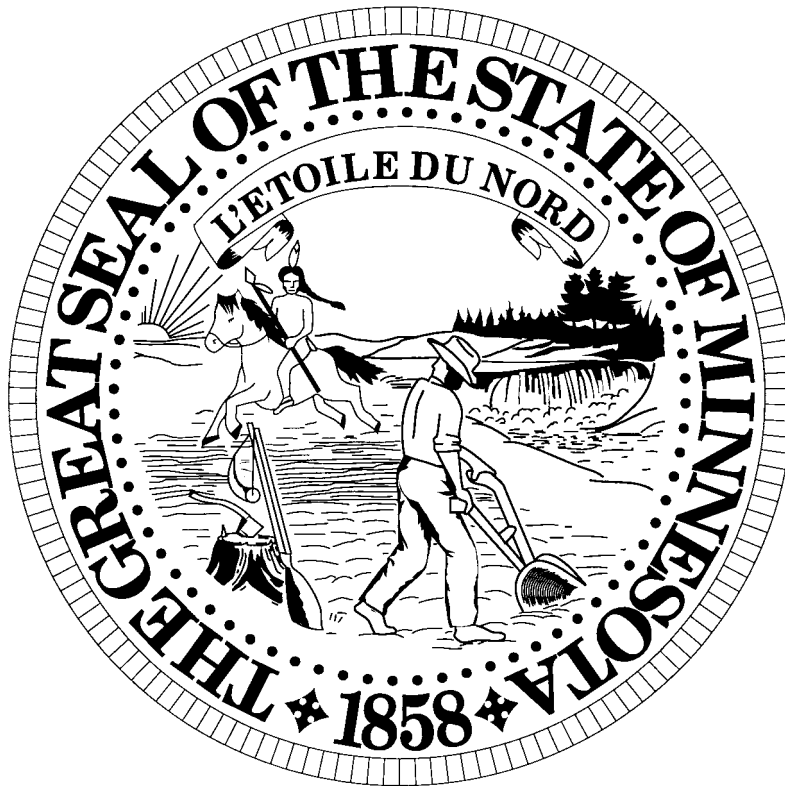


Minnesota

State Register

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 13 October 2003
Volume 28, Number 15
Pages 495 - 518

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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Printing Schedule and Submission Deadlines

Vol. 28 Issue Number	PUBLISH DATE	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Both Adopted and Proposed RULES
#15	Monday 13 October	Noon Tuesday 7 October	Noon Wednesday 1 October
#16	Monday 20 October	Noon Tuesday 14 October	Noon Wednesday 8 October
#17	Monday 27 October	Noon Tuesday 21 October	Noon Wednesday 15 October
#18	Monday 3 November	Noon Tuesday 28 October	Noon Wednesday 22 October

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Website: www.senate.leg.state.mn.us/departments/secretary/seninfo.htm

House Information Office (651) 296-2146
State Office Building, Room 175, 100 Constitution Ave., St. Paul, MN 55155
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Individual copies and subscriptions to the <i>State Register</i> and <i>Solicitations Announcements</i> are available through Minnesota's Bookstore, (651) 297-3000, or (800) 657-3757.		

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

Expedited and Emergency Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Department of Administration

Adopted Permanent Rules Relating to State Contracts

The rules proposed and published at *State Register*, Volume 27, Number 27, pages 995-1008, December 30, 2002 (27 SR 995), are adopted with the following modifications:

1230.0100 SCOPE.

Pursuant to *Minnesota Statutes*, ~~chapter~~ chapters 16B and 16C, parts 1230.0100 to 1230.1910 govern the procurement of materials and services for the state ~~under the competitive bidding requirements.~~

1230.0150 DEFINITIONS.

Subp. 20. **Responsible vendor.** "Responsible vendor" means a vendor who:

I. is willing to furnish all information necessary to determine responsibility as outlined in items A to H within 30 calendar days or less or within a reasonable amount of time determined by prior consensus between the bidder and the division.

Subp. 24. **Terms governing socially disadvantaged persons.**

The terms in items A to C have the meanings given them for purposes of administering the small business procurement program.

A. "Racial minority" means an individual in one or more of the categories in subitems (1) to (5).

(2) "Hispanic American" means persons of ~~Mexican, Puerto Rican, Cuban~~ having origins in Mexico, Puerto Rico, Cuba, Central or South American America, or other Spanish culture ~~or origin~~, regardless of race.

(3) "Asian Pacific American" means persons ~~with~~ having origins ~~from~~ in Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China (including Hong Kong), Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, the Philippines, the United States Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated states of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, or Nauru.

(4) "Subcontinent Asian American" means persons ~~with~~ having origins ~~from~~ in India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal.

Subp. 26. **Small business eligible for certification as socially disadvantaged business or economically disadvantaged area business.** "Small business eligible for certification as socially disadvantaged business or economically disadvantaged area business" means a small business entity with its principal place of business in Minnesota organized for profit, including an individual, partnership, corporation, joint venture, association, or cooperative that is at least 51 percent owned and is operationally controlled on a day-to-day basis by citizens or lawfully admitted permanent residents of the United States. Certified rehabilitation facilities and extended employment providers need not be organized for profit to be eligible for certification.

1230.0300 SOLICITING RESPONSES.

Subpart 1. **Publication.** Notice of solicitations estimated to exceed the limits established by *Minnesota Statutes*, section 16C.06, subdivision 1, must be advertised at least seven calendar days prior to the opening date. Responses must also be solicited by announcing solicitations to prospective responders registered with the division pursuant to subpart 3.

1230.0600 RESPONDER ERRORS.

Prior to the date and time responses are due, any person may withdraw a response or any part of a bid by notifying the director in writing of the desire to withdraw, by appearing in person at the division office and withdrawing the response, or by an electronic writing or facsimile received by the director requesting withdrawal of the response.

Adopted Rules

Subsequent to the date and time responses are due, a person may withdraw a response or any part of a bid only upon a showing that an obvious error exists in the response. The showing and request for withdrawal must be made in writing to the director within a reasonable time after the opening of the responses and prior to the state's detrimental reliance on the response.

1230.0700 RECEIPT AND OPENING OF RESPONSES.

Subpart 1. ~~Division's Treatment of responses to solicitations.~~ Upon receipt ~~in the division,~~ all bids and proposals must be time stamped, showing the date and hour received. Responses must be opened publicly and read aloud in accordance with *Minnesota Statutes*, section 13.591, subdivision 3, at the time and place established in the solicitation. Bids and proposals received after the time set for the opening must not be opened or considered. Written notification of a late response must be provided to the responding vendor. The division must, at the vendor's request, return the unopened response to the vendor at the vendor's expense if the request is made within ten working days of the opening.

1230.0750 ORGANIZATIONAL CONFLICTS OF INTEREST.

Subp. 4. Public data. Data generated under this part becomes public in accordance with *Minnesota Statutes*, section 13.591.

1230.0900 TIED BIDS.

Subpart 1. **Resolving tied bids.** Tied low bids for less than \$2,500 must be resolved by a coin toss among the tied low bidders, except as provided in subpart 2. Except as provided in subpart 2, tied low bids for \$2,500 or more must be referred to the director for disposition. The methods used to resolve tie bids may include requesting second pricing from the vendors; or negotiating with the tied low bidders; ~~or other methods the director considers to be in the best interest of the state.~~

1230.1700 CERTIFICATION OF ELIGIBILITY.

Subpart 1. **Required information.** To qualify for the programs authorized by *Minnesota Statutes*, section 16C.16, each business shall file with the division the information in items A, B, C, D, and H; and E, F, and G as applicable on the application forms provided.

B. Which type of designation, small business, socially disadvantaged small business, or economically disadvantaged area small business is being applied for:

(4) the business is a rehabilitation facility or ~~a work activity program as~~ extended employment provider certified by the Department of Economic Security.

F. If the business seeking certification under item B, subitem (2), unit (a), (b), (c), or (d), ~~and~~ is a contractor, the information in item E must be submitted in all categories except as modified in the following:

Subp. 5. **Grounds for rejecting application.** An applicant must be notified in writing of the acceptance or rejection of the application, within 60 calendar days of receipt of the application form and all supporting documents required by the division. An application must be rejected on any of the following grounds:

Subp. 6. **Appeal of rejection of application.** After an applicant has received written notice of rejection of the application for certification as a socially disadvantaged small business or economically disadvantaged area small business, the applicant may appeal the decision in writing to the commissioner of administration within 15 calendar days of receipt of the determination. If there are facts in dispute, the commissioner may refer the matter to the Office of Administrative Hearings for a contested case hearing under *Minnesota Statutes*, sections 14.57 to 14.62. The applicant has the burden of proof in establishing qualifications for certification. The commissioner shall, if time permits, refer the appeal to the Small Business Procurement Advisory Council or, if the council does not exist, a panel designated by the commissioner, for ~~its~~ a recommendation before reaching a final decision. The commissioner shall make a final decision in writing within 60 calendar days of receipt of the appeal.

1230.1850 REMOVAL FROM SOCIALLY DISADVANTAGED OR ECONOMICALLY DISADVANTAGED AREA SMALL BUSINESS PROGRAM.

Subp. 3. **Removal from Socially Disadvantaged or Economically Disadvantaged Area Small Business Program when a business no longer qualifies.** A business must be removed from the Socially Disadvantaged or Economically Disadvantaged Area Small Business Program when the business no longer qualifies for the programs under *Minnesota Statutes*, section 16C.19, and parts 1230.1400 to 1230.1910. Notice of removal and the reasons for removal must be given in writing to the business by the division. Removal is effective upon receipt of the notice by the business. When removal is for loss of status as an economically disadvantaged area, the business remains eligible for 120 calendar days after certified small businesses in the area are notified of the termination of the status by the division.

Subp. 4. **Appeal of removal.** When a business is removed from the Socially Disadvantaged or Economically Disadvantaged Area Small Business Program under subpart 3, the business may appeal the removal and disqualification to the commissioner of administration in writing within 15 calendar days of the receipt of the notice of removal. Receipt of the appeal must be acknowledged by the commissioner in writing within 15 calendar days of receipt. The commissioner shall request that the business choose either an informal review of the disqualification under item A or a formal review under item B if facts of the matter are in dispute. If a business fails to choose either an informal or formal review within 15 calendar days of the receipt of the ~~notice of removal com-~~

missioner's request, the right to appeal lapses.

A. Informal review. The Small Business Procurement Advisory Council or, if the council does not exist, a panel designated by the commissioner, shall consider whether the decision to remove a business from the Socially Disadvantaged or Economically Disadvantaged Area Small Business Program was reasonable and whether the removal is in compliance with subpart 3. The council or panel will review the facts presented by the business and the division. Within 60 calendar days of ~~the council's~~ receipt of a request for review, the council or panel shall recommend that the commissioner take one of the following actions:

- (1) reinstate the business to the Socially Disadvantaged or Economically Disadvantaged Area Small Business Program;
- (2) affirm the removal of the business; or

(3) refer the matter to the Office of Administrative Hearings for a contested case hearing under *Minnesota Statutes*, sections 14.57 to 14.62. The ~~council's~~ recommendation to the commissioner must be in writing and include the reasons for ~~its~~ the decision. The commissioner shall consider the recommendation and make a final decision on the matter within 15 calendar days of receiving the ~~council's~~ recommendation. The commissioner shall include written reasons for the decision.

B. Formal review. Within 30 calendar days after a request by the business ~~or the council, or panel~~ for formal review, the commissioner will initiate a contested case hearing under *Minnesota Statutes*, sections 14.57 to 14.62, by filing a request for assignment of an administrative law judge with a notice of an order for hearing. When the commissioner receives the report of the administrative law judge, the commissioner shall forward the report to the ~~Small Business Procurement Advisory~~ council or panel for ~~its~~ review, and the council or panel shall, within 45 calendar days, make ~~its~~ a recommendation. The commissioner shall make a final decision on each appeal.

1230.1905 NOTICE OF CHANGES.

All businesses shall notify the division in writing of any changes in information submitted in an application for certification or attached information within 30 calendar days of the changes. This section applies to changes in information occurring at any time and is not limited to changes occurring while an application is pending approval.

Executive Orders

The governor has the authority to issue written statements of orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order #03-13: Providing for Personnel and Equipment for the Monticello Nuclear Power Plant Drill and Exercise

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, the Minnesota Department of Public Safety, Division of Emergency Management, has requested assistance in providing personnel and equipment to support the Monticello Nuclear Power Plant Drill and Exercise; and

WHEREAS, adequate personnel and equipment are not available from the Department of Public Safety, other participating agencies, Sherburne and Wright Counties of Minnesota, and other local authorities;

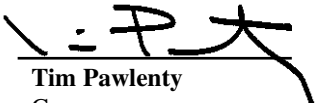
NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about October 7, 2003, October 8, 2003, and November 18, 2003, in the service of the state, such personnel and equipment of the military forces of the state needed by the Department of Public Safety and Sherburne and Wright Counties to successfully complete the Monticello Nuclear Power Plant Drill and Exercise.
2. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be paid by the Department of Public Safety, Division of Emergency Management, as provided by an interdepartmental agreement dated August 7, 1995.

Pursuant to *Minnesota Statutes* 2002, Section 4.035, subd. 2, this Order shall be effective immediately and through November 18, 2003.

Executive Orders

IN TESTIMONY WHEREOF, I have set my hand this 3 day of October, 2003.


Tim Pawlenty
Governor

Filed According to Law:


Mary Kiffmeyer
Secretary of State

Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* § 270.0604

Department of Revenue

Revenue Notice # 03-12: Sales and Use Tax - Sales Price - Separately Stated Charges

Background

Minnesota Statutes, section 297A.61, subdivision 7, defines "sales price" and provides that certain items, which are identified in subdivision 7, can be deducted from the gross receipts received by the seller to arrive at the amount subject to the sales tax. Subdivision 7 provides that certain discounts allowed by the seller and taken by the purchaser, interest and carrying charges from credit extended to the purchaser, and taxes legally imposed directly on the purchaser can be deducted in arriving at the sales price.

Issue

What items can be separately stated by the seller on an invoice or billing to the purchaser and thereby not be subject to the sales tax? What methods or modes of separately stating items on an invoice or billing are acceptable?

Department Position

Sales tax should not be imposed upon separately stated charges for certain discounts, carrying charges and taxes as provided in *Minnesota Statutes*, section 297A.61, subdivision 7. In addition to separately stating the statutory deductions to the sales price, sellers may under certain circumstances separately state nontaxable goods or services that are being sold by the seller as part of the same transaction. When a bundled transaction includes both taxable and nontaxable goods or services being purchased together from the same retailer, the total amount of consideration received by the seller will be the sales price, unless the nontaxable goods or services are stated separately at the time of sale to the purchaser. Revenue Notice # 00-04 sets forth the department's position as to when nontaxable goods or services can be separately stated.

To separately state an item in a bundled transaction, the seller must provide the purchaser with a copy of an invoice or billing which contains a separate line item identifying the non-taxable item or items and the amount of consideration attributable to that item or items. The amount of consideration attributable to each item must be consistent with economic reality and be based upon the fair market value of the good or service being transferred to the purchaser. All separately stated deductions to the sales price must be ascertainable at the time of sale and cannot be established by events occurring after the sale. Reducing the tax rate applied to the items being purchased is not allowed as a method of separately stating the statutory deductions allowed to the sales price under *Minnesota Statutes*, section 297A.61, subdivision 7. Providing information that allows the purchaser to calculate the statutory deductions, without separately stating the amount of the deductions, is not allowed as a method of separately stating the deductions.

Examples

A retailer sells a widget on credit for \$205, which includes \$200 for the widget and \$5 carrying charges. The retailer separately states the carrying charges if its invoice includes the following:

Widget	\$200
Carrying Charges	5
Sales Tax (6.5%)	13
Total	<u>\$218</u>

The retailer does not separately state the interest if its invoice includes the following:

Widget & Carrying Charges	\$205
Sales Tax (6.5%)	13
Total	<u>\$218</u>

Although the purchaser can calculate the amount of carrying charges from the information provided, it is not separately stated. Moreover, the tax is incorrectly stated to be \$13. The tax should be \$13.33 based upon a sales price of \$205 because the interest is not separately stated.

Raymond R. Krause, Assistant Commissioner

Official Notices

*Pursuant to Minnesota Statutes § 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.*

Minnesota Board on Aging

Notice of Intent to Designate an Area Agency on Aging

In accordance with 45 CFR 1321.35, the Minnesota Board on Aging (MBA) is required to designate an area agency on aging (AAA) for each designated planning and service area (PSA). As of December 31, 2003, the MBA will no longer serve as the AAA for the Headwaters PSA comprised of Beltrami, Clearwater, Hubbard, Lake of the Woods and Mahnomen counties. Therefore, the MBA intends to designate a new AAA to serve this area for calendar year 2004.

PROCEDURES FOR DESIGNATION

To apply for designation as an AAA for a particular planning and service area, an interested party must file a letter of intent with the MBA. Upon determination that the interested party is eligible to apply, application instructions and forms will be forwarded.

FUNCTIONS OF AREA AGENCIES ON AGING

An AAA must:

- develop and administer an area plan on aging for a comprehensive and coordinated system of services in the PSA; and
- serve as the advocate and focal point for older individuals in the PSA.

DEFINITION OF AN AREA PLAN ON AGING

An Area Plan on Aging is the document submitted by an AAA to the MBA for approval, which allows it to receive funding for programs and services for older individuals in the PSA. The area plan contains provisions required by the Older Americans Act and MBA policies and commitments that the AAA will administer all activities in accordance with Federal and State mandates. An AAA may use its contracting or granting authority only for activities under its approved Area Plan.

ELIGIBILITY

The MBA may designate as an AAA any of the following types of agencies that have the authority to perform the functions of an AAA:

- an established office on aging which operates within the designated PSA boundaries;
- any office or agency of a unit of general purpose local government designated by the chief elected official to function only as an AAA;
- any office or agency designated by the chief elected officials of a combination of units of general purpose local governments to function as an AAA; or
- any other public or private nonprofit agency under the supervision or direction of the MBA for this purpose.

Official Notices

SELECTION CRITERIA

The degree to which an applicant agency can demonstrate capacity to:

- a. develop and administer an area plan;
- b. serve as the advocate and focal point for older individuals and their issues;
- c. meet or exceed federal and state policy and procedural requirements; and
- d. provide sound fiscal planning, management and control.

The degree to which an applicant agency can demonstrate compatibility between its organizational goals and the goals of the Older Americans Act through:

- a. documentation of agency mission and clarity of purpose;
- b. historical commitment to the well-being of older individuals; and
- c. an explanation of planning and coordinating role in the community.

The degree to which an applicant agency can demonstrate:

- a. the ability to provide adequate matching resources to meet the nonfederal share of AAA administrative costs;
- b. the support of local governmental bodies in the PSA; and
- c. the support of programs, organizations and clubs for older individuals within the PSA.

DEADLINES

Letters of intent must be received by the MBA no later than 4:00 PM on October 20, 2003. Upon receipt and determination of eligibility, application forms and instructions will be forwarded. Formal applications must be received by the MBA no later than 4:00 PM on November 14, 2003. Both letters of intent and formal applications should be submitted to:

Executive Director
Minnesota Board on Aging
444 Lafayette Road
St. Paul, MN 55155-3843

Questions regarding this Notice may be directed to Jim Knobel at (651) 296-0877 or at jim.knobel@state.mn.us.

Minnesota State Agricultural Society (Minnesota STATE FAIR)

Meeting of the Board of Managers

MINNESOTA STATE FAIRGROUNDS - The board of managers of the Minnesota State Agricultural Society will meet at 10:00 a.m. Friday October 17 at the Libby Conference Center on the State Fairgrounds. The Society is the governing body of the Minnesota State Fair. Agendas are available upon request; please phone the Minnesota State Fair at (651) 642-2200.

Dated: October 7, 2003

Minnesota Comprehensive Health Association

Notice of Meeting of the Member Company Appeal Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), **Member Company Appeal Committee** will be held at 1:30 p.m. on Monday, October 20, 2003. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 900, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

Minnesota Comprehensive Health Association

Notice of Meeting of the Public Policy Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Public Policy Committee will be held at 10:00 a.m. on Monday, October 20, 2003. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 900, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609

Minnesota Historical Society

State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Tuesday, October 28, 2003, in the Cargill Commons, MacMillan Education Wing, Minnesota Historical Society History Center, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m. for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. Call (651) 296-5434, or TTY 800-627-3529. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (651) 296-5434.

Department of Human Services

Health Care Purchasing and Delivery Systems Division, Health Care Administration Public Notice of the Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of additions to the state Medical Assistance maximum allowable cost (state MAC) list for certain outpatient prescribed drugs.

At least once each calendar year, the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, publishes a federal upper limit (FUL) payment schedule for many commonly prescribed multiple-source drugs. The federal upper limit is set at a rate equal to 150 percent of the published price for the least costly therapeutic equivalent that can be purchased by pharmacists. This FUL payment schedule constitutes the federal MAC list. For many multiple-source drugs that are not on the federal MAC list, the Department establishes a state MAC list.

The Department requires Medical Assistance pharmacy providers to submit their usual and customary costs. Pharmacy providers are reimbursed at the lower of: the federal or state MAC, plus a dispensing fee; the submitted usual and customary charge to the general public; or a discount off of average wholesale price, plus a dispensing fee.

On February 7, 2003, pursuant to *Minnesota Statutes*, §16A.152, subdivision 4, the Governor balanced the State Fiscal Year 2003 budget. The Governor's action permits the Department to impose a state MAC for many multiple-source drugs that are on the federal MAC list, as long as the savings are at least as much as the savings would be using the federal MAC list.

On January 13, 2003 at 27 SR 1117-1130, the Department published the MAC list, listing the federal and state MACs. On February 18, 2003 at 27 SR 1331-1334, the Department published changes to the state MAC list, and on March 3, 2003 at 27 SR 1386-1393, April 21, 2003 at 27 SR 1583-1584 and August 4, 2003 at 28 SR 102-103, the Department published further changes to the state MAC list

Effective October 14, 2003, the Department will add certain outpatient prescribed drugs to the state MAC list. They are:

<u>GCN</u>	<u>DRUG NAME</u>	<u>STRENGTH</u>	<u>NEW MAC PRICE</u>
16404	NEFAZODONE	50MG	.4200
16406	NEFAZODONE	100MG	.4560
16407	NEFAZODONE	150MG	.4800
16408	NEFAZODONE	200MG	.4800
16409	NEFAZODONE	250MG	.4920
16364	PAROXETINE	10MG	2.484
16366	PAROXETINE	20MG	2.541
16367	PAROXETINE	30MG	2.668
16368	PAROXETINE	40MG	2.732

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$348,144 for State Fiscal Year 2004 (July 1, 2003 through June 30, 2004).

This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires publication of a notice when there is a rate change in the methods and standards for setting payment rates for Medical Assistance services.

Official Notices

Written comments and requests for information may be sent to:

Cody Wiberg, Pharm.D., R.Ph.
Pharmacy Program Manager
Health Care Purchasing and Delivery Systems Division
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, Minnesota 55155-3854
Phone: (651) 296-8515
Email: cody.wiberg@state.mn.us

Minnesota Department of Human Services

REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Chemical Dependency Care for Public Assistance Recipients; General Provisions, *Minnesota Rules*, parts 9530.6600 to 9530.6655

Subject of Rules. The Minnesota Department of Human Services requests comments on its possible amendment to rules governing Chemical Dependency Care for Public Assistance Recipients; General Provisions. These rules are informally known as "Rule 25". The Department is considering rule amendments that remove references to categories of licensure for chemical dependency treatment providers, clarifies assessment and placement requirements, details exceptions to placement criteria, updates the appeals of assessment requests and placement decisions, and repeals outmoded and conflicting requirements in the rule.

Persons Affected. The amendment to the rules would likely affect persons who seek chemical dependency assessment or treatment and their families, counties and tribes who provide chemical dependency assessment or treatment and their designees, health plans who pay for or provide chemical dependency assessment or treatment and their employees.

Statutory Authority. *Minnesota Statutes*, section 254A.03, subdivision 3, requires the Department to adopt rules which establish criteria used to determine appropriate chemical dependency treatment care for recipients of public assistance, and section 256E.05, subdivision 1a, allows the commissioner to amend rules to simplify and consolidate and emphasize and improve the outcomes of rules.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department intends to appoint an advisory committee to comment on the possible rules. The advisory committee will review and comment on the possible rules until November 2003 or until another notice is published in the *State Register*.

Rules Drafts. The Department is preparing a draft of the possible rule amendments for review and comment. A copy of the draft rules will be available from the agency contact person.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules and requests for more information on these possible rules should be directed to: Lee Gartner regarding chemical health policy at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3823, **telephone** (651) 582-1838, or **FAX** (651) 582-1865, and **email** lee.gartner@state.mn.us; or Robert Klukas regarding rulemaking at the Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, **telephone** (651) 296-2794, **FAX** (651) 297-3173, robert.klukas@state.mn.us. TTY users may contact the Department at (651) 296-5705.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Kevin Goodno
Commissioner

Metropolitan Airports Commission

Open House Scheduled for Airport Part 150 Update

The Metropolitan Airports Commission will hold an Open House to present revised aviation activity forecasts and other information to be used in developing airport noise contours for 2007. The noise contours prepared using this information will be presented at a future open house and will not be available at this event. MAC staff and consultants will be available to discuss the information and to answer questions. No formal presentation is planned.

Thursday, October 23, 2003, 4:00 p.m. - 8:00 p.m.
Metropolitan Airports Commission
General Office
6040 28th Avenue South
Minneapolis

For further information contact Melissa Scovronski at (651) 726-8141.

Minnesota Pollution Control Agency

Office of Strategic Resource Management

REQUEST FOR COMMENTS on Planned New Rules Governing Air Emission Permits to be codified in *Minnesota Rules* Chapter 7007, and possible amendments to Chapters 7005, 7011, 7017, and 7019

Subject of Rules: The Minnesota Pollution Control Agency (MPCA) requests comments on its planned new rules (to be codified in *Minnesota Rules* ch. 7007) that would establish conditions under which facilities with actual emissions less than federal permitting thresholds would be allowed to apply for and obtain a streamlined air emissions permit. Chapter 7007 contains Minnesota's air emissions permitting rules. Chapter 7007 currently contains four registration permit options for sources with actual emissions less than 50 percent of federal permitting thresholds. These four registration permits are streamlined and less burdensome for the MPCA to administer. This rule will add a new streamlined permit option for facilities with actual emissions between current registration permit and federal permitting thresholds.

Federal regulations require an owner of a facility with the potential-to-emit (PTE) air pollutants greater than established thresholds to apply for and obtain an air emission permit. The PTE of a facility is calculated assuming that the facility is continuously operated at maximum capacity. The U.S. Environmental Protection Agency (EPA) has interpreted federal law as allowing states to develop rules that will legally limit the PTE of these facilities to levels below the federal (part 70) thresholds so that these facilities would be eligible to obtain a streamlined permit. The MPCA believes this rulemaking will reduce the administrative burden for affected facility owners and the MPCA. This rule will also create an incentive to implement pollution prevention projects or to install control technology, in order to qualify for a more simplified permit, resulting in a positive environmental impact. The MPCA anticipates the new rule will result in lower permitting cost to affected facilities compared to the cost to obtain a federal part 70 permit or individual state permit. Additional cost savings could result from the facility's ability to make changes without receiving a permit amendment as long as permit conditions are met. The MPCA will also be able to issue the permit in a shorter amount of time with less administrative cost. The MPCA is planning to codify new rules in *Minnesota Rules* ch. 7007. Additionally, amendments to *Minnesota Rules* chs. 7005, 7011, 7017, and 7019, related to air quality permitting may be required to be consistent with the changes made to *Minnesota Rules* ch. 7007.

In May 2003, MPCA staff conducted a survey of potentially eligible facilities. The survey results, and experience with an experimental permit, will be used as a framework to solicit comments under this request. Information on the results of this survey and the survey questions can be found on the MPCA website at: <http://www.pca.state.mn.us/hot/envinnovations.html#survey>. Information on the results of the experimental permit mentioned above can be found on the MPCA website at: <http://www.pca.state.mn.us/hot/ibm-emsp permit.html>.

Persons Affected. The new rules and rules amendments will affect facility owners with actual emission levels above current registration permit options and below federal part 70 permit thresholds, if they choose to apply for a permit under the new rule. In addition, the MPCA anticipates the rule will encourage some facilities with actual emission levels above the federal part 70 permit thresholds to undertake pollution prevention opportunities to reduce actual emissions below federal thresholds in order to qualify for the streamlined permit.

Statutory Authority. The MPCA's authority to adopt and implement these rules is found in *Minnesota Statutes* section 116.07, subdivisions 4 and 4a. This broad rulemaking authority is "without limitation" and includes authority to adopt rules "on any ... matter relevant to the prevention, abatement, or control of air pollution."

Official Notices

Subd. 4, Rules and standards. Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of *Laws 1967*, chapter 882, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein.

Subd. 4a, Permits. (a) The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions of noise pollution.

Public Comment. The MPCA is currently soliciting comments on plans for a new streamlined permit option. The MPCA is planning to draft a rule to implement a new streamlined permit option as the result of comments submitted. The MPCA would especially like comments on what additional permit requirements, over current registration permit requirements, would be reasonable (e.g. reporting, record keeping, compliance history, demonstration of compliance with National Ambient Air Quality Standards, etc.). Affected or interested persons or groups may submit comments or information on this planned rulemaking in writing or orally until 4:30 p.m. on November 15, 2003. The MPCA does not intend to form a formal advisory work group to assist with the new rule and rule amendments. The MPCA plans to start drafting the rule in the near future.

Agency Contact Person. If you would like to be placed on a mailing list (e-mail list) for this rulemaking or you have questions concerning this rulemaking please contact Mary Jean Fenske or Andrew Ronchak. Written comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on this planned new rule and rule amendments should be directed to one of the following:

Mary Jean Fenske
Minnesota Pollution Control Agency
520 Lafayette Road N,
St. Paul, Minnesota 55155-4194
Phone: (651) 297-5472
email: maryjean.fenske@pca.state.mn.us

Andrew Ronchak
Minnesota Pollution Control Agency
520 Lafayette Road N,
St. Paul, Minnesota 55155-4194
Phone: (651) 296-3107
email: andrew.ronchak@pca.state.mn.us

TTY users may call the MPCA at TTY (651) 292-5332 or 800-657-3864.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Sheryl Corrigan, Commissioner
Minnesota Pollution Control Agency

Minnesota Racing Commission

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Licensure, Minnesota Rules, 7870; Pari-Mutuel Rules, Minnesota Rules, 7873; Stabling, Minnesota Rules, 7876; Class C Licenses, Minnesota Rules, 7877; Racetrack Security Officers, Minnesota Rules, 7878; Horse Races, Minnesota Rules, 7883; Horse Medication, Minnesota Rules, 7890; Breeders' Fund, Minnesota Rules, 7895; Prohibited Acts, Minnesota Rules, 7897 and other rules proposed by industry groups.

Subject of Rules. The Racing Commission requests comments on its possible amendment to rules governing horse racing. Proposed rule amendments include the following subjects: Increasing the cost level at which a Class A or B licensee must obtain commission approval prior to alteration of its facility. Adding descriptive language for horse ambulance vehicle requirements. Reducing wagering and betting interest requirements on Trifecta and Superfecta races. Allowance for a carryover and cancellation of a carryover on Superfecta and Pick Four wagering. Proposed Place Pick All and Head to Head wagering. Adding health certificate requirements for non-racing horses. Clarifying language regarding health certificates for racehorses consistent with language proposed for non-racing horses. Adding language requiring naming of an owner of a stable in the racing program. Removal of licensing requirements for vendors not related to horse racing. Adding requirements for trainers and veterinarians possessing

Official Notices

substances that are FDA approved. Allowance for consideration in assistant trainer culpability. Removal of language regarding firearms pursuant to state mandated legislation. Removing language that disallows entering a horse unless the owner is licensed. Adding language prohibiting the entry of a horse 14 years of age or older. Additional medical term definitions. Allowing standardbred breeders' fund awards for Minnesota-bred horses finishing fifth or better in non-pari-mutuel races. Changing standardbred requirements to allow stallions to leave the state during breeding season under specific conditions. Changing payments for awards and purse supplements to Minnesota-bred quarter horses that finish fifth or better.

Persons Affected. The amendment to the rules would likely affect licensed racetracks, veterinarians, vendors, horse owners, breeders, jockeys, trainers, other individuals competing and performing work at a licensed racetrack and the betting public.

Statutory Authority. The commission's statutory authority to amend these rules is set out in *Minnesota Statutes*, sections 240.08 Subd. 1, Occupational Licenses; 240.13 Subd. 3, Pari-Mutuel Betting; 240.16 Subd. 4, Stewards; 240.19, Contracts; 240.23, Rule Making Authority; and 240.24 Subd. 1, Medication.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the commission intends to adopt or to withdraw the rules. The commission has appointed an advisory committee to comment on the planned rules.

Rules Drafts. The commission has not yet prepared a draft of the planned rules amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be directed to:

Richard G. Krueger, Executive Director
Minnesota Racing Commission
P.O. Box 630
Shakopee, MN 55379
(952) 496-7950, FAX (952) 496-7954
richard.krueger@state.mn.us

TTY users may call the commission at 1-800-627-3529.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: September 18, 2003

Richard G. Krueger
Executive Director
Minnesota Racing Commission

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Department of Administration

State Architect's Office

Notice of Availability of Request for Proposals to Provide Constructibility and Interdisciplinary Coordination Review of Drawings and Specifications for the MDA/MDH Laboratory Building and Orville L. Freeman Office Building (SAO Project Nos. 02279SPL & 02280SPX)

The State of Minnesota through its department of Administration, State Architect's Office ("State") is soliciting proposals for the services of Constructibility and Interdisciplinary Coordination Review of Drawings and Specifications for two new buildings for the Departments of Agriculture and Health also know as the MDA/MDH Laboratory Building and Orville L. Freeman Office Building.

The full Request for Proposals is available at www.sao.admin.state.mn.us, click on "Solicitation Announcements", click on "RFP for Constructibility and Interdisciplinary Coordination for Project Nos. 02279SPL & 02280SPX". Written responses must be received no later than, **2:00 p.m. Central Standard Time on October 28, 2003**. RFP clarifications or changes and responses to questions, if any, will also be available on Web Site www.sao.admin.state.mn.us, click on "Solicitation Announcements", click on "RFP for Constructibility and Interdisciplinary Coordination for Project Nos. 02279SPL & 02280SPX". Late responses will not be considered.

Questions may be faxed to attention of Glenn Metz at (651) 296-7650 or **e-mailed** to glenn.metz@state.mn.us. Questions must be received no later than 4:00 p.m. on October 22, 2003 and response to questions will be available by end of day October 24, 2003 on Web Site www.sao.admin.state.mn.us. The contact person identified is to be the only person authorized to respond to questions.

Colleges & Universities, Minnesota State (MnSCU)

Metropolitan State University

Notice of Request for Sealed Proposals for Interior Furnishings for the Library and Information Access Center

Sealed proposals for interior furnishings for the Metropolitan State Community Library & Information Access Center project located at 645 7th Street East, St Paul, MN 55106, will be received by Natalie Ennis of Metropolitan State University, Business Office, FH 329, 700 E 7th Street, St Paul, MN 55106 until 2pm, Thursday, October 30th, 2003 at which time they will be opened publicly and read aloud. Bids received after this date and hour will not be accepted.

The kinds of materials, construction plans and work to be done for the project and on which bids will be received are as shown in the bidding documents for said project. The bid proposal will be a lump sum for all of the work, listed in each group by manufacturer, as shown in the documents. All partial group bids will be rejected. Bidders may submit bids for one or more groups of furnishings as shown in the bidding documents.

Any substitutions submitted must meet the minimum requirements of the original plans and specifications and bid documents. If a substitute is made for any items, all items in the group must be substituted by the same manufacturer.

All work is to be done in strict compliance with the plans and specifications prepared by Meyer, Scherer & Rockcastle, Ltd. Architects (MS&R). Plans, specification and bid forms will be available at the Architect's office, 710 South Second Street, 7th floor, Minneapolis, MN 55401.

All bids shall be made on the form(s) furnished in the documents and shall be filed on or before the time specified above, in a sealed envelope addressed to Natalie Ennis at the Metropolitan State University Business Office, clearly stating that the envelope contains a bid on this project. No bid bond is required.

The successful bidder(s) will be required to furnish a performance and payment bond in the amount of one hundred percent (100%) of the contract price guaranteeing faithful performance of all persons supplying labor and/or materials in the execution of the work provided for in the contract.

Bidders may obtain a maximum of one (1) complete set of bidding documents at the Architect's office. There is no deposit. Bidders who wish to have a set mailed to them should fax their request along with address to MS&R, attention Ms. Leanne E. Larson, at (612) 342-2216. Clearly note in the request for plans and interior furnishings specifications for the Metropolitan State University Community Library and Information Access Center project.

Metropolitan State University reserves the right to reject any and/or all bids received and to waive any/or all technicalities and/or all irregularities.

All furnishings and equipment called out in the contract, plans and specifications shall be delivered and completely installed by March 15, 2004.

Colleges & Universities, Minnesota State (MnSCU)

St Cloud Technical College

Call for Bids for an Industry Cross-Flow Spray Finishing Booth for the Carpentry Program.

Notice is hereby given that Offers will be received by the Director of Purchasing, St. Cloud Technical College, until 2:00 P.M. on November 4, 2003 for the purpose of purchase and installation of an Industry Cross-Flow Spray Finishing Booth for the Carpentry Program, according to the specifications on file at:

St. Cloud Technical College
Business Office
1540 Northway Drive
St. Cloud, Minnesota 56303
Attention: Jeff John
Phone: (320) 308-5512
Fax: (320) 308-5027
Email: jaj@sctc.edu

Specifications and Request for Proposal forms may be obtained from Jeff John the Director of Purchasing at the address shown above. The request for proposal may also be downloaded off of the St Cloud Technical College's web site by visiting www.sctc.edu/boothspecs beginning October 13, 2003 until November 4, 2003.

A pre-bid meeting will be held at 9:30 am on October 20, 2003 in room 1-100 at St Cloud Technical College to answer any questions about the project.

Offers are to be submitted in a sealed envelope addressed to the Director of Purchasing at the above address and clearly marked :

"BID FOR SPRAY FINISHING BOOTH"

All applicants must provide one original and (2) copies of the proposal. Each copy of the proposal must be signed, in ink, by an authorized member of the company. Prices and terms of the proposal as stated must be valid for the length of any resulting contract. Each Bidder must furnish with each proposal a certified check or bid bond in the amount of 5% of the bid made payable to the St Cloud Technical College, to be forfeited as damages in case the proposal is accepted and the bidder fails to enter into a contract or fails to deliver services according to the provision of these bid specifications.

The final date for submitting a proposal is November 4, 2003 by 2:00 P.M. Central Daylight Time. Late proposals will not be considered. Faxed or e-mailed proposals will not be considered.

St. Cloud Technical College reserves the right to reject any and all offers and to waive any informalities contained in such offers. This request does not obligate the St Cloud Technical College to complete this project. The St Cloud Technical College reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

State Contracts

Minnesota Department of Employment and Economic Development

Request for Proposals for Interior Design Services

Project Overview

During the 2002 Minnesota Legislative session, legislation was passed to merge the Departments of Economic Security and Trade and Economic Development. The merged departments became the Department of Employment and Economic Development (DEE). The central offices of the merged department, currently located in four St. Paul locations, will be co-locating into one downtown location.

DEED is currently seeking proposals for interior design services for space planning and reconfiguring approximately 900 existing workstations and private offices, conference rooms, work areas, other special use areas, etc. The department anticipates interior design services will begin immediately upon award of contract. The move will be phased over approximately four (4) months, commencing in March 2004, in increments of approximately 40,000 square feet.

The contract will begin upon full execution of the contract with an anticipated completion date of July 16, 2004.

This request for proposal does not obligate the state to award a contract or complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Persons who are interested in responding to this RFP must complete Request for Proposal from Susan Farnham:

Susan Farnham
Department of Employment and Economic Development
390 North Robert St.
St. Paul, MN 55101
Susan.farnham@state.mn.us
Telephone: (651) 297-4874

Questions regarding this request for proposal may contact Ms. Farnham. Other personnel are **NOT** *authorized* to discuss this request for proposal before the proposal submission deadline. Contact regarding this RFP with any person not listed above could result in disqualification.

All proposals must be received not later than 1:00 p.m., Central Time, Monday, November 10, 2003, as indicated by a notation made by the Receptionist, 390 North Robert St, St. Paul, MN.

Department of Natural Resources

Notice of Availability of Contract for Fort Ridgely State Park Golf Course Reconstruction

The Minnesota Department of Natural Resources, Division of Parks is requesting proposals for the purpose of the redesign of a nine-hole golf course, design of new irrigation system, design of associated parking lots and practice greens, preparation of construction bid documents, administration of reconstruction contract.

Work is proposed to start after November 3, 2003.

A Request for Proposal will be available by mail from this office through October 29, 2003. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After October 29, 2003, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Kim Montgomery, Contract Consultant
DNR Facilities and Operations Support Bureau
500 Lafayette Road, Box 29
St. Paul, MN 55155-4029
kim.montgomery@dnr.state.mn.us
(651) 297-4902 **PHONE**
(651) 297-5818 **FAX**

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:00 p.m., Central Time, November 3, 2003. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Solid Waste Management Coordinating Board

Notice of Request for Two Separate Bids for Residential Backyard Composting Bins and Kitchen Food Waste Buckets

The Solid Waste Management Coordinating Board is seeking two separate bids from qualified vendors for up to 15,000 residential backyard composting bins and up to 15,000 kitchen food waste buckets. Delivery dates for bins and buckets will be from April through June, 2004, in the Minnesota counties of Anoka, Carver, Dakota, Hennepin, Ramsey and Washington.

One or both Request for Bids is available by calling or writing Linda Gondringer, Solid Waste Management Coordinating Board, 477 Selby Avenue, St. Paul, Minnesota, 55102. **Phone:** (651) 222-7227. **Email:** lgondringer@richardsonrichter.com. Both Requests for Bids can be downloaded at www.swmcb.org.

Bids must be received no later than 12:00 noon, Central Standard Time, Friday, November 7, 2003. The SWMCB reserves the right to reject late bids.

Complete specifications and details concerning the submission requirements are included in the Request for Bids.

Department of Transportation

Program Support Group

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of a particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's web site at <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento
Pre-Qualification Administrator
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services website at: www.dot.state.mn.us/consult.

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Metropolitan Council

Notice of Request for Proposals (RFP) for the Hiawatha Light Rail Transit Line Transportation Services

Contract 03P104

The Hiawatha Light Rail Transit Line (Hiawatha LRT) is currently under construction in the Minneapolis-St. Paul Metropolitan Area and is scheduled to commence revenue service in April 2004. After completion of construction, the Metropolitan Council (Council) will be responsible for operation of the Hiawatha LRT.

The Council is seeking proposals for providing transportation services in the operation of the Hiawatha LRT in Minneapolis, Minnesota. The services are expected to include management of the operations function, supervision of central control, line supervision and train operations. The service provider will work under the direction of the Council's Metro Transit Assistant General Manager for Rail Operations.

A tentative schedule for this project is as follows:

<i>Issue Request for Proposals</i>	October 9, 2003
<i>Receive Proposals</i>	November 10, 2003
<i>Complete Evaluation and Council Action</i>	December 1, 2003
<i>Start of Services</i>	April 2004

In September 2003 the Council published a Request for Statements of Interest (SOI) concerning this project. An RFP package will be sent to all those who previously responded to the SOI. All other firms interested in being considered for this project and desiring to receive an RFP package are invited to submit a written request for the RFP to:

Amanda Houston
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
e-mail: amanda.houston@metc.state.mn.us

Metropolitan Council - Metro Transit

Sealed Bids Sought for Testing of Underground Storage Tanks

Procurement No. 6353

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for testing of underground storage tanks and related piping at five locations in the Twin Cities Metropolitan Area. Bids are due by 2:00 p.m. on October 30, 2003.

Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council
Metro Transit Purchasing Department
515 N. Cleveland Avenue
St. Paul, MN 55114
(612) 349-5070

Non-State Contracts & Grants

Northstar Corridor Development Authority

Notice of Request for Proposals for Public Information Services

The Northstar Corridor Development Authority (NCDA), a joint powers board, requests proposals from firms to provide public information services for the Northstar Commuter Rail project. The work will include the publishing and mailing of two newsletters, coordination of public information meetings and a brief survey of Northstar Commuter Coach riders. The Northstar Corridor is an 82-mile transportation corridor that follows Trunk Highway 10, the primary direct link between the northern Twin Cities' region and St. Cloud/Rice, Minnesota.

A pre-proposal conference is scheduled for October 10, 2003, at 1:30 p.m. Proposals must be received by 4:00 pm CST on Wednesday, October 29, 2003.

An RFP package may be obtained by submitting an e-mail or written request to:

Tim Yantos, Project Director
Anoka County Administration
2100 3rd Avenue
Anoka, MN 55303
Phone: (763) 323-5692
Fax: (763) 323-5682
E-mail: Tim.yantos@co.anoka.mn.us

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

University of Minnesota

Request for Qualifications (RFQ) for University of Minnesota 2004 Consultant Prequalification Program

The University of Minnesota is accepting submittals for its prequalification program for architects, engineers, and other providers of professional services for small construction projects (where the consultant's fee is under \$100,000). This program is currently planned to be in effect for calendar 2004.

Consultants who successfully prequalified in the University's 2003 Consultant Prequalification Program are having their prequalification status renewed automatically for 2004. These consultants need not take any action, or submit any documents unless they wish to update their prequalification profile.

Consultants need not prequalify under this program in order to submit proposals on large University projects (where consultant fees are over \$100,000). Projects in this category are awarded by an open RFP process.

Consultants wishing to submit documents for the 2004 Consultant Prequalification Program may download the RFQ document, instructions, and forms at the following web site beginning Wednesday October 1, 2004 <http://www.facm.umn.edu/facm/construction.htm> The deadline for both new submittals, and updated profiles is 2:00 p.m. CST Monday November 3, 2003. Documents received after this deadline will not be accepted.

For additional information, contact: Kevin McCourt, Business Manager, Capital Planning and Project Management, by e-mail at mccourt@facm.umn.edu, by fax at (612) 625-0770, or by phone at (612) 626-8973. Contact by e-mail or fax is preferred.

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Robin PanLener

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17. Signature and Title of Editor, Publisher, Business Manager, or Owner
Nolly Swif, Mgr. Accounts Payable Date *9-26-03*

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

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2. In cases where the stockholder or security holder is a trustee, include in items 10 and 11 the name of the person or corporation for whom the trustee is acting. Also include the names and addresses of individuals who are stockholders who own or hold 1 percent or more of the total amount of bonds, mortgages, or other securities of the publishing corporation. In item 11, if none, check the box. Use blank sheets if more space is required.
3. Be sure to furnish all circulation information called for in item 15. Free circulation must be shown in items 15d, e, and f.
4. Item 15h., Copies not Distributed, must include (1) newsstand copies originally stated on Form 3541, and returned to the publisher, (2) estimated returns from news agents, and (3), copies for office use, leftovers, spoiled, and all other copies not distributed.
5. If the publication had Periodicals authorization as a general or requester publication, this Statement of Ownership, Management, and Circulation must be published; it must be printed in any issue in October or, if the publication is not published during October, the first issue printed after October.
6. In item 16, indicate the date of the issue in which this Statement of Ownership will be published.
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