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Thank you for your comments regarding the proposed changes to NMAC 1.12.9.

The Project Certification Committee (PCC) rule is left over from the days of the Information Technology Commission (ITC). PCC was an advisory subcommittee of the ITC. Since the ITC no longer exists, but the rules have not been updated since the creation of DoIT, the PCC has continued to operate as an advisory committee to the DoIT Cabinet Secretary.

The intent of this rule change is to modernize the certification of state information technology projects, to comply with the DoIT Cabinet Secretary's statutory duty to "promulgate rules to ensure that information technology projects satisfy criteria established by the secretary and are phased in with funding released in phases contingent upon successful completion of the prior phase; [and] provide oversight of information technology projects, including ensuring adequate risk management, disaster recovery and business continuity practices and monitoring compliance with strategies for information technology projects that affect multiple agencies." § 9-27-6(11)-(12) NMSA 1978. "[I]nformation technology project' means the purchase, replacement, development or modification of a hardware or software system." § 9-27-3(E) NMSA 1978.

Ensuring that projects receiving any federal matching funds also comply with federal requirements will also be a key component in the continuing DoIT oversight of these projects. These rule changes do not vest the Department with any authority that does not exist under the current rules or statutes.

Lowering of the threshold requiring review from \$1,000,000 to \$100,000.

Under the current process, the PCC already hears projects between \$100,000 and \$1,000,000. Since July 2021, PCC has certified thirty-two projects ranging between \$100,000 and \$1,000,000. This includes one project from the Administrative Hearing Office, one project from the Board of Licensed Professional Engineers and Professional Surveyors, one project from the Children, Youth and Families Department, one project from the Department of Early Childhood Education, seven projects from the Department of Environment, one project from the Department of Finance and Administration, one project from the Department of Game and Fish, two projects from the Department of Health, one from the Department of Public Safety, one from the Department of Transportation, two projects from the Energy, Minerals and Natural Resources Department, one project from the New Mexico Medical Board, five projects from the Office of the State Engineer, three projects from the Office of the Superintendent of Insurance, one project

from the Secretary of State, and three projects from the Taxation and Revenue Department. The purpose of the proposed rule change is to align rule requirements to better meet current practices and therefore will not increase the administrative burden on agencies.

Since the ultimate statutory authority and requirement for project certification lies with the DoIT Secretary, the intent of the proposed rule change is to do away with the cumbersome committee certification review and recommendation process for project certification and change to a more nimble and collaborative certification process that DoIT believes will reduce the administrative burden on agencies and DoIT.

IT projects funded by federal grants have extensive reporting requirements necessary to comply with the continued receipt of grant funds. Much of the same information required for federal reporting will also be required for DoIT project certification. Therefore, there will not be a great increase in administrative burden to provide the same information. Furthermore, the intent of the proposed rule change is to have a DoIT project manager working directly with agencies to understand and assist with project success. Much of the project progress reporting will be done by the DoIT project manager, further reducing the administrative burden on the agency to provide this information.

The statutory duty of the DoIT Secretary to “provide oversight of information technology projects” does not have any dollar threshold or limit this requirement to projects that do not contain federal funding requirements. The DoIT Secretary retains authority to require certification of projects as necessary to meet statutory requirements. Lowering the dollar threshold in the rule more closely aligns with the statutory intent and current practice of the IT project certification process.

Sincerely,



Manny Barreras, DoIT Cabinet Secretary & State CIO