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Volume: XXXVII **Issue:** 23 **Publication date:** 12/8/2026 **Number of pages:** 1 **(ALD Use Only) Sequence No.**

Issuing agency name and address: Department of Information Technology, P.O. Box 22550, Santa Fe, 87502-2550

Agency DFA code: 361

Contact person's name: David Pardo

Phone number: 505-660-9714

E-mail address: david.pardo@doit.nm.gov

Type of rule action:

New ☐ **Amendment** ☐ **Repeal** ☑ **Emergency** ☐ **Renumber** ☐

(ALD Use) Recent filing date:

Title number: 1 **Title name:** General Government Administration

Chapter number: 12 **Chapter name:** Information Technology

Part number: 9 **Part name:** Project Certification of Technology Projects

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference?

Yes ☐ **No** ☐

Please list attachments or Internet sites if applicable.

https://www.doit.nm.gov/newsroom/notice-of-proposed-rule making-100004459

If materials are attached, has copyright permission been received? **Yes** ☐ **No** ☐ **Public domain** X

Specific statutory or other authority authorizing rulemaking:

NMSA 1978, 9-27-6(C)

Notice date(s): 5/19/2026

Hearing date(s): 7/15/2026

Rule adoption date: 10/30/2026

Rule effective date: 12/8/2026

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Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;

- Reasons for any change between the published proposed rule and the final rule; and

- Reasons for not accepting substantive arguments made through public comment.

The Department of Information Technology (DoIT) adopts the repeal and replacement of 1.12.5 NMAC, Oversight of Information Technology Projects, and 1.12.9 NMAC, Project Certification of Technology Projects, pursuant to NMSA 1978, Section 9-27-6(C).

Reasons for Adoption and Agency Analysis

The rules were adopted to modernize and update the Department's project oversight and certification framework to reflect current statutory authority, organizational structure, and information technology project management practices. The previous rules contained outdated references, definitions, and certification processes that no longer reflected how DoIT performs its oversight and certification responsibilities.

DoIT conducted an internal review of existing project oversight and certification practices and compared those practices against the existing rules. That review demonstrated the need to clarify responsibilities, streamline certification procedures, remove obsolete provisions, update terminology, and align the rules with current operational processes. The adopted rules improve consistency between project oversight and certification requirements while continuing to ensure appropriate review of information technology projects undertaken by executive agencies.

Reasons for Changes Between the Published Proposed Rules and the Final Rules

Following review of written comments and the Hearing Officer's recommendations, DoIT made several revisions to the proposed rules prior to final adoption. These revisions were logical outgrowths of the proposed rules and were made to improve consistency, clarity, and statutory conformity.

The final rules:

-Removed definitions that conflicted with existing statutory definitions or were unnecessary, including definitions for "agency," "validation," and "verification."
-Added a definition for "office" in 1.12.9 NMAC and revised terminology to provide consistency between 1.12.5 NMAC and 1.12.9 NMAC.
-Corrected typographical and drafting inconsistencies regarding references to the project development lifecycle.
-Replaced certain lifecycle definitions to ensure consistent usage throughout both rules.
-Removed outdated references to the Information Technology Commission and replaced the remaining reference with "state CIO."
-Revised Section 1.12.9.9(C) to expressly require verification that projects have been reviewed by the Legislative Finance Committee or the Department of Finance and Administration, consistent with the Hearing Officer's recommendation and in recognition of comments regarding fiscal oversight.

These revisions responded to issues raised during the public comment process and improved clarity without altering the fundamental purpose or scope of the proposed rules.

Reasons for Not Accepting Substantive Arguments Made Through Public Comment

DoIT carefully considered all written comments submitted by the Legislative Finance Committee, the Health Care Authority, and the Office of Broadband Access and Expansion.

Several commenters requested modifications related to separate certification processes for federally funded projects, expedited certification procedures, performance bond requirements, and additional codification of agency-specific operational practices. DoIT did not adopt these suggestions because the Department determined that its statutory authority does not provide different certification standards based on funding source and that the proposed rules already provide sufficient flexibility to administer project oversight and certification. DoIT further determined that many of the requested clarifications concerned operational procedures that are more appropriately addressed through guidance, standards, or administrative practices rather than rule text.

Commenters also raised concerns regarding the reduction of the certification review threshold from $1,000,000 to $100,000 and the elimination of the prior committee-based certification process. DoIT determined that these changes appropriately reflect the Department's current practices and statutory responsibilities. The Department explained that certification review of projects exceeding $100,000 has been conducted as a matter of practice since 2021 and that the revised certification process is intended to reduce administrative burden while maintaining appropriate oversight. With respect to committee participation, DoIT concluded that the rule should preserve flexibility while retaining fiscal review through verification of review by the Legislative Finance Committee or Department of Finance and Administration as reflected in the final rule.

After considering all comments, the Department concluded that the adopted revisions adequately addressed warranted concerns and that no additional changes were necessary to accomplish the purposes of the rulemaking.

Issuing authority (If delegated, authority letter must be on file with ALD):
Name:

Manny Barreras

Check if authority has been delegated ☐

Title:

Cabinet Secretary

Signature: (BLACK ink only OR Digital Signature)

Signed by:
Manny Barreras
32A0D6395C7C495...

Date signed:

10/30/2026

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The New Mexico Department of Information Technology approved a repeal of its rule 1.12.9 NMAC - Project Certification of Technology Projects, filed 10/17/2005 and replace it with 1.12.9 NMAC - Project Certification of Technology Projects, effective December 8, 2026.

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After considering all comments, the Department concluded that the adopted revisions adequately addressed warranted concerns and that no additional changes were necessary to accomplish the purposes of the rulemaking.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name: Manny Barreras

Check if authority has been delegated ☐

Title: Cabinet Secretary

Signature: (BLACK ink only OR Digital Signature)

Signed by:
Manny Barreras
[illegible]

Date signed: 10/30/2026

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TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 12 INFORMATION TECHNOLOGY
PART 9 PROJECT CERTIFICATION OF TECHNOLOGY PROJECTS

1.12.9.1 ISSUING AGENCY: Department of Information Technology.
[1.12.9.1 NMAC – Rp, 1.12.9.1 NMAC, 12/08/2026]

1.12.9.2 SCOPE: This rule applies to certification of all information technology projects or programs undertaken by executive agencies.
[1.12.9.2 NMAC – Rp, 1.12.9.2 NMAC, 12/08/2026]

1.12.9.3 STATUTORY AUTHORITY: Paragraph (5) of Subsection B, Paragraphs (11)-(13) of Subsection C, J and K of Section 9-27-6 NMSA 1978.
[1.12.9.3 NMAC – Rp, 1.12.9.3 NMAC, 12/08/2026]

1.12.9.4 DURATION: Permanent.
[1.12.9.4 NMAC – Rp, 1.12.9.4 NMAC, 12/08/2026]

1.12.9.5 EFFECTIVE DATE: December 8, 2026, unless a later date is cited at the end of a section.
[1.12.9.5 NMAC – Rp, 1.12.9.5 NMAC, 12/08/2026]

1.12.9.6 OBJECTIVE: The purpose of this rule is to set forth executive agency information technology project certification responsibilities.
[1.12.9.6 NMAC – Rp, 1.12.9.6 NMAC, 12/08/2026]

1.12.9.7 DEFINITIONS:

A. **"Certification"** means a process that releases project funds. The state CIO certifies projects except as otherwise provided for in Subsection C. of Section 9 below.

B. **"Information technology project"** means the development, purchase, replacement, or modification of a hardware or software system, including cloud-based assets such as software as a service (SaaS) and infrastructure as a service (IaaS).

C. **"Mission critical"** means a system (either hardware or software) that is pivotal to supporting the mission of the agency and without which the agency would have difficulty providing key business services.

D. **"Office"** means the office of the state chief information officer.

E. **"Project costs"** means all hardware, software, development, testing, training expenditures, and other IT Professional Services required to complete the project including project management costs, both planned and actual.

F. **"Project lifecycle"** means the period of time commencing with conception of an information technology project and culminating with the acceptance and operation of products produced by the project.

G. **"Program"** means a group of related projects managed in a coordinated manner.

H. **"Qualified"** means demonstrated experience successfully managing information technology projects.

I. **"Quality"** means the degree to which a system, system component, or process meets specified requirements, customer needs, and user expectations.

J. **"Quality assurance"** means a planned and systematic pattern of all actions necessary to provide adequate confidence that a product or system component conforms to established requirements.

K. **"Strategy"** means a plan of action for achieving a goal.
[1.12.9.7 NMAC – Rp, 1.12.9.7 NMAC, 12/08/2026]

1.12.9.8 RESPONSIBILITIES OF THE OFFICE: The office shall perform the following responsibilities.

A. Have the authority to recommend certification of information technology projects that meet one or more of the following:

(1) mission criticality;

(2) project cost equal to or exceeding $100,000;

(3) impact to customer on-line access; or

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(4) projects the state CIO deems appropriate.

B. Develop procedural requirements on how to recommend certification or to recertify projects, including documentation requirements, meeting specifics, timelines and support services.

C. Report certification recommendations to the state CIO.

D. Review and comment on agency information technology project's consolidation efforts and opportunities.

[1.12.9.8 NMAC – Rp, 1.12.9.8 NMAC, 12/08/2026]

1.12.9.9 CERTIFICATION PROCESS:

A. Certification generally. At a minimum, project certification shall be required prior to a project's initiation, during its implementation and closeout. The office may require additional certification phases, events or deliverables based on the progress, complexity, risk or size of the project. Project certification shall be required before funds can be released for any of the above certification phases. Regarding phased release of funds, project managers shall present the distinct components of a phased approach, with approval of what constitutes appropriate phases for a particular project to then be approved or modified by the office.

B. Agency request. A report by the agency requesting approval of a project requiring certification must be submitted in writing for all certification phases specified by the office. The office shall determine the components of the reports and criteria for issuing certification.

C. Verification. The office shall verify that the project has been reviewed for compliance:

(1) With financial requirements by the legislative finance committee and department of finance administration, as appropriate; and

(2) With architectural standards, when appropriate.

D. Recommendation. The office shall make a recommendation to the state CIO to issue or deny project certification or may provide contingent certification subject to the agency providing specific information. The office shall notify the agency submitting the project in writing of its decision. In the case of recommendation for denial of the project for certification, the office will cite the reasons for its decision and the recommended actions needed to be taken by the agency for resubmission of the project for certification.

E. Office pre-certification. The office may release "phase zero" pre-certification planning phase funds to develop project phasing or an overall project plan.

[1.12.9.9 NMAC – Rp, 1.12.9.9 NMAC, 12/08/2026]

1.12.9.10 AGENCY RESPONSIBILITIES:

A. An executive agency shall:

(1) prepare a written project certification report prior to certification for large projects that are equal to or exceeding $100,000, high-risk projects or at the request of the office;

(2) provide documentation in a timely manner to the office;

(3) prepare a written risk assessment report at the concept phase of the project, at the end of each project phase, and following the culmination of each development lifecycle phase, or more frequently for large and high-risk projects;

(4) be prepared to identify the value of the information technology project, as well as, relationship in support and consolidation with other information technology projects and agencies; and

(5) keep a copy of each risk assessment report on file.

B. The agency project manager, the contract project manager, if appropriate, and the project team shall regularly review the status and progress of an information technology project throughout its lifecycle.

[1.12.9.10 NMAC – Rp, 1.12.9.10 NMAC, 12/08/2026]

1.12.9.11 PROJECT PLANS:

A. Plan required. An agency shall prepare, in accordance with instructions contained in the project management guidelines and best practices document prepared by the office, a project plan for every IT project regardless of its scope or cost. The agency project manager shall document the plan and all revisions to the plan, and shall keep it on file until the system is removed from operation.

B. Plan contents. The plan shall contain at a minimum:

(1) a description of the project;

(2) a description of the functions the system will provide;

(3) a description of the development lifecycle methodology;

(4) an initial risk assessment;

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(5) risk management strategies, including mitigation actions;
(6) quality assurance strategies or plan;
(7) human and financial resource requirements and allocation;
(8) a project review schedule;
(9) project deliverables;
(10) a project schedule; and
(11) appropriate security planning for at least data, disaster recovery, statewide cybersecurity standards, and system back-up.

C. Plan approval. For projects meeting the selection criteria, the agency shall submit the plan to the office prior to initiation of the project or release of funding by the department of finance and administration. The office shall review the internal plan for sufficiency, and shall make recommendations to the state CIO for certification. The office will review the documentation and provide the agency an opportunity to present the information technology project for certification, if required. The office will identify areas of improvement to the agency if the plan does not meet initial approval. The office shall make their recommendation to the state CIO.

D. Right to appeal. If an agency requesting certification for any phase is denied certification, the agency may appeal the decision by submitting a written intent to appeal within five business days of receipt of denial. The written intent to appeal shall be submitted to the state CIO.

[1.12.9.11 NMAC – Rp, 1.12.9.11 NMAC, 12/08/2026]

HISTORY OF 1.12.9 NMAC:

1.12.9 NMAC - Project Certification of Technology Projects, filed 10/17/2005, was repealed and replaced by 1.12.9 NMAC - Project Certification of Technology Projects, effective 12/08/2026.