

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

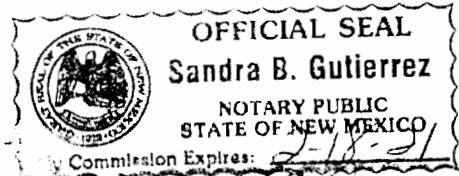
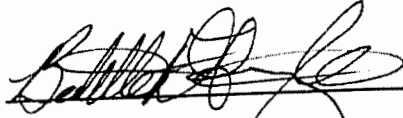
ENTERED

County of Bernalillo SS

PUBLICNOTICENO180
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HAZARDOUSWASTEB
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MEXICOFEBRUARY22
2018NOTICEOFPUBLI
CCOMMENTPERIODA

Bernadette Gonzales, the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

02/22/2018



Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico, on the 22 day of February of

PRICE \$813.47

Statement to come at the end of month.

ACCOUNT NUMBER 1010591



PUBLIC NOTICE No. 18-01

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
FEBRUARY 22, 2018

NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING ON A DRAFT HAZARDOUS WASTE PERMIT FOR THE WASTE ISOLATION PILOT PLANT EPA ID NUMBER: NM4890139088-TSDF

The New Mexico Environment Department ("NMED") is issuing for public comment a draft Hazardous Waste Facility Permit ("draft Permit") for the Waste Isolation Pilot Plant ("WIPP" or "the Facility"). The U.S. Department of Energy (DOE) and Nuclear Waste Partnership LLC ("NWP"), (together the "Permittees"), submitted a revised modification request to NMED on November 10, 2016. The request includes modifications to the WIPP Panel Closure Plan.

WIPP is currently permitted to manage, store, and dispose of hazardous waste, and to close hazardous waste disposal units, in accordance with the New Mexico Hazardous Waste Act ("HWA") and its implementing regulations. NMED is charged with issuing a permit that will ensure that WIPP's hazardous waste operations are managed in a manner that is protective of human health and the environment.

WIPP is located north of Jal Highway (State Highway 128) in Eddy County, New Mexico, approximately 26 miles east of Carlsbad. WIPP is a hazardous waste facility currently operating under a Permit issued by NMED authorizing the management, storage, and disposal of transuranic ("TRU") mixed waste at the Facility. Mixed waste is radioactive waste that is also a hazardous waste as defined by the HWA, and is thus subject to regulation by NMED. The DOE owns and operates the Facility, and NWP co-operates the Facility. These entities are collectively referred to as "Permittees" or "WIPP" in the draft Permit and this public notice.

WIPP is a facility authorized by Congress to dispose TRU radioactive waste materials generated by atomic energy defense activities. WIPP manages wastes that are regulated under the federal Resource Conservation and Recovery Act ("RCRA"), the New Mexico Hazardous Waste Act Chapter 74, Article 4 NMSA 1978 ("HWA"), and their implementing regulations. WIPP received a hazardous waste facility Permit from NMED in 1999 to dispose of TRU mixed waste containers 2,150 feet below ground in a mined geologic repository within the Salado Formation. The containers of waste must undergo complete waste characterization by the generator/storage sites in compliance with requirements of the Permit prior to disposal. WIPP is permitted to accept contact-handled TRU waste containers with a surface dose of less than 200 millirem per hour that may be handled directly. WIPP is also permitted to accept remote-handled TRU waste containers with a surface dose of 200 millirem or greater that must be handled either remotely or with sufficient shielding to reduce the effective dose.

WIPP may be contacted at the following mailing addresses: DOE Carlsbad Field Office, P.O. Box 3090, Carlsbad, New Mexico 88221-3090; and Nuclear Waste Partnership LLC, P.O. Box 2078, Carlsbad, New Mexico 88221-2078. The Permittees' primary contact for this permitting action is: Mike Brown, Director, Office of Environmental Protection, DOE Carlsbad Field Office, P.O. Box 3090, Carlsbad, New Mexico 88221-3090.

The draft Permit is a proposed modification of the existing Permit. The Permittees submitted a modification request on March 20, 2013. Public meetings were held in Santa Fe and Albuquerque on April 18 and 19, 2013. On July 29, 2013, NMED determined the application to be administratively complete and that it constituted a timely and complete application under the regulations. On September 20, 2013 NMED issued a Technical Incompleteness Determination ("TID"), requesting clarification and additional information. The Permittees provided a response on October 29, 2013. NMED reviewed the response and on February 14, 2014 issued a draft Permit for a 60-day public comment period. On March 21, 2014, NMED withdrew the draft Permit as a result of the ongoing investigations into the salt haul vehicle fire and drum breach that occurred at the WIPP Facility in February 2014. No comments were submitted at the time NMED withdrew the draft Permit. On July 22, 2015, NMED issued a second TID and requested that the Permittees update the modification request to reflect current conditions at the Facility. The Permittees submitted their response to the TID and a revised modification request on November 10, 2016. NMED reviewed the revised request and issued a determination of Administrative Completeness on August 14, 2017 and a subsequent third TID on August 17, 2017, requesting clarification and additional information. On October 6, 2017, the Permittees submitted their response to the TID. NMED has reviewed this response and is issuing this draft Permit. The draft Permit is based on the submitted modification request and the information requested by NMED.

180230



NMED also announces the availability of a Fact Sheet providing the basis for its proposed action on the Permit, and the significant factual, legal, and policy questions considered in preparing the draft Permit. The Fact Sheet explains the basis for Permit changes, including applicable statutory and regulatory support.

PUBLIC REVIEW OF THE DRAFT PERMIT

The Administrative Record for this proposed action consists of the Permit Modification Request, the draft Permit, this Public Notice, the Fact Sheet, and supporting documentation. The Administrative Record may be reviewed, with prior appointment, at the following locations during the public comment period:

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

NMED - DOE Oversight Bureau
406 N. Guadalupe, Suite C
Carlsbad, NM 88220
Phone: (575) 885-9023
Monday - Friday: 8:00 a.m. to 5:00 p.m.
Contact: Makayla Viehweg

A copy of the draft Permit, this Public Notice, the Fact Sheet, the modification request and an index of the Administrative Record is also available on NMED's website at: <https://www.env.nm.gov/hazardous-waste/wipp/>. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000 or at address given above. NMED will provide copies, or portions thereof, of the Administrative Record, including the draft Permit, at a cost to the requestor.

This public notice issued on February 22, 2018, announces the beginning of a 60-day comment period that will end at 5:00 p.m. MST, April 23, 2018. Any person who wishes to comment on the draft Permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and mailing address to the address below. Only comments and/or requests for public hearing received before 5:00 p.m. MST on April 23, 2018 will be considered.

Ricardo Maestas, WIPP Project Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
Fax: (505) 476-6030
E-mail: ricardo.maestas@state.nm.us
Ref: WIPP Draft Permit

Written comments should 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 requestor represents; (3) a statement of any objections to the draft Permit, including specific references to any conditions being modified; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. Written comment and requests for public hearing must be filed with Mr. Ricardo Maestas on or before 5:00 p.m. MST, April 23, 2018. NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

NMED must ensure that the final Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a final decision and may cause the draft Permit to be modified. NMED will respond in writing to all public comments. This response will specify which provisions, if any, of the draft Permit have been changed in the final decision and the reasons for the changes. All persons presenting written comments or who requested notification in writing will be notified of the decision by mail. These responses will also be posted on the NMED's website.

After consideration of all written public comments received and all data, views, and arguments presented at the public hearing, if one is held, NMED will issue, or modify and issue, the Permit. The Applicants shall be provided by mail a copy of any relevant modified documents and a detailed written statement of reasons for the modifications.

The Secretary of the Environment Department will make the final decision publicly available and shall notify the Applicants by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA (Chapter 74, Article 4 NMSA 1976).

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person having a disability and requiring assistance or auxiliary aid to participate in this process should contact Donna Wright no less than 10 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. Wright'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 nondiscrimination 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.

Journal: February 22, 2018

Albuquerque Publishing Company
 7777 Jefferson N.E. Albuquerque, New Mexico 87109
 P.O. Drawer J-T Albuquerque, New Mexico 87103
 (505) 823-7777


ADVERTISING INVOICE and STATEMENT

10	11	12	14	13	15	16	17	18	19
START	STOP	INVOICE NUMBER	DESCRIPTION	PRODUCT	SAU SIZE	BILLED UNITS	TIMES RUN	RATE	AMOUNT
			Balance Forward						\$0.00
02/22	02/22	10001392962-0222	29350/PUBLIC NOTICE No. 18-01 NEW MEXICO ENVIRONMENT DEPARTMENT Tax	Albuquerque Journal	3.00 x 16.7500	50.25		\$15.06	\$756.72
02/22	02/22	10001392987-0222	29350/AVISO PÚBLICO NÚM. 18-01 DEPARTAMENTO DEL MEDIO Tax	Albuquerque Journal	2.00 x 18.7500	56.25		\$15.85	\$891.84
02/28	02/28	10001394707-0228	66700-00000029350/PUBLIC NOTICE NO. 18-01 NEW MEXICO Tax	Albuquerque Journal	2.00 x 19.3000	38.6		\$10.28	\$396.83
02/28	02/28	10001394710-0228	66700-00000029350/AVISO PÚBLICO NÚM. 18-01 DEPARTAMENTO DEL Tax	Albuquerque Journal	3.00 x 16.8993	50.7		\$10.92	\$553.80
									\$41.54
PREVIOUS AMOUNT OWED:				\$0.00					
NEW CHARGES THIS PERIOD:				\$2,599.19					
NEW TAXES THIS PERIOD:				\$194.94					
CASH THIS PERIOD:				\$0.00					
DEBIT ADJUSTMENTS THIS PERIOD:				\$0.00					
CREDIT ADJUSTMENTS THIS PERIOD:				\$0.00					



We appreciate your business.
 Dormancy Charge: Unclaimed credits will be charged the lesser of \$25 or the balance after 3 years.

ok to pay
Brian Holton
3/6/2018



INVOICE AND STATEMENT OF ACCOUNT

AGING OF PAST DUE AMOUNTS

* UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE



21	CURRENT NET AMOUNT	22	30 DAYS	60 DAYS	Over 90 DAYS	* UNAPPLIED AMOUNT	23	TOTAL AMOUNT DUE
	\$2,794.13		\$0.00	\$0.00	\$0.00	\$0.00		\$2,794.13

SALES REP/PHONE #		ADVERTISER INFORMATION					
1	BILLING PERIOD	6	BILLED ACCOUNT NUMBER	7	ADVERTISER/CLIENT NUMBER	2	ADVERTISER/CLIENT NAME
Advertising Dept	02/01/2018 - 02/28/2018		1010591		1010591		N M DEPT OF ENVIRONMENT

To pay by credit card, call (505)823-3220
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 To inquire about your account balance, call (505)823-3220
 To subscribe to the Journal, call (505)823-4400

TERMS: Due upon receipt. If payment is not received within 30 days from statement date, a finance charge of 1.5% (18% per annum) will be assessed.

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Address Service Requested

ADVERTISER/CLIENT NAME	
N M DEPT OF ENVIRONMENT	
BILLING PERIOD	TOTAL AMOUNT DUE
02/01/2018 - 02/28/2018	\$2,794.13

BILLING DATE	PAGE #	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	TERMS OF PAYMENT	Amount Enclosed
02/28/2018	1 of 1	1010591	1010591	Due upon receipt	

We accept Mastercard, VISA, American Express and Discover Card

BILLING ACCOUNT NAME AND ADDRESS	REMITTANCE ADDRESS
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N M DEPT OF ENVIRONMENT
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 SANTA FE, NM 87505-6303

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 ALBUQUERQUE, NM 87199-5777

Albuquerque Publishing Company
7777 Jefferson N.E. Albuquerque, New Mexico 87109
P.O. Drawer J-T Albuquerque, New Mexico 87103
(505) 823-7777

Account Number
1010591

Ad Order Number
0001392962

Ad Proof/Order Confirmation

N M DEPT OF ENVIRONMENT
HAZARD/RADIOACTIVE WASTE-CATHY
2905 RODEO PARK DR E BLDG 1
SANTA FE, NM 875056303 USA

Ordered By Brian Holton

Customer Phone 5054282510

Joint Ad #

Customer EMail

PO Number 29350

Ad Cost \$756.72

Sales Rep sgutierrez

Tax Amount \$56.75

Order Taker sgutierrez

Total Amount \$813.47

Payment Method Credit Card

Amount Due \$813.47

Payment Amount \$0.00

Affidavits 0

Pick Up #

Product Albuquerque Journal

Placement 0Legal Notices

Ad Number 0001392962-01

Classification 0Government

Ad Type 0 Legals Multi Col

Sort Text PUBLICNOTICENO1801NEWMEXICO

Ad Size 3 X 16.75"

ENVIRONMENTDEPARTMENTHAZAR

DOUSWASTEBUREAUSANTAFENEW

MEXICOFEBRUARY222018NOTICEOF

PUBLICCOMMENTPERIODA

Color

Run Date

02/22/2018

02/22/2018

02/22/2018

WYSIWYG Content



PUBLIC NOTICE No. 18-01

NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
FEBRUARY 22, 2018

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A PUBLIC HEARING
ON A DRAFT HAZARDOUS WASTE PERMIT FOR
THE WASTE ISOLATION PILOT PLANT
EPA ID NUMBER: NM4890139088-TSDF**

The New Mexico Environment Department ("NMED") is issuing for public comment a draft Hazardous Waste Facility Permit ("draft Permit") for the Waste Isolation Pilot Plant ("WIPP" or "the Facility"). The U.S. Department of Energy (DOE) and Nuclear Waste Partnership LLC ("NWP"), (together the "Permittees"), submitted a revised modification request to NMED on November 10, 2016. The request includes modifications to the WIPP Panel Closure Plan.

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The draft Permit is a proposed modification of the existing Permit. The Permittees submitted a modification request on March 20, 2013. Public meetings were held in Santa Fe and Albuquerque on April 16 and 18, 2013. On July 23, 2013, NMED determined the application to be administratively complete and that it constituted a timely and complete application under the regulations. On September 20, 2013 NMED issued a Technical Incompleteness Determination ("TID"), requesting clarification and additional information. The Permittees provided a response on October 23, 2013. NMED reviewed the response and on February 14, 2014 issued a draft Permit for a 60-day public comment period. On March 21, 2014, NMED withdrew the draft Permit as a result of the ongoing investigations into the salt haul vehicle fire and drum breach that occurred at the WIPP Facility in February 2014. No comments were submitted at the time NMED withdrew the draft Permit. On July 22, 2015, NMED issued a second TID and requested that the Permittees update the modification request to reflect current conditions at the Facility. The Permittees submitted their response to the TID and a revised modification request on November 10, 2016. NMED reviewed the revised request and issued a determination of Administrative Completeness on August 14, 2017 and a subsequent third TID on August 17, 2017, requesting clarification and additional information. On October 8, 2017, the Permittees submitted their response to the TID. NMED has reviewed this response and is issuing this draft Permit. The draft Permit is based on the submitted modification request and the information requested by NMED.

NMED also announces the availability of a Fact Sheet providing the basis for its proposed action on the Permit, and the significant factual, legal, and policy questions considered in preparing the draft Permit. The Fact Sheet explains the basis for Permit changes, including applicable statutory and regulatory support.

PUBLIC REVIEW OF THE DRAFT PERMIT

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Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
Monday - Friday: 8:00 a.m. to 5:00 p.m.
Contact: Pam Allen

NMED- DOE Oversight Bureau
408 N. Guadalupe, Suite C
Carlsbad, NM 88220
Phone: (575) 895-9123
Monday - Friday: 8:00 a.m. to 5:00 p.m.
Contact: Makayla Vehlweg

A copy of the draft Permit, this Public Notice, the Fact Sheet, the modification request and an index of the Administrative Record is also available on NMED's website at: <https://www.emv.nm.gov/hazardous-waste/wipp/>. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000 or at address given above. NMED will provide copies, or portions thereof, of the Administrative Record, including the draft Permit, at a cost to the requestor.

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ceived before 5:00 p.m. MST on April 23, 2018 will be considered.

Ricardo Maestas, WIPP Project Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodao Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
Fax: (505) 476-6030
E-mail: ricardo.maestas@state.nm.us
Re: WIPP Draft Permit

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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.

Journal: February 22, 2018



State of New Mexico Purchase Order

PO Number to be on all Invoices and Correspondence

Page: 1

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

Approved

Dispatch Via Print

Purchase Order 66700-0000029350	Date 07-01-2017	Revision 3 -
Payment Terms Pay Now	Freight Terms FOB Destination	Ship Via Best Way
Buyer VANESSA BAROS	Phone	Currency USD

Supplier: 0000049778
 ALBUQUERQUE
 PUBLISHING CO
 P O DRAWER J-T
 ALBUQUERQUE NM 87103
 United States

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	ExclExcl#:	13-1-98-V					
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 FY18.		1.00	EA	\$7,000.00	\$7,000.00	07/01/2017	
	66700-06400-3500000000-546900-HWB3391- - - -118-B0000							
					Schedule Total	\$7,000.00		
								Item Total
								\$7,000.00
2 - 1	Encumber funds for public notices as needed for the HWB for FY18.		1.00	EA	\$500.00	\$500.00	07/01/2017	
	66700-06400-3500000000-546900-HWB3394- - - -118-B0000							
					Schedule Total	\$500.00		
								Item Total
								\$500.00
3 - 1	Encumber funds for public notices as needed for the HWB for FY18.		1.00	EA	\$438.64	\$438.64	07/01/2017	
	66700-06400-3500000000-546900-ENV00354TP- - - -118-B0000							
					Schedule Total	\$438.64		
								Item Total
								\$438.64
4 - 1	Encumber funds for public notices as needed for the HWB for FY18.		1.00	EA	\$5,355.00	\$5,355.00	10/03/2017	
	66700-06400-3500000000-546900-ENV00354TP- -ENV00354TP- -118-B0000							
					Schedule Total	\$5,355.00		
								Item Total
								\$5,355.00
5 - 1	Encumber funds for public notices as needed for the HWB for FY18.		1.00	EA	\$2,000.00	\$2,000.00	02/07/2018	
	66700-06400-3500000000-546900-HWB3392- - - -118-B0000							

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 Purchase Order

PO Number to be on all Invoices and Correspondence

Page: 2

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

Approved

Dispatch Via Print

Purchase Order 66700-0000029350	Date 07-01-2017	Revision 3 -
Payment Terms Pay Now	Freight Terms FOB Destination	Ship Via Best Way
Buyer VANESSA BAROS	Phone	Currency USD

Supplier: 0000049778
 ALBUQUERQUE
 PUBLISHING CO
 P O DRAWER J-T
 ALBUQUERQUE NM 87103
 United States

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

Line-Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
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Schedule Total \$2,000.00

Item Total \$2,000.00

1/31/2018 Per Melinda Trujillo, position has been filled and buyers name has been changed to Vanessa Baros..jc

Rosan Duran
 827-2452

Total PO Amount \$15,293.64

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>