

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 940 ERRDS, PUBLIC SCHOOLS FACILITIES AUTHORITY

1.18.940.1 ISSUING AGENCY: Commission of Public Records - State Records Center and Archives
[1.18.940.1 NMAC - N, 4/5/2004]

1.18.940.2 SCOPE: public school facilities authority
[1.18.940.2 NMAC - N, 4/5/2004]

1.18.940.3 STATUTORY AUTHORITY: Section 14-3-6 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.940.3 NMAC - N, 4/5/2004]

1.18.940.4 DURATION: permanent
[1.18.940.4 NMAC - N, 4/5/2004]

1.18.940.5 EFFECTIVE DATE: April 5, 2004 unless a later date is cited at the end of a section
[1.18.940.5 NMAC - N, 4/5/2004]

1.18.940.6 OBJECTIVE: To establish a records retention schedule for the management and orderly retirement of records necessary for the carrying out the Public Records Act, Section 14-3-6 NMSA 1978.
[1.18.940.6 NMAC - N, 4/5/2004]

1.18.940.7 DEFINITIONS:

- A. "Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978)
 - B. "Agency"** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978)
 - C. "Commission"** means the state commission of public records (Section 14-3-2 NMSA)
 - D. "Pending litigation"** means a proceeding in a court of law whose activity is in progress but not yet completed
 - E. "Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition
 - F. "Records retention schedule"** means a document prepared as part of a records retention program that lists the period of time for retaining records
- [1.18.940.7 NMAC - N, 4/5/2004]

1.18.940.8 ABBREVIATIONS AND ACRONYMS:

- A. "GRRDS"** stands for general records retention schedule.
- B. "NMAC"** stands for New Mexico administrative code.
- C. "NMSA"** stands for New Mexico statutes annotated.
- D. "OHSA"** stands for occupational health and safety administration.
- E. "PSCOC"** stands for public school capital outlay council.
- F. "PSFA"** stands for public school facilities authority.
- G. "RFI"** stands for request for information.
- H. "RFP"** stands for request for proposals.
- I. "RFQ"** stands for request for quotes.
- J. "USC"** stands for United States code.

[1.18.940.8 NMAC - N, 4/5/2004]

1.18.940.9 INSTRUCTIONS:

- A.** For records of a general administrative nature, refer to the GRRDS, General Administrative Records Retention And Disposition Schedule, 1.15.2 NMAC.

B. For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.

C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.

D. For records of a medical nature, refer to the GRRDS, General Medical Records Retention And Disposition Schedule, 1.15.8 NMAC.

E. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

F. The descriptions of file are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description. Access to confidential documents and confidential files shall be only by authorization of agency, or attorney general and/or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

H. Access to confidential documents and confidential files shall be only by authorization of agency, attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

I. All records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilm, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5, 14-1-6 NMSA 1978).

J. Data processing and other machine readable records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media. In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said record shall be electronically over-written on machine readable media on which it is stored (or media destroyed). See also 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems. [1.18.940.9 NMAC - N, 4/5/2004]

1.18.940.10 - 1.18.940.15 [RESERVED]

1.18.940.16 RADON AND ASBESTOS MANAGEMENT PLAN FILES:

A. Program: deficiencies correction

B. Maintenance system: chronological by calendar year, then alphabetical by school district name

C. Description: records relating to radon and asbestos testing of all public schools. File may contain results of OSHA review, required lab tests, lab studies, radon and asbestos management plans, memoranda, correspondence, etc.

D. Retention: twenty years after close of calendar year in which created transfer to archives for review and final disposition.

[1.18.940.16 NMAC - N, 4/5/2004]

1.18.940.17 SCHOOL IMPROVEMENT PROJECT FILE:

A. Program: capital outlay

B. Maintenance system: alphabetical by school district, then school name, then numerical by project number

C. Description: record concerning memorandum of understanding submitted to PSCOC for approval of deficiencies correction and capital outlay projects. File may contain memorandum of understanding, (project name, project number, approval request, scope of work, justification for project, budget information, schedule of events, management and supervision authority, required signatures), attachments, completed asbestos tests, copies of blueprints, school approval memorandum, final approval from PSCOC, approval letter from

committee on concerns for the handicapped and energy minerals and natural resources, approval letter from PSCOC, on-site construction managers recommendations, construction record concerning renovation projects for correcting existing health and safety deficiencies in the public schools, memoranda, correspondence, etc.

D. Retention:

- (1) **Approved projects:** seven years after project completed
- (2) **Denied projects:** returned to school district for modification

[1.18.940.17 NMAC - N, 4/5/2004]

1.18.940.18 CAPITAL OUTLAY ALLOCATION AWARD FILE:

A. Program: capital outlay

B. Maintenance system: alphabetical by name of school district, then name of school

C. Description: records concerning monies allocated through the legislature to build additions to school facilities or renovate and improve existing school facilities. File may contain school application for funds; description of school presentation as to what the project consists of, reason and amount of monies requested; allocation award letter, on-site construction manager recommendations, final approval from PSCOC, letter of acceptance from school district, memoranda, correspondence, etc.

D. Retention:

- (1) **Approved projects:** seven years after project completed
- (2) **Denied projects:** returned to school district for modification

[1.18.940.18 NMAC - N, 4/5/2004]

1.18.940.19 SCHOOL IMPROVEMENT PROJECT SYSTEM:

A. Program: capital outlay

B. Maintenance system: numerical by primary key

C. Description: system monitors and tracks statewide capital outlay and deficiency corrections monies approved for all public school districts in New Mexico. Data include: description of school improvement and renovation projects to be completed, amount allocated for fiscal year, name of school district, name of school, monies requested and awarded for each individual school districts building project, description of building project, letter of approval date, amount of monies awarded, etc.

D. Retention: ten years after project completed

E. Hardcopy input documents. The memorandum of understanding project packet is used as input for the *school improvement project system* and is filed in the corresponding *school improvement project file*.

1.18.940.17 NMAC. The packet includes: approval request, scope of work, justification for project, budget information, schedule of events, management and oversight required signatures; etc. Additional information is forwarded from outside entities including: energy, minerals, and natural resources, committee for concerns of the handicapped, etc.

F. Hardcopy output documents. Because this is a data-based system, required administrative and ad hoc reports may be generated upon request or demand. The reports generated include: *deficiencies correction unit project status* report; *public school capital outlay unit award* report; *maintenance* report; *3DI status* report; and the *PSCOC awards* report. When produced, these reports are used for informational purposes by the administrative assistant and then destroyed.

[1.18.940.19 NMAC - N, 4/5/2004]

1.18.940.20 AWARD ALLOCATION FILE:

A. Program: capital outlay

B. Maintenance system: alphabetical by school district, then color-coded by name of fund

C. Description: records concerning monies from individual funds awarded to school districts for school improvements, renovations, new construction, and health and safety issues. The four funds included are: *deficiencies corrections* fund; *capital outlay* fund; *direct appropriations* (legislative monies) fund; and *local general obligation* (city) fund. File may contain name of project, description of project, name of school district, name of individual school, amount of money awarded, from fund which money awarded, etc.

D. Retention:

- (1) **Deficiencies correction:** seven years after project completed
- (2) **Capital outlay:** ten years after project completed
- (3) **Direct appropriations:** five years after project completed
- (4) **Local general obligation (bond):** three years after project completed

[1.18.940.20 NMAC - N, 4/5/2004]

1.18.940.21 PSFA INVOICING SYSTEM:

- A. Program:** construction management
- B. Maintenance system:** numerical by project number
- C. Description:** financial system used to track funds approved by the PSFA review department and PSCOC for capital outlay projects. Data include: amount encumbered, project number, purchase order number, corresponding financial information, assigned PSFA construction manager, etc.
- D. Retention:** ten years
- E. Hardcopy input documents:** Payment invoice requests are scanned and submitted electronically to this system. Payment invoice requests are entered by the assigned PSFA on-site construction manager.
- F. Hardcopy output documents:** Because this is a data-based system, payment requests can be generated on demand. Documents generated by this system include approved pay applications, etc. Approved pay applications are filed in the accounting file and the *school improvement project file*, 1.18.940.17 NMAC.

[1.18.940.21 NMAC - N, 4/5/2004]

[This is a secure, password-encrypted, web-based application.]

1.18.940.22 BIDNET SYSTEM:

- A. Program:** construction management
- B. Maintenance system:** numerical by primary key [alphabetical by project name, then chronological by date]
- C. Description:** System monitors and tracks status on proposed and approved bids, requests for proposals submitted electronically for school improvement or renovation projects. Data include: name of school district, scope of project, project start date, project completion date and name of assigned project manager, commentary on proposed project by initiating agencies.
- D. Retention:** ten years after project completed
- E. Hardcopy input documents.** All documentation used for the *bidnet system* are retained by the agency or administrative staff responsible for input. Those documents include: requests for proposals, invitations to bid, public advertisements, comments, etc.
- F. Hardcopy output documents.** All documents generated by the *bidnet system* are produced (printed) because of public request or administrative reporting responsibilities. Because the *bidnet system* is a data-based system, required and ad hoc reports may be generated upon request or demand. When produced, these reports are either forwarded to the requesting entity or filed in the corresponding *school improvement project file*. Some of the reports include but are not limited to the following: *quarterly usage report, proposed project report, school improvement project report*.

[1.18.940.22 NMAC - N, 4/5/2004]

[This is a hosted, web-based system]

1.18.940.23 CIMS (CONSTRUCTION INFORMATION MANAGEMENT SYSTEM):

- A. Program:** construction management
- B. Maintenance system:** chronological by project number, then by type of fund
- C. Description:** System monitors, tracks and provides information on funding for all capital outlay projects in New Mexico school districts. Data may include: RFI, RFQ, BIDS, RFP, project cost, project time estimates, mock print drawings, blueprints, support documentation, correspondence, daily usage reports, monthly usage reports, progress reports, daily logs, uploaded architectural drawings, project specifications, weekly construction schedule, messages posted and answered, correspondence etc.
- D. Retention:** ten years after project completed
- E. Hardcopy input documents:** All documents generated are retained by initiating agency, staff, or applicable vendor responsible for input into the system. Those documents include: aspects of approved and funded project history, working documentation, correspondence, etc.
- F. Hardcopy output documents:** No documents are generated from this system. It is maintained for informational use only.

[1.18.940.23 NMAC - N, 4/5/2004]

[This is a hosted, web-based application]

HISTORY OF 1.18.940 NMAC: [RESERVED]