



**New Mexico Commission of Public Records
Administrative Law Division**

1205 Camino Carlos Rey
Santa Fe, NM 87507
505-476-7907

Affidavit of Publication in the *New Mexico Register*

I, Art Bransford, certify that the agency noted below has published legal notices or rules in the New Mexico Register, and that payment has been assessed by invoice for said legal notice or publication, which appeared on the date and in the volume and issue number noted below.

Date of Publication: 10/30/2012

Volume: XXIII **Issue #:** 20

Invoice #: NMR-2013- 96

Amount: \$60.00

Agency:

Enviro Dept - Water Qual
Contact: Cecilia Vigil
1190 St Francis Dr - Rm #N2250
Santa Fe, NM 87502-

Description:

Notice

Notice of Public Hearing

State of New Mexico, County of Santa Fe

Signed and affirmed before me on Tuesday, October 30, 2012

by Art Bransford

Notary Public:

Bridgett Wood

Bridgett Wood [My commission expires: _____]

Affiant:

Art Bransford

Publisher, *New Mexico Register*

Date: 10/30/2012

~Copies of the published material documented in this affidavit are enclosed~



(seal)

rulemaking are encouraged to provide specific comment on the proposed rule and any topic that may be relevant to this rulemaking. Any interested person wishing to comment on the Commission's Proposed Rule Amendment may do so by submitting written comments no later than **October 30, 2012**. All response comments shall be filed no later than **November 15, 2012**. Comments suggesting changes to the Commission's Proposed Rulemaking shall state and discuss the particular reasons for the suggested changes and shall include all specific language necessary or appropriate to effectuate the changes being suggested. Specific proposed language changes to the draft rule shall be provided in legislative format. All pleadings, including comments and suggested changes to the proposed rules, shall bear the caption and docket number set forth at the top of this notice.

D. The Commission will review all timely submitted written comments and a public hearing to receive oral comment and to clarify or supplement the written comments will begin at **1:00 P.M. on Friday, November 30, 2012** at the offices of the Commission, at the following location:

**4th Floor Hearing
Room
1120 Paseo de Peralta
Santa Fe, NM 87501
Tel. 505-827-4366**

E. Unless the Commission or presiding officer rules otherwise, the record in this rulemaking shall close thirty (30) days after the conclusion of the public hearing in accordance with 1.2.3.7(B) NMAC or **December 31, 2012**. Commission Rule 1.2.3.7(B) NMAC distinguishes communications occurring before the record has been closed from communications occurring after the record has been closed and defines only the latter as "ex parte communications." The setting of this record closure date will permit Commissioners and Commission Counsel to conduct follow-up discussions with parties who have submitted initial or response comments to the Commission's Proposed Rule or responses to any bench requests. However, this action should not be interpreted as extending the time during which parties may file comments or response comments, or as allowing the filing of other types of documents in this case.

F. Interested persons should contact the Commission to confirm the date, time, and place of any public hearing, because hearings are occasionally rescheduled. Any person with a disability requiring special assistance in order to participate in the hearing should contact Ms. Cecilia Rios at (505) 827-4501 at least

48 hours prior to the commencement of the hearing.

G. At least thirty days prior to the hearing date, this *Notice of Proposed Rulemaking*, including Exhibit A, shall be mailed to all persons who have made a written request for advance notice and shall be published without Exhibit A in at least two newspapers of general circulation in New Mexico and in the NEW MEXICO REGISTER in accordance with 14.4.7.1(B) (1). Affidavits attesting to the publication of this *Notice of Proposed Rulemaking* as described above shall be filed in this Docket.

H. Copies of this *Notice of Proposed Rulemaking*, including Attachment A, shall be e-mailed to all persons listed on the attached Certificate of Service if their email addresses are known, and otherwise shall be served via regular mail.

I. This *Notice of Proposed Rulemaking* shall be posted on the Commission's official Web site.

J. Copies of any forthcoming final order in this rulemaking proceeding shall be mailed, along with copies of any resulting final rule, to all persons and entities appearing on the Certificate of Service as it exists at the time of issuance of the final order in this Docket, to all commenters in this case, and to all individuals requesting such copies.

K. This *Notice of Proposed Rulemaking* constitutes due and lawful notice to all potentially interested persons and is effective immediately.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 2nd day of October, 2012.

**NEW MEXICO PUBLIC REGULATION
COMMISSION
PATRICK H. LYONS, CHAIRMAN
THERESA BECENTI-AGUILAR, VICE
CHAIR
JASON A. MARKS, COMMISSIONER
DOUGLAS J. HOWE, COMMISSIONER
BEN L. HALL, COMMISSIONER**

NEW MEXICO RACING COMMISSION

NEW MEXICO RACING COMMISSION NOTICE OF RULEMAKING AND PUBLIC HEARING

**NOTICE IS HEREBY
GIVEN** that the New Mexico Racing Commission will hold a Regular Meeting and Rule Hearing on November 15, 2012. The hearing will be held during the Commission's regular business meeting, beginning at 8:30 a.m. with executive session. Public session will begin at 10:30 a.m. The meeting will be held in the

Boardroom at 4900 Alameda Blvd. NE, Albuquerque, NM.

The purpose of the Rule Hearing is to consider adoption of the proposed amendments and additions to the following Rules Governing Horse Racing in New Mexico No. 15.2.1 NMAC; 15.2.2 NMAC; 15.2.3 NMAC; 15.2.4 NMAC; 15.2.5 NMAC; 15.2.6 NMAC; 15.2.7 NMAC and 16.47.1 NMAC. The comments submitted and discussion heard during the Rule Hearing will be considered and discussed by the Commission during the open meeting following the Rule Hearing. The Commission will vote on the proposed rules during the meeting.

Copies of the proposed rules may be obtained from Vince Mares, Agency Director, New Mexico Racing Commission, 4900 Alameda Blvd NE, Albuquerque, New Mexico 87113, (505) 222-0700. Interested persons may submit their views on the proposed rules to the commission at the above address and/or may appear at the scheduled meeting and make a brief verbal presentation of their view.

Anyone who requires special accommodations is requested to notify the commission of such needs at least five days prior to the meeting.

Vince Mares
Agency Director

Dated: October 11, 2012

NEW MEXICO WATER QUALITY CONTROL COMMISSION

NEW MEXICO WATER QUALITY CONTROL COMMISSION NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.6.6 NMAC (DAIRY RULE) AND REQUEST FOR HEARING

The New Mexico Water Quality Control Commission will hold a public hearing beginning at 9:00 a.m. on December 11, 2012 at the New Mexico State Capitol Building, Room 307, 409 Old Santa Fe Trail, Santa Fe, New Mexico to consider proposed amendments to the Commission's Dairy Rule, 20.6.6 NMAC, proposed in WQCC Docket Number 12-09 (R) by the New Mexico Environment Department (NMED), the Dairy Industry Group for a Clean Environment (DIGCE).

The proposed rule changes would (1) allow

alternative backflow prevention devices from those specified in the Dairy Rule; (2) eliminate the requirement to conduct field calibration of flow meters; and (3) modify the Nutrient Management Plan requirements to focus on ground water protection.

The proposed changes may be reviewed during regular business hours at the Commission Administrator's office located in the Harold Runnels Building, 1190 St. Francis Drive, Room N-2150 Santa Fe, New Mexico, 87502. In addition, copies of the proposed amendments are posted on the NMED website at <http://www.nmenv.state.nm.us>.

The hearing will be conducted in accordance with the Guidelines for Water Quality Control Commission Regulation Hearings, the Water Quality Act, Section 74-6-6 NMSA 1978, and other applicable procedures and procedural orders. Written comments regarding the proposed revisions may be addressed to Pam Castañeda, Commission Administrator, at the above address; reference docket number WQCC 12-09 (R).

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of hearing.

Persons wishing to present technical testimony must file with the Commission a written notice of intent to do so. The requirements for a notice of intent can be found in the Commission's Guidelines for Regulation Hearings and have been modified by a procedural order entered in this matter, which may be obtained from the Administrator. Notices of intent for the hearing must be received by in the Office of the Commission Administrator by 5:00 pm on November 19, 2012, and should reference the name of the regulation, the date of the hearing, and docket number WQCC 12-09 (R).

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact the Personnel Services Bureau by November 19, 2012. The Bureau can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502-5469, and (505) 827-9872. TDD or TDY users may access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.)

The Commission may make a decision on the proposed regulatory changes at the conclusion of the hearing, or may convene a meeting after the hearing to consider action on the proposal.

NUEVO MÉXICO CONTROL DE LA CALIDAD DEL AGUA COMUNICACIÓN DE LA COMISIÓN DE AUDIENCIA PÚBLICA PARA EXAMINAR LAS ENMIENDAS PROPUESTAS A 20.6.6 NMAC (PRODUCTOS LÁCTEOS REGLA) Y SOLICITUD DE AUDIENCIA

El Nuevo México Control de la calidad del agua Comisión realizará una audiencia pública comenzando a las 9:00 a.m. el 11 de diciembre, 2012 en el Capitolio del Estado de Nuevo México Edificio, habitación 307, 409 antiguo Camino de Santa Fe, Santa Fe, Nuevo México, para examinar las enmiendas propuestas a la Comisión de los lácteos Regla, 20.6.6 NMAC, propuesta en WQCC docket número 12-09 (R) por el Departamento del Medio Ambiente de Nuevo México (NMED), la industria de los Productos Lácteos grupo para un medio ambiente limpio (DIGCE).

La regla propuesta los cambios que (1) permitir que dispositivos antirretorno alternativa de los especificados en la Regla Lácteos; (2) eliminar el requisito de llevar a cabo la calibración de medidores de flujo; y (3) modificar el nutriente necesidades del Plan de Gestión para concentrarse en protección de aguas subterráneas.

Los cambios propuestos pueden ser examinados durante el horario normal de oficina en el Administrador de la Comisión de oficina ubicada en el Edificio Harold Arroyos, 1190 St. Francis Drive, Habitación N-2150 Santa Fe, Nuevo México, 87502. Además, las copias de las propuestas de enmiendas, se publicarán en la página web de NMED <http://www.nmenv.state.nm.us>.

La audiencia se realizará de conformidad con las directrices para el Control de la calidad del agua Comisión Reglamento audiencias, la calidad del agua Ley, sección 74-6-6 MNSA 1978, y otros procedimientos aplicables y a las providencias de trámite. Comentarios por escrito con respecto al proyecto de revisiones pueden ser destinatarios de Pam Castañeda, administrador de la Comisión, en la dirección de arriba; referencia docket número WQCC 12-09 (R).

Todas las personas interesadas se dará oportunidad razonable en la audiencia para presentar las pruebas pertinentes, datos, opiniones y argumentos, verbalmente o por escrito, a presentar exposiciones, y a los testigos. Cualquier persona que desea presentar un no-técnico declaración por

escrito en relación con el registro en lugar de testimonio oral debe presentar dicha declaración antes del cierre de audiencia.

Las personas que deseen presentar testimonio técnica deberá presentar a la Comisión una notificación por escrito de su intención de hacerlo. Los requisitos para un aviso de intención se puede encontrar en las Directrices de la Comisión de Reglamento y las audiencias han sido modificados por una orden de procedimiento consignados en el presente asunto, que puede obtenerse en el Administrador. Los avisos de intenciones para la audiencia debe ser recibida por en la Oficina del Administrador de la Comisión de 5:00 pm el 19 de noviembre de 2012, y debe hacer referencia al nombre del reglamento, la fecha de la audiencia, y docket WQCC número 12-09 (R).

Si usted es una persona con una discapacidad y necesita ayuda o una ayuda auxiliar, p. ej. intérprete de lengua de signos, a participar en cualquier aspecto de este proceso, póngase en contacto con la Oficina de Servicios de Personal Noviembre 19, 2012. La mesa puede ser alcanzado en el Departamento del Medio Ambiente de Nuevo México, 1190 St. Francis Drive, P. O. Box 5469, Santa Fe, NM Mexico 87502-5469, (505) 827-9872. TDD o TDY los usuarios pueden acceder a este número a través de la red de relevos de Nuevo México, en Albuquerque TDD usuarios: (505) 275-7333; fuera de Albuquerque: 1-800-659-1779.)

La Comisión podrá tomar una decisión sobre el proyecto los cambios regulatorios en la conclusión de la audiencia, o podrá convocar una reunión después de la audiencia para considerar medidas sobre la propuesta.

NEW MEXICO WORKERS' COMPENSATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Notice is hereby given that on Thursday, November 8, 2012, commencing at 1:30 p.m., the New Mexico Workers' Compensation Administration will conduct a public hearing on the changes to the medical fee schedule and WCA Rules, including updates to Part 3, Payment of Claims and Conduct of Parties, Part 4, Claims Resolution, and Part 7, Payments for Health Care Services.

The hearing will be conducted at the Workers' Compensation Administration, 2410 Centre Avenue S.E., Albuquerque, NM. Copies of the changes to the proposed fee schedule and rule amendments will be available by October 18, 2012. You may obtain a copy of the proposed rules at the

Transmission Report

Date/Time
Local ID 1

10-16-2012
50558272836

01:31:14 p.m.

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NM Environment Department
NM Environment Dept OOTS

This document : Confirmed
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Document size : 8.5"x11"

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SHEET

FAX

To: Art Bransford Director, Administrative Law Division
Fax #: 505-476-7910 **Phone:** 505-476-7941
Subject: Notice of Public Hearing
Date: October 16, 2012
Pages: 6, including this cover sheet.

COMMENTS: For Publication in the October 30, New Mexico Register

Reference GROUND WATER BUREAU WQCC 12-09 (R)

E-mail to follow

For billing contact: Cecilia Vigil (505) 827-2905

Or

Pam Castafeda, Administrator to the Boards and Commissions
New Mexico Environment Department
Environmental Improvement Board
Water Quality Control Commission
(505) 827-2425 Phone
(505) 827-0310 Fax

Total Pages Scanned : 6

Total Pages Confirmed : 6

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
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Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct

Transmission Report

Date/Time
Local ID 1

10-16-2012
50558272836

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Local Name 1

NM Environment Department
NM Environment Dept OOTS

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New Mexico Environment Department
Environmental Improvement Board
Water Quality Control Commission
(505) 827-2425 Phone
(505) 827-0310 Fax

Total Pages Scanned : 6

Total Pages Confirmed : 0

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
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Abbreviations:

HS: Host send
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Pam Castañeda, Administrator to the Boards and Commissions

New Mexico Environment Department

Environmental Improvement Board

Water Quality Control Commission

(505) 827-2425 Phone

(505) 827-0310 Fax

INFORMATION REQUIRED FOR PUBLISHING IN THE NM STATE REGISTER

Agency Name:	New Mexico Environment Department Ground Water Bureau
Agency DFA account code:	667
Purchase order number	66700-0000018125
Contact Person:	Cecilia Vigil (505) 827-2905
Rule name(s):	Dairy Rule
Rule number(s) :	20.6.6 NMAC
File name:	
Format	Word for Windows 97

**NEW MEXICO WATER QUALITY CONTROL COMMISSION
NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS
TO 20.6.6 NMAC (DAIRY RULE) AND REQUEST FOR HEARING**

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The proposed changes may be reviewed during regular business hours at the Commission Administrator's office located in the Harold Runnels Building, 1190 St. Francis Drive, Room N-2150 Santa Fe, New Mexico, 87502. In addition, copies of the proposed amendments are posted on the NMED website at <http://www.nmenv.state.nm.us>.

The hearing will be conducted in accordance with the Guidelines for Water Quality Control Commission Regulation Hearings, the Water Quality Act, Section 74-6-6 NMSA 1978, and other applicable procedures and procedural orders. Written comments regarding the proposed revisions may be addressed to Pam Castañeda, Commission Administrator, at the above address; reference docket number WQCC 12-09 (R).

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Persons wishing to present technical testimony must file with the Commission a written notice of intent to do so. The requirements for a notice of intent can be found in the Commission's Guidelines for Regulation Hearings and have been modified by a procedural order entered in this matter, which may be obtained from the Administrator. Notices of intent for the hearing must be received by in the Office of the Commission Administrator by 5:00 pm on November 19, 2012, and should reference the name of the regulation, the date of the hearing, and docket number WQCC 12-09 (R).

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact the Personnel Services Bureau by November 19, 2012. The Bureau can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502-5469, and (505) 827-9872. TDD or TDY users may access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.)

The Commission may make a decision on the proposed regulatory changes at the conclusion of the hearing, or may convene a meeting after the hearing to consider action on the proposal.

**NUEVO MÉXICO CONTROL DE LA CALIDAD DEL AGUA
COMUNICACIÓN DE LA COMISIÓN DE AUDIENCIA PÚBLICA PARA EXAMINAR
LAS ENMIENDAS PROPUESTAS A 20.6.6 NMAC (PRODUCTOS LÁCTEOS REGLA) Y
SOLICITUD DE AUDIENCIA**

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La regla propuesta los cambios que (1) permitir que dispositivos antirretorno alternativa de los especificados en la Regla Lácteos; (2) eliminar el requisito de llevar a cabo la calibración de medidores de flujo; y (3) modificar el nutriente necesidades del Plan de Gestión para concentrarse en protección de aguas subterráneas.

Los cambios propuestos pueden ser examinados durante el horario normal de oficina en el Administrador de la Comisión de oficina ubicada en el Edificio Harold Arroyos, 1190 St. Francis Drive, Habitación N-2150 Santa Fe, Nuevo México, 87502. Además, las copias de las propuestas de enmiendas, se publicarán en la página web de NMED <http://www.nmenv.state.nm.us>.

La audiencia se realizará de conformidad con las directrices para el Control de la calidad del agua Comisión Reglamento audiencias, la calidad del agua Ley, sección 74-6-6 MNSA 1978, y otros procedimientos aplicables y a las providencias de trámite. Comentarios por escrito con respecto al proyecto de revisiones pueden ser destinatarios de Pam Castañeda, administrador de la Comisión, en la dirección de arriba; referencia docket número WQCC 12-09 (R).

Todas las personas interesadas se dará oportunidad razonable en la audiencia para presentar las pruebas pertinentes, datos, opiniones y argumentos, verbalmente o por escrito, a presentar exposiciones, y a los testigos. Cualquier persona que desea presentar un no-técnico declaración por escrito en relación con el registro en lugar de testimonio oral debe presentar dicha declaración antes del cierre de audiencia.

Las personas que deseen presentar testimonio técnica deberá presentar a la Comisión una notificación por escrito de su intención de hacerlo. Los requisitos para un aviso de intención se puede encontrar en las Directrices de la Comisión de Reglamento y las audiencias han sido modificados por una orden de procedimiento consignados en el presente asunto, que puede obtenerse en el Administrador. Los avisos de intenciones para la audiencia debe ser recibida por en la Oficina del Administrador de la Comisión de 5:00 pm el 19 de noviembre de 2012, y debe hacer referencia al nombre del reglamento, la fecha de la audiencia, y docket WQCC número 12-09 (R).

Si usted es una persona con una discapacidad y necesita ayuda o una ayuda auxiliar, p. ej. intérprete de lengua de signos, a participar en cualquier aspecto de este proceso, póngase en contacto con la Oficina de Servicios de Personal Noviembre 19, 2012. La mesa puede ser alcanzado en el Departamento del Medio Ambiente de Nuevo México, 1190 St. Francis Drive, P. O. Box 5469, Santa Fe, NM Mexico 87502-5469, (505) 827-9872. TDD o TDY los usuarios pueden acceder a este número a través de la red de relevos de Nuevo México, en Albuquerque TDD usuarios: (505) 275-7333; fuera de Albuquerque: 1-800 -659-1779.)

La Comisión podrá tomar una decisión sobre el proyecto los cambios regulatorios en la conclusión de la audiencia, o podrá convocar una reunión después de la audiencia para considerar medidas sobre la propuesta.

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>