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NEW MEXICO

Early Childhood
Education & Care Department

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Early Childhood Education and Care

DR. KATHLEEN GIBBONS
DEPUTY SECRETARY

December 22, 2021

Raja Sambandam
Acting Cabinet Secretary and State CIO
Department of Information Technology
715 Alta Vista
Santa Fe, NM 87505

RE: Repeal/Replacement of NMAC 1.12.9

Dear Secretary Sambandam,

This purpose of this letter is to provide written comment to the proposed repeal and replacement of NMAC 1.12.9. Certification of Information Technology Projects.

As the current rule has not been updated since 2005, replacing it to be more in alignment with the times should certainly occur. However, the New Mexico Early Childhood Education and Care Department (ECECD) has concerns with the new language proposed which defines what constitutes a project, and the cost threshold requiring certification associated with that proposed definition.

According to the Project Management Institute (PMI), a project is defined as a temporary endeavor that is unique and differs from routine operations. It carries a measure of risk and opportunity and often is transformational, which warrants management separate from daily operations. The currently proposed definition in 1.12.9.7.F to include any hardware or software system purchase is overly broad and does not conform to the definition established by the worldwide authority on project management. It would result in coverage of ordinary matters that do not warrant Project Certification Committee review, inevitably adding to their expense, and the time required for implementation.

Additionally, the language in 1.12.9.8.B of the proposed rule requires the certification where “the cost of the project is equal to or exceeding \$100,000”, using the proposed definition on 1.12.9.7.F, above. Based on this language, for an agency the size of ECECD, items as routine as yearly PC refreshes could require certification, IV&V, etc., at a significant increase in cost and administrative overhead to the State of New Mexico. As there is currently a mechanism for DoIT oversight of IT purchases over \$100,000 (PO approval process in SHARE), this language is unnecessarily restrictive. Therefore, the ECECD strongly supports retention of the existing cost threshold of \$1 million for required project review.

To address these concerns, ECECD recommends the following language modifications in the proposed replacement rule.

Replace 1.12.9.7.F. with the following:

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F. “Information technology project” or “project” means a temporary information technology endeavor with an established beginning and end time that has a set of defined tasks and assigned resources, undertaken to develop a unique product, service or result that:

- (1) establishes a new technology-based system or service.
- (2) facilitates a significant business process transformation using technology; or
- (3) includes a major change in technology architecture or a system migration beyond that considered as general maintenance, enhancement, or refresh activity.

Replace 1.12.9.8.B. with the following:

B. Certify information technology projects that meet one or more of the following:

- (1) the project is funded through the C2 Computer System Enhancement Fund (CSEF); or
- (2) the cost of the project is equal to or exceeds \$1,000,000.

The State of New Mexico has made considerable improvements to the management of information technology projects since 2005, and the mechanism to define rules and a process for oversight has been a big part of that improvement and is certainly still needed today. However, it should be value-driven.

We sincerely appreciate the public hearing held to discuss the proposed changes, the ability to submit comments and for consideration of the above recommendations.

Thank you,

Sandeep Patel ECECD Chief Information Officer