

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 13 PUBLIC RECORDS
PART 5 NEW MEXICO HISTORICAL RECORDS GRANT PROGRAM GUIDELINES

1.13.5.1 ISSUING AGENCY: State Commission of Public Records.
[1.13.5.1 NMAC - Rp, 1.13.5.1 NMAC, 8/1/2015]

1.13.5.2 SCOPE: Eligible applicants include state, county, municipal and tribal government offices, political subdivisions and non-profit organizations. See 1.13.5.8 NMAC.
[1.13.5.2 NMAC - Rp, 1.13.5.2 NMAC, 8/1/2015]

1.13.5.3 STATUTORY AUTHORITY: Subsection F of Section 14-3-4 NMSA 1978 authorizes the commission to adopt regulations to carry out the purposes of the Public Records Act; Section 14-3-14 NMSA 1978 authorizes the commission, upon recommendation of the state records administrator, to appoint advisory groups to more effectively obtain the best professional thinking regarding any particular group or type of records. 36 CFR Part 1206 authorizes the commission to receive national historical publications and records commission grants to make subgrants to eligible organizations within the state in support of historical records activities.
[1.13.5.3 NMAC - Rp, 1.13.5.3 NMAC, 8/1/2015]

1.13.5.4 DURATION: permanent.
[1.13.5.4 NMAC - Rp, 1.13.5.4 NMAC, 8/1/2015]

1.13.5.5 EFFECTIVE DATE: August 1, 2015 unless a later date is cited at the end of a section.
[1.13.5.5 NMAC - Rp, 1.13.5.5 NMAC, 8/1/2015]

1.13.5.6 OBJECTIVE: The New Mexico historical records advisory board receives funds from the New Mexico legislature or the national historical publications and records commission to fund its historical records grant programs for improving preservation of and access to New Mexico's historical records. Subject to funding availability, grants may be awarded annually to applicants who demonstrate the ability and commitment to solving their historical records problems.
[1.13.5.6 NMAC - Rp, 1.13.5.6 NMAC, 8/1/2015]

1.13.5.7 DEFINITIONS:

- A. "Access"** means the availability of archives, records or manuscripts in terms of physical condition, legal permission and intellectual entry.
- B. "Accession"** means a term used as both a noun and a verb for the act and procedures involved in a transfer of legal title and the taking of records or papers into the physical custody of an archival agency, records center or manuscript repository and the materials involved in such a transfer.
- C. "Administrator"** means the state records administrator.
- D. "Archives"** means the non-current records of an organization or institution preserved because of their continuing value in meeting the needs of the creating organization.
- E. "Arrangement of collections"** means the process and results of organizing records or manuscripts, particularly by function or activity of their creator.
- F. "Collection policy"** means a statement adopted by an archival agency, records center or manuscript repository to guide its accessioning and de-accessioning decisions in order to carry out its formal mission.
- G. "Commission"** refer to Public Records Act, Subsection C of Section 14-3-.2 NMSA 1978.
- H. "Data universal numbering system number"** means a unique, nine digit identification number issued by Dun and Bradstreet.
- I. "Deaccession"** means the act, or the materials involved in the act, of a transfer out of the custody of an archives and is the opposite of accession.
- J. "Documentary edition"** means a published edition of documents derived directly from original records and often accompanied by editorial commentary and annotations.
- K. "Evaluation"** means a mechanism by which the effectiveness of the project can be measured by describing the extent to which a project's goals have been met. Narrative, graphic or statistical methods can be used to assess the product or to analyze the process. Participant or user assessments are also helpful in some cases.

L. "Finding aid" means a descriptive device created by an archives, records center or repository to establish the size, condition, content or arrangement of a collection or record group.

M. "Non-profit organization" means any organization, which by its articles of association and bylaws prohibits acts of private inurement, that is, transferring of the organization's earnings to persons in their private capacity; nonprofit organizations are required to use their earnings for their program activities and these earnings are tax-exempt if the organization has met the approval of the internal revenue service as falling within a category such as 501(c)(3).

N. "Original records" means archives or public records as created by a governmental or quasi-governmental body and manuscripts such as letters, diaries, photographs or other first-hand reports.

O. "Political subdivisions" means any county; incorporated city; town or village; drainage, conservancy, irrigation, water and sanitation or other district; mutual domestic association; public water cooperative association; community ditch association; or community land grant organizes and governed pursuant to Chapter 49, Article 1 NMSA 1978.

P. "Preservation" means the provision of adequate facilities for the protection, care and maintenance of archives, records and manuscripts, particularly to promote their future availability.

Q. "Public officer" refer to Governmental Conduct Act, Subsection I of Section 10-16-2 NMSA 1978.

R. "Supply inventory" includes expenditures for furniture, fixtures, machinery, or other equipment that cost less than one thousand dollars (\$1,000) per unit.

[1.13.5.7 NMAC - Rp, 1.13.5.7 NMAC, 8/1/2015]

1.13.5.8 ELIGIBILITY:

A. To be **eligible** for an historical records grant, the applicant shall be one of the entities listed below.

(1) A governmental organization including:

- (a) state agencies as prescribed in the Public Records Act; except the commission;
- (b) county offices;
- (c) municipal offices;
- (d) political subdivisions; or
- (e) tribal government offices.

(2) A non-profit and tax-exempt organization verified as such by:

- (a) a copy of its IRS issued letter establishing tax-exempt status; and
- (b) a copy of certification of its good standing status with the New Mexico secretary

of state.

B. Previous grant recipients shall be in compliance with the stipulations of all previous awards in order to be eligible.

C. To be eligible for an historical records grant, applicants shall not be disbarred, suspended or otherwise excluded from or ineligible for participation in federal assistance programs.

D. Board member organizations or their employers are not eligible to apply for NMHRAB funding.

E. Funding shall not be used to process any collection held by the commission of public records.

[1.13.5.8 NMAC - Rp, 1.13.5.8 NMAC, 8/1/2015; A, 11/28/2017]

1.13.5.9 CONDITIONS FOR RECEIVING A HISTORICAL RECORDS GRANT:

A. The applicant shall:

- (1) demonstrate legal custody of historically significant original records at the time of the grant application deadline;
- (2) provide a copy of its collection policy or a statement from its governing body indicating its commitment to sound practices concerning the historical material included in the project;
- (3) demonstrate the ability to carry out the objective of the proposal within the grant period;
- (4) describe the records, their importance in documenting New Mexico's history and the proposed project that affects the records;
- (5) include a mechanism for evaluating the impact of the project on its historical records' environment; and
- (6) provide a letter from its governing body indicating support of the project and continuation of the project's purposes beyond the grant period.

B. Upon approval, the applicant shall become a vendor pursuant to state law.

C. Records treated in the proposed project shall be made available in New Mexico for public research to all qualified users on equal terms unless specific exemption is granted by the commission. Specific records in proposals submitted by tribal governments, for example, may be excluded from this criterion.

D. The applicant shall not charge fees for public access to the materials in its holdings. However, reasonable fees may be charged for copying material or providing special services or facilities not provided to all researchers.

E. A person qualified by credentials or training shall carry out the objectives of the proposed project.

F. Proposals for digitization projects shall be acceptable only if they take into consideration the issue of migration to newer technologies. Digitization projects shall follow scanning guidelines specified by the commission for creating master and access copies.

[1.13.5.9 NMAC - Rp, 1.13.5.9 NMAC, 8/1/2015; A, 11/28/2017]

1.13.5.10 TYPES OF PROJECTS FUNDED: Following are examples of projects that could be funded.

A. Preservation projects that mitigate unstable or deteriorating conditions of historical records through the identification, organization and description, conservation treatment or reformatting of the records to another medium. National historical publications and records commission funding shall not be used for the following activities:

(1) to undertake an archival project centered on the papers of an appointed or elected public official who remains in major office, or is politically active, or the majority of whose papers have not yet been accessioned in a repository; and

(2) to undertake arrangement, description or preservation projects involving federal government records that are in the custody of the national archives and records administration, in the custody of some other federal agency or that have been deposited in a non-federal institution without an agreement authorized by the national archives and records administration.

B. Access projects that promote the availability of historical records by developing finding aids, indexing significant collections, creating electronic catalog records, distributing collection guides, providing online access to finding aids, digitizing historical records and placing copies in other repositories that have agreed to accept them.

C. Regional or statewide training programs that focus on developing best practices that can be used to train staff in more than one repository or in a repository experiencing high turnover.

D. Program development projects that establish or elevate standards of archival or records management practice in the applicant's repository.

[1.13.5.10 NMAC - Rp, 1.13.5.11 NMAC, 8/1/2015; A, 11/28/2017]

1.13.5.11 ALLOWABLE GRANT FUNDING EXPENSES:

A. Grant funds may be used to:

(1) supplement organizational staff or hire temporary staff, but cannot be used to supplant the organization's staffing budget;

(2) to purchase information technology items costing less than one thousand dollars (\$1,000) per unit;

(3) to purchase supply inventory costing less than one thousand dollars (\$1,000) per unit;

(4) to purchase office supplies costing less than one thousand dollars (\$1,000) per unit; and

(5) to pay for contractual services fees (consultants and vendors).

B. Matching funds may include:

(1) project staff's time, benefits and travel;

(2) project volunteer's time and travel; and

(3) all allowable grant funding expenses as identified in Subsection A of 1.13.5.11 NMAC.

C. Pursuant to the Governmental Conduct Act, current public officers and employees of the state and family members of the public officer or employee are not eligible to serve as paid consultants unless the consulting fee is under one thousand dollars (\$1,000.00). Former state officers and employees of the state are not eligible to serve as paid consultants for one year after their resignation or replacement unless the consulting fee is under one thousand dollars (\$1,000.00). The Governmental Conduct Act defines family as an individual's spouse, parents, children or siblings, by consanguinity or affinity.

[1.13.5.11 NMAC - Rp, 1.13.5.12 NMAC, 8/1/2015]

1.13.5.12 FUNDING: Depending on available funds, the maximum award is limited to eight thousand five hundred dollars (\$8,500) per applicant. Applicants shall provide a minimum match valued at twenty-five percent (25%) of the total grant award in either cash or in-kind services or materials as identified in Subsection B of 1.13.5.11 NMAC. The match shall be rendered during the project period as specified in the grant award. [1.13.5.12 NMAC - Rp, 1.13.5.13 NMAC, 8/1/2015]

1.13.5.13 APPLICATION FOR HISTORICAL RECORDS GRANTS:

A. An applicant shall submit one completed application with original signatures and supporting documents and the number of identical copies as specified on the application. An applicant may submit attachments to support its application.

B. The following information shall be included in the application:

- (1) applicant information including legal name, data universal numbering system number, address, contact name, phone number and e-mail address (if available);
- (2) signature by an individual legally authorized to obligate the applicant;
- (3) project title and amount of both the grant request and the proposed match;
- (4) applicant's status as defined in Subsection A of 1.13.5.8 NMAC;
- (5) a summary statement of no more than 200 words in length that briefly summarizes the nature and purpose of the project proposed for funding;
- (6) a project description narrative limited to four pages in length submitted on the form prescribed by the administrator; the narrative shall explain the significance of the material to be affected by the project, the scope of work to be performed and the outcome and impact that the completed project would produce;
- (7) the budget and budget narrative for the project submitted on the form prescribed by the administrator;
- (8) the project work plan for the project submitted on the form prescribed by the administrator; and
- (9) required attachments including:
 - (a) project work plan;
 - (b) project budget;
 - (c) statement demonstrating the applicant's legal custody of the affected records, or written permission from the organization that has legal custody;
 - (d) collection policy or statement from the affected organization's governing body indicating its commitment to sound practices concerning the historical material included in the project;
 - (e) a letter from the affected organization's governing body indicating support of the project and continuation of the project's purposes beyond the grant period;
 - (f) resumes of key personnel;
 - (g) job descriptions of staff to be hired;
 - (h) contractor and vendor scopes of work and minimum qualifications; and
 - (i) cost proposals or quotes from each contractor and vendor.
- (10) a non-profit organization must also submit:
 - (a) a copy of its tax-exempt or 501(c)(3), or equivalent, status;
 - (b) a copy of certification of its good standing status with the New Mexico secretary of state; and
 - (c) evidence that it has made provisions for the transfer of its holdings to a like organization or an appropriate repository for public access upon dissolution.

C. Applications shall conform to the following formatting requirements on the project description narrative: size 12 point font in times new roman and minimum one inch margins.

D. Completed applications (original and copies) shall be received by the deadline set forth in the application.

E. Applications that do not comply with these criteria shall be rejected.

[1.13.5.13 NMAC - Rp, 1.13.5.14 NMAC, 8/1/2015]

1.13.5.14 REVIEW PROCESS: Grant applications shall be subjected to a four-stage process.

A. First, all applications shall be screened for eligibility and compliance with 1.13.5 NMAC. Organizations that have submitted ineligible and non-compliant applications shall be notified by commission staff.

B. Second, eligible applications shall be reviewed for technical content by commission professional staff. At this level applicants may be advised of areas that need clarification.

C. Third, eligible proposals shall be evaluated by the New Mexico historical records advisory board and ranked according to published evaluation criteria published in 1.13.5.15 NMAC.

D. Fourth, recommendations for funding shall be submitted to the administrator for consideration and final approval.

[1.13.5.14 NMAC - Rp, 1.13.5.16 NMAC, 8/1/2015]

1.13.5.15 EVALUATION CRITERIA: Grant applications shall be evaluated on the following criteria:

- A. significance of the materials;
- B. scope of work;
- C. outcome and impact;
- D. project budget;
- E. entities that have never received a historical records grant;
- F. entities that have not received a historical records grant for three or more fiscal years prior to the fiscal year in which the grant period will occur; and
- G. conditions identified by the national historical publications and records commission for grant recipients as outlined in the commission's federal grant award.

[1.13.5.15 NMAC - N, 8/1/2015]

1.13.5.16 POST-AWARD REQUIREMENTS: Successful grant applicants shall comply with the following post-award requirements:

- A. Register as a vendor pursuant to state law.
- B. Execute a grant agreement or grant contract with the commission.
- C. Display the commission, New Mexico historical records advisory board and national historical publications and records commission logos and note financial support on all printed materials and websites promoting the grant project.
- D. Where applicable, include an online publishing component to increase the public's online access to descriptive information and digital collections.
- E. Submit interim reports by January 31 of the fiscal year for which the grant award is made or as required in the grant agreement or grant contract on the form prescribed by the administrator. Progress reported shall be substantially in line with the project work plan included in the grant agreement or grant contract. Any appreciable deviation from the work plan shall be justified in the progress report.
 - (1) If work has not been initiated as stipulated in the grant agreement or grant contract, the commission reserves the right to nullify the entire grant award.
 - (2) If progress reported lags substantially behind that described in the grant agreement or grant contract, the grant administrator shall review the project, consult with the grantee to determine whether timely completion of the project is feasible and make a recommendation to the administrator on continuation of the project. Based on the recommendation, the commission reserves the right to terminate the grant or require an amended scope of work and reduced award.
 - (3) Failure to submit the interim report by the established deadline may result in suspension of further reimbursements or payments until the report is submitted and accepted. If the report is not submitted within 30 days of the due date of the interim report, no further requests for reimbursements or payments shall be honored until the report is received.
- F. Complete the scope of work and performance measures as identified in the grant agreement or grant contract no later than June 15 of the fiscal year for which the grant award is made.
- G. Submit final reports and requests for reimbursement within 15 days of project completion or no later than June 30 of the fiscal year for which the grant award is made, whichever is earlier, on the form prescribed by the administrator.
- H. Request funds for reimbursement based on deliverables completed. Reimbursement requests must include original receipts for items purchased and proof of payment for contractual fees.
- I. Maintain grant records for at least two years after completion of the project.
- J. Complete the project within the grant period specified in the grant award.

[1.13.5.16 NMAC - Rp, 1.13.5.17 NMAC, 8/1/2015]

HISTORY OF 1.13.5 NMAC:

History of Repealed Material:

1.13.5 NMAC, New Mexico Historical Records Grant Program Guidelines, filed 11/15/2000 - Repealed 8/1/2015.