el período de comentarios públicos en la siguiente dirección: New Mexico Environment Department, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, NM, 87502-6110, teléfono (505) 827-9769. Los usuarios de TDD o TDY deben acceder al número de la Sra. Sloman a través de New Mexico Relay Network llamando al 1 (800) 659-8331.

## **DECLARACIÓN DE NO DISCRIMINACIÓN**

NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de consultas sobre los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; 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 de la Ley de Control de la



Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o alguno de los programas, políticas o procedimientos de no discriminación de NMED o si cree que ha sido discriminado/a con respecto a un programa o actividad de NMED, puede comunicarse con: Kristine Yurdin, coordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, teléfono (505) 827-2855, correo electrónico [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us). También puede visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para saber cómo y dónde presentar una queja de discriminación.



# State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence

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

**Dispatched**

**Dispatch Via Print**

Purchase Order 66700-0000032018	Date 07-25-2018	Revision 2 -
Payment Terms Pay Now	Freight Terms FOB Destination	Ship Via Best Way
Buyer VANESSA BAROS	Phone	Currency USD

**Supplier:** 0000049778  
 ALBUQUERQUE PUBLISHING  
 COMPANY  
 P O DRAWER J-T  
 ALBUQUERQUE NM 87103-0000  
 United States

**Ship To:** See Detail Below

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

**Origin:** EXE      **Exc\Excl#:** 13-1-98-V

Line-Sch	Item/Description	Quantity	UOM	PO Price	Extended Amt	Due Date
1 - 1	Encumbering funds for Public Notices as needed for HWB for FY19.	1.00	EA	\$4,000.00	\$4,000.00	07/25/2018
	Ship To: 023014 2905 Rodeo Park Drive East Bldg. 1 Santa Fe NM 87505 United States					
	66700-06400-3500000000-546900-HWB3391- - - -119-C0000					
	<b>Schedule Total</b>				\$4,000.00	
					<b>Item Total</b>	
2 - 1	Encumbering funds for Public Notices as needed for HWB for FY19.	1.00	EA	\$4,400.00	\$4,400.00	07/25/2018
	Ship To: 023014 2905 Rodeo Park Drive East Bldg. 1 Santa Fe NM 87505 United States					
	66700-06400-3500000000-546900-HWB3392- - - -119-C0000					
	<b>Schedule Total</b>				\$4,400.00	
					<b>Item Total</b>	
3 - 1	Encumbering funds for Public Notices as needed for HWB for FY19.	1.00	EA	\$500.00	\$500.00	10/11/2018
	Ship To: 020901 NMED-1190 St. Francis Drive Rm S4100 Santa Fe NM 87502 United States					
	66700-06400-3500000000-546900-HWB3394- - - -119-C0000					
	<b>Schedule Total</b>				\$500.00	
					<b>Item Total</b>	
<b>Total PO Amount</b>					\$8,900.00	

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**

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>