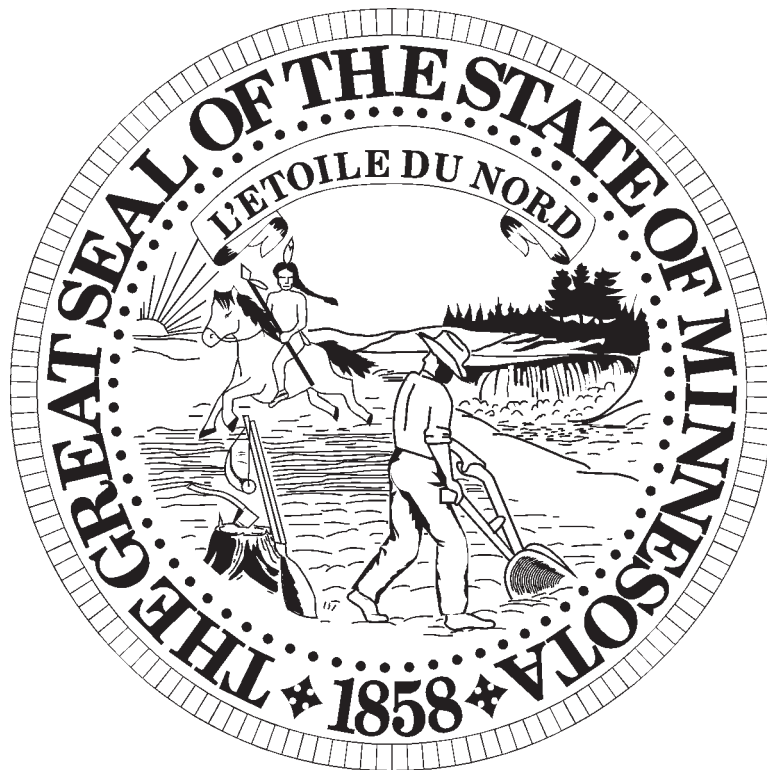


State of Minnesota

State Register



**Rules, Executive Orders, Appointments,
Commissioners' Orders, Revenue Notices, Official Notices, Grants,
State Contracts & Loans, Non-State Bids, Contracts & Grants**

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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:

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- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
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# 35	Monday 26 February	Noon Tuesday 20 February	Noon Wednesday 14 February
# 36	Monday 5 March	Noon Tuesday 27 February	Noon Wednesday 21 February
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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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments. 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, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Public Facilities Authority

Proposed Permanent Rules Relating to Grants and Loans

DUAL NOTICE: Notice of Intent to Adopt Amended Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

Proposed Amendment to Rules Governing The Minnesota Public Facilities Authority Drinking Water Revolving Fund and the Water Pollution Control Revolving Fund, *Minnesota Rules*, Chapter 7380, Part 7380.0100 through 7380.0480 and Proposed Repeal of *Minnesota Rules*, Chapter 7380, Parts 7380.0100; 7380.0110; 7380.0120; 7380.0130; 7380.0245; 7380.0270; 7380.0410; 7380.0420; and 7380.0440

Introduction. The Minnesota Public Facilities Authority intends to adopt amendments to the rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Thursday, March 22, 2007, a public hearing will be held in the Minnesota Room, Minnesota Department of Employment and Economic Development, 1st National Bank Building, 332 Minnesota Street, E200, St. Paul, Minnesota 55101-1351, starting at 9:00 a.m. on Tuesday, April 10, 2007. To find out whether the amendments to the rules will be adopted without a hearing or if the hearing will be held, you should contact the Authority contact person after March 22, 2007 and before April 10, 2007.

Authority Contact Person. Comments or questions on the proposed amendments to the rules and written requests for a public hearing on the amended rules must be submitted to the Authority contact person. The Authority contact person is: Nancy Johnson, Minnesota Public Facilities Authority, 1st National Bank Building, 332 Minnesota St., E200, Saint Paul, MN 55101-1351. The **telephone** number is (651) 297-1677, **FAX** number is (651) 296-8833 and the **e-mail** is Nancy.LC.Johnson@state.mn.us. TTY users may call the Department of Employment and Economic Development at (651) 296-3900 or 1-800-657-3973.

If you would like a printed copy of the amendments to the rules, the Authority contact is Jennifer Malino, Minnesota Public Facilities Authority, 1st National Bank Building, 332 Minnesota St., E200, Saint Paul, MN 55101-1351. The **telephone** number is (651) 296-3562, **FAX** number is (651) 296-8833 and the **e-mail** is Jennifer.Malino@state.mn.us. TTY users may call the Department of Employment and Economic Development at (651) 296-3900 or 1-800-657-3973.

The proposed amendments to the rules are posted on the Minnesota Department of Employment and Economic Development's **website** at <http://www.deed.state.mn.us/agency/rule.htm> or the Minnesota Public Facilities Authority **website** at <http://www.deed.state.mn.us/Community/assistance/pfa.htm>.

Proposed Rules

Subject of Amendments to the Rules and Statutory Authority. The proposed amendments to the rules address the Drinking Water Revolving Fund and the Water Pollution Control Revolving Fund. The U.S. Environmental Protection Agency (EPA) provides annual capitalization grants to the Authority for these two Funds. The State is required to provide a 20% match. Federal law requires that the assets of the Funds be maintained in perpetuity. Proactive management and diligent oversight are required to maintain the Authority's AAA/AAA/Aaa credit rating, comply with federal laws and regulations, and balance the demands and limitations of the Funds. The ongoing review and analysis of program rules and policies resulted in the proposed amendments to the rules which will maintain the Funds' viability and meet the challenges of future infrastructure financing needs in Minnesota.

The proposed amendments to the rules serve to address two primary changes to the rules. The first change is to modify the methodology and criteria for determining interest rates and terms on the loans in order to strengthen the financial viability of the Funds and provide municipalities more flexibility in structuring their repayment schedules by setting loan rates that more closely parallel bond market conditions. The second change is to bring uniformity and administrative efficiencies to the Drinking Water and Water Pollution Control Revolving Funds, which are administered similarly under the provisions of federal and state laws.

The effective date of the proposed amendments to the rules is July 1, 2007. Projects on the 2007 Intended Use Plan that receive a Minnesota Public Facilities Authority loan agreement prior to July 1, 2007 will follow the existing rules.

The Authority's statutory authority to adopt the amendments to the rules is set forth in *Minnesota Statutes*, section 446A.07, Subdivision 10 for the Water Pollution Control Revolving Fund; and, *Minnesota Statutes*, 446A.081, Subdivision 11 for the Drinking Water Revolving Fund. *Minnesota Statutes*, section 446A.11, Subdivision 2 authorizes the Authority to amend rules for its programs and purposes. A copy of the proposed amendments to the rules is published in the *State Register*. A free copy of the proposed amendments to the rules is available upon request from the Authority contact person listed above.

Comments. You have until 4:30 p.m. on Thursday, March 22, 2007, to submit written comment in support of or in opposition to the proposed amendments to the rules or any part or subpart of the amended rules. Your comment must be in writing and received by the Authority contact person by the due date. Comment is encouraged. Your comments should identify the portion of the amended rules being addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed amendments to the rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the proposed amendments to the rules. Your request for a public hearing must be in writing and must be received by the Authority contact person by 4:30 p.m. on Thursday, March 22, 2007. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule amendments to which you object or state that you oppose the entire set of amendments to the rules. Any request that does not comply with these requirements is not valid and cannot be counted by the Authority when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed amendments to the rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the Authority must give written notice of this to all persons who requested a hearing, explain the actions the Authority took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Authority will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the Authority contact person at the address or telephone numbers listed above.

Modifications. The proposed amendments to the rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the Authority or presented at the hearing and the adopted amended rules may not be substantially different than these proposed amendments to the rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed amended rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for April 10, 2007, will be canceled if the Authority does not receive requests from 25 or more persons that a hearing be held on the amendments to the rules. If you requested a public hearing, the Authority will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the Authority contact person, Nancy Johnson at (651) 297-1677 after March 22, 2007, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the amendments to the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone number (612) 341-7604, and FAX (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other

Proposed Rules

interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed amendments to the rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the Authority and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The Authority requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the Authority contact person at the address stated above.

Statement of Need and Reasonableness. A free copy of the statement of need and reasonableness is now available from the Authority contact person, Jennifer Malino. This statement contains a summary of the justification for the proposed amended rules, including a description of who will be affected by the proposed amendments to the rules and an estimate of the probable cost of the proposed amendments to the rules.

The statement of need and reasonableness is posted on the Minnesota Department of Employment and Economic Development's website at <http://www.deed.state.mn.us/agency/rule.htm> or the Minnesota Public Facilities Authority website at:

<http://www.deed.state.mn.us/Community/assistance/pfa.htm>.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the Authority may adopt the amendments to the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the amendments to the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the Authority to receive notice of future rule proceedings, submit your request to the Authority contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed amendments to the rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the Authority adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the Authority contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Signed: January 30, 2007

Dan McElroy, Chair,
MN Public Facilities Authority

7380.0250 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part, ~~the federal Safe Drinking Water Act, and *Minnesota Statutes*, section 446A.081,~~ apply to parts ~~7380.0245 to 7380.0297~~ 7380.0250 to 7380.0480. In addition, terms defined in *Minnesota Statutes*, chapter 446A, have the meanings as defined therein.

Subp. 2. **Act.** "Act" means:

A. for the drinking water revolving fund in parts 7380.0252 to 7380.0297, act means the Public Health Service Act, as amended, federal Safe Drinking Water Act, United States Code, title 42, chapter 6A, Public Health Service, subchapter 12, Safety of Public Water Systems, Part E, sections ~~300f~~ 300j12, et seq., Public Law 104-184, title XIV, section 1452, Part E; and

B. for the water pollution control revolving fund in parts 7380.0400 to 7380.0480, act means the federal Water Pollution Control Act, as amended, *United States Code*, title 33, Navigation and Navigable Waters Act, chapter 26, Water Pollution Control and Prevention, subchapter VI, State Water Pollution Control Revolving Funds, section 1381, et seq., Public Law 92-500.

Subp. 3. **Applicant.** "Applicant" means an entity that has applied, or intends to apply, to the authority for financial assistance, and:

A. for a drinking water revolving fund project, is any county, city, town, township, regional entity, or other governmental entity, or such other entity as provided in part 4720.9010, which is responsible for providing public drinking water, and which intends to apply or has applied to the authority for financial assistance from the fund.

If an entity responsible for providing public drinking water is not empowered to issue a general obligation bond to the authority and

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another governmental entity agrees to issue a general obligation ~~note~~ bond on behalf of the drinking water supplier, applicant refers to both entities. All data used in these circumstances to determine the interest rate of a loan under part ~~7380.0270~~ 7380.0272 shall be based on the entity responsible for providing public drinking water; ~~or~~

B. for a water pollution control revolving fund project, is a governmental unit as defined in Minnesota Statutes, section 446A.02, subdivision 5.

Subp. 4. **Application.** “Application” means the completed documents, including the application forms obtained from the authority, submitted to the executive director of the authority by the applicant which contains contain information and data in support of the applicant’s loan request to the authority for financial assistance. The application includes the completed application forms provided by the authority; a municipal profile and current annual budget, or financial forecasts, as applicable; and financial audits for the last three years. Application materials submitted by a private provider of a public drinking water system may be private data as provided in part 7380.0260.

[For text of subp 5, see M.R.]

Subp. 5a. **Base discount.** “Base discount” means the interest rate discounts set by the authority in the drinking water revolving fund intended use plan and the water pollution control revolving fund intended use plan to be applied in the determination of interest rates as provided in parts 7380.0272, subpart 3, and 7380.0442, subpart 3. The authority shall have the option to set the base discount at decreasing levels for increasing loan amounts.

[For text of subp 6, see M.R.]

Subp. 6a. **Bond yield scale-authority bonds.** “Bond yield scale-authority bonds” or “authority scale” means a scale of annual rates that consists of the yield to maturity for each maturity including mandatory sinking fund redemptions of the applicable series of authority bonds. If a loan has principal redemptions in years for which no maturity exists in the authority bond series, the authority will use, for those years, the rates from the applicable bond yield scale-market index.

Subp. 6b. **Bond yield scale-market index.** “Bond yield scale-market index” or “market scale” means the scales of annual rates by term of maturity and by grade, for example, Aaa, Aa, A, on tax-exempt municipal bonds, from a nationally recognized daily index.

Subp. 7. **Borrower.** “Borrower” means any county, home rule charter or statutory city, town, township, regional entity, or other governmental entity, or other entity as provided in part 4720.9010, which is responsible for providing public drinking water, and which will enter into or has entered into a loan agreement with the authority. If an entity responsible for providing public drinking water is not empowered to issue a general obligation bond to the authority and another governmental entity agrees to issue a general obligation note on behalf of the drinking water supplier, borrower refers to both entities. All data used in these circumstances to determine the interest rate of a loan under part 7380.0270 shall be based on the entity responsible for providing public drinking water an applicant that has entered into a loan agreement with the authority.

Subp. 8. [See repealer.]

Subp. 8a. **Debt security.** “Debt security” means a general obligation bond or note, revenue bond, or promissory note and other instruments required by the authority.

Subp. 9. **Debt service account.** “Debt service account” means a separate booking account established and maintained in a borrower’s official financial records to account for the accumulation of resources for, and the payment of, the general obligation bond debt security issued by a borrower and purchased by the authority to effect the loan transaction for the financing of the borrower’s drinking water supply project.

Subp. 10. **Dedicated sources of revenue.** “Dedicated sources of revenue” means one or more dedicated sources of revenue pledged by a borrower issuing a general obligation or revenue bond to the authority to service debt incurred from the fund as required by the act and Minnesota Statutes, section 446A.081, subdivision 8, paragraph (d) for payment of debt service required by the loan agreement.

Subp. 10a. **Default.** “Default” means a failure by a borrower to make timely payments of interest and principal or a failure to comply with the terms and conditions of the debt security and the loan agreement with the authority, including parts 7380.0250 to 7380.0480, where applicable.

Subp. 11. [See repealer.]

Subp. 12. **Eligible costs.** “Eligible costs” means the project costs that may be financed by the authority, pursuant to the act and parts 7380.0245 to 7380.0297 applicable acts, provided that the project costs eligible cost items are reasonable and, necessary, and, subject to permitted by the applicable law, provisions of the capitalization grant, and the authority’s basic bond resolution and series bond resolution; and are within the project scope as certified by the Department of Health or Pollution Control Agency, as applicable. Eligible costs may include, but are not limited to, the following:

A. land acquisition costs of land, as permitted under the act;

(1) for a drinking water revolving fund project under United States Code, title 42, chapter 6A, subchapter XII, Part E, section 300j-12; and

(2) for a water pollution control revolving fund project if the land will be an integral part of the wastewater treatment process, under United States Code, title 33, chapter 26, subchapter VI, sections 1381 to 1387;

- B. site preparation;
- C. construction costs;
- D. engineering costs;
- E. cost of equipment and machinery;
- F. bond issuance costs;
- G. underwriting, financial advisor, or placement fees;
- H. trustee or paying agent fees;
- I. fees of guarantor, insurer, or financial institution, other than the authority, which provide letters of credit, surety bonds, or equivalent security;
- J. ~~authority fees, including application and guaranty of the authority;~~
- K. ~~certain contingency costs up to the amount permitted by the act;~~
- L. ~~interest costs during construction, including capitalized interest; and~~
- M. ~~legal fees, including those of the authority.~~

Subp. 13. [See repealer.]

Subp. 14. **Executive director.** “Executive director” means the executive director of the authority.

Subp. 15. **Financial capability.**

A. ~~“Financial capability” for a municipal borrower means the capability of the municipality to retire debt incurred from the fund, as measured by its current an applicant to pay for its portion of the project costs, debt service, operation, and maintenance. Financial capability indicators include, but are not limited to, available fiscal and socioeconomic data such as determined through such measures as population trends, median household income, per capita debt load, user fee impact, composition of municipal long-term debt, debt per capita, debt service coverage ratio, planned capital improvements, and liquidity, as well as a review of the municipality’s last three years’ annual audits and available reports such as audits or financial statements, as applicable, financial forecasts, credit reports, and net worth calculations.~~

B. ~~“Financial capability” for a private borrower means the capability of the private borrower to retire debt incurred from the fund, as determined by such measures as income and earnings forecasts, financial forecasts, credit reports, net worth calculations, and other related documents that demonstrate that the borrower has sufficient revenues to repay the loan.~~

[For text of subp 16, see M.R.]

Subp. 17. **Fund.** “Fund” means the:

A. ~~for parts 7380.0252 to 7380.0297, the drinking water revolving fund as provided in *Minnesota Statutes*, section 446A.081, subdivision 2; or~~

B. ~~for parts 7380.0400 to 7380.0480, the water pollution control revolving fund created by *Minnesota Statutes*, section 446A.07.~~

Subp. 18. **General obligation bond or general obligation note.** ~~“General obligation bond” or “general obligation note” means bonds a bond or notes which are note secured by the full faith and credit of a borrower as provided in *Minnesota Statutes*, chapters 116A and 475.~~

[For text of subp 19, see M.R.]

Subp. 20. [See repealer.]

Subp. 20a. **Loan.** “Loan” means the transaction in which the authority purchases the debt security of a borrower.

Subp. 21. **Loan agreement.** “Loan agreement” means the financing agreement between the a borrower, the financial institution, if utilized for a project, and the authority; that outlines the terms and conditions under which along with the authority will purchase the general obligation bond, revenue bond, or promissory note and debt security agreement, as applicable, provides the terms and conditions of the loan borrower.

Subp. 21a. **Loan closing.** “Loan closing” means the date on which a borrower delivers and the authority accepts an executed debt security.

Subp. 21b. **Municipal drinking water system.** “Municipal drinking water system” means the collective term to denote all property involved in the operation of a public drinking water supply system, including, but not limited to, the source of the drinking water supply, treatment facilities, water storage, water lines, valves, meters, and general property, regardless of whether a private, public, or nonprofit system.

Subp. 21c. **Municipal storm water system.** “Municipal storm water system” means the collective term to denote all publicly owned property involved in the operation of a storm water treatment system including, but not limited limited to, a device, method, system, or systems designed to reduce, store, treat, separate, stabilize, or dispose of storm water for purposes of preventing or abating pollution, or maintaining or improving water quality.

Subp. 21d. **Municipal wastewater system.** “Municipal wastewater system” means the collective term to denote all publicly owned property involved in the operation of a wastewater treatment system, including, but not limited to, collector sewers, interceptors, lift stations, treatment facilities, outfall lines, and general property.

Subp. 22. [See repealer.]

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Subp. 23. **Official statement.** “Official statement” means the legal document prepared by the authority ~~which that~~ summarizes all the salient features of the underlying documents and agreements which support the bond offerings of the authority. It is considered a disclosure document which presents information that is material to the offering, and contains what a reasonable investor would need to know in making a decision about investing in the ~~issue bond offering~~. The document sets forth the pertinent facts concerning the issuer, the issuer’s financial condition, the security pledged for the bonds being offered, the projected use of the proceeds of the bond sale, and; ~~in the case of the authority~~, pertinent facts about the authority’s borrowers.

Subp. 24. **Participation loan.** “Participation loan” means a loan made under contract with a financial institution in which the authority purchases ~~up to a portion of the financial institution’s loan to an eligible borrower~~. ~~The authority’s share of the participation loan must not exceed 50 percent share of a financial institution’s of the loan to an eligible borrower balance at the time of purchase or \$50,000, whichever is less.~~

Subp. 25. [See repealer.]

~~Subp. 25a. **Project.** “Project” means the planning, design, and construction of a drinking water, wastewater, or storm water system, or portion thereof, for which an applicant applies for financial assistance from the authority.~~

[For text of subp 26, see M.R.]

Subp. 27. [See repealer.]

~~Subp. 27a. **Project service area.** “Project service area” means the geographic area to be served by the project. If the project will serve only a portion of the entire geographic area served by the municipality’s drinking water, wastewater, or storm water system, the project service area shall be that portion of the geographic area to be served by the project, unless the costs of the project will be paid by the entire geographic area served by the municipality’s drinking water, wastewater, or storm water system.~~

~~Subp. 27b. **Residential system cost.** “Residential system cost” means that portion of the costs associated with building, operating, and maintaining the municipal drinking water system, the municipal storm water system, or the municipal wastewater system that will be charged to residential users in the project service area.~~

Subp. 28. **Revenue bond.** “Revenue bond” means a bond ~~or note~~ payable from one or more specified sources of revenue and to which the full faith and credit of the issuing entity is not pledged, issued by a city of the first class which cannot issue a general obligation bond ~~or note~~ to finance its water supply system without first obtaining the approval of the electors at a referendum.

Subp. 28a. **Significant storm water contributor.** “Significant storm water contributor” means a nonresidential property owner or developer from whose property the current storm water flow or the projected storm water flow causes the need for the project, or which, after project completion, will exceed 50 percent of the storm water treatment system’s capacity.

Subp. 28b. **Significant storm water contributor agreement.** “Significant storm water contributor agreement” means a written agreement between a borrower and a significant storm water contributor that will protect the financial interest of the borrower. This agreement must include a secured, written guarantee by the significant storm water contributor for its proportional share of the debt payments for the term of the authority’s loan with the borrower.

Subp. 28c. **Significant wastewater contributor.** “Significant wastewater contributor” means a nonresidential user of a municipal wastewater treatment system whose current wastewater flow or projected wastewater flow causes the need for the construction of the project, or whose wastewater contribution, after project completion, will exceed 50 percent of the wastewater treatment system’s capacity.

Subp. 28d. **Significant wastewater contributor agreement.** “Significant wastewater contributor agreement” means a written agreement between a borrower and a significant wastewater contributor that will protect the financial interest of the borrower in the event the wastewater contributor curtails or ceases its operation. The agreement must include a secured, written guarantee by the significant wastewater contributor for its proportional share of the debt payments for the term of the authority’s loan with the borrower.

Subp. 29. **Significant water user.** “Significant water user” means a nonresidential user of ~~an applicant’s a municipal drinking water supply system~~ whose current water needs or projected water needs cause the need for construction of the ~~drinking water project~~, and or whose water intake after the project is completed will ~~be greater than or equal to~~ exceed 50 percent of the total gallons annually supplied by the water supply system.

Subp. 29a. **Significant water user agreement.** “Significant water user agreement” means an agreement between a borrower and a significant water user that will protect the financial interest of the borrower in the event the water user curtails or ceases its operation. The agreement must include a secured, written guarantee by the significant water user for its proportional share of the debt payments for the term of the authority’s loan with the borrower.

Subp. 30. [See repealer.]

Subp. 31. [See repealer.]

Subp. 32. [See repealer.]

Subp. 33. [See repealer.]

7380.0252 PURPOSE.

The drinking water revolving fund provides loans and other forms of financial assistance to eligible public drinking water suppliers to plan, design, and construct facilities to ensure safe and adequate drinking water. Under the provisions of the federal Safe Drinking Water Act and *Minnesota Statutes*, section 446A.081, the Minnesota Public Facilities Authority receives capitalization grants from the United States Environmental Protection Agency and is responsible for managing the fund in perpetuity, including making loans to eligible borrowers and receiving debt service payments. Parts 7380.0252 to 7380.0297 provide for the authority's administration of its responsibilities under *Minnesota Statutes*, section 446A.081. The Minnesota Department of Health also has administrative responsibilities under *Minnesota Statutes*, section 446A.081, including determining project priorities and approving projects prior to the award of financial assistance by the authority. Parts 4720.9000 to 4720.9080 provide for the administration of the Minnesota Department of Health's responsibilities.

7380.0255 INTENDED USE PLAN.

Subpart 1. **Adoption of intended use plan.** The authority shall, after providing for public notice and comment, annually adopt an intended use plan which describes the intended uses of the amounts in the fund in a particular fiscal year. The intended use plan shall identify:

A. projects listed in the fundable range on the prior year's intended use plan that met the application requirements in part 7380.0260 and were certified by the Department of Health as provided in part 4720.9060 but did not receive a loan award;

~~A. B. the new projects meeting the eligibility requirements in subpart 2 which are expected to be funded in the fiscal year in the fundable range as determined in subpart 3;~~

~~B. the other eligible activities to be funded as provided in the act, and the amounts to be set aside for each; and~~

~~C. the amount to be reserved for emergency projects: base discounts for interest rates on loans under part 7380.0272, subpart 3, item A; and~~

~~D. the other eligible activities to be funded as provided in the act, and the amounts to be allocated for each.~~

Subp. 2. **Eligibility.** To be eligible for placement on the intended use plan:

A. the project must be listed on the project priority list maintained by the Department of Health as provided in part 4720.9015; and

B. the applicant must submit a written request to the authority for placement on the intended use plan that includes:

(1) a brief description of the project for which financial assistance is sought;

(2) ~~an updated~~ a project cost estimate and the requested loan amount; and

(3) a project schedule indicating that the project will proceed in the fiscal year for which the intended use plan is being prepared; ~~and,~~

(4) ~~an estimate of the monthly drawdown of the loan proceeds.~~

Subp. 3. **Priority order Fundable range.** Eligible projects shall be listed on the intended use plan in order of their priority on the project priority list maintained by the Department of Health, as provided in part 4720.9015, beginning first with the projects identified in subpart 1, item A, and, secondly with the projects meeting the requirements in subpart 1, item B. ~~If the total requested loan amount from applicants meeting the eligibility requirements in subpart 2 exceeds the amount expected~~ The authority shall identify the fundable range based on the amount determined to be available for loans; all eligible projects shall be listed on the intended use plan and the intended use plan shall identify the projects that are expected to be funded, beginning with the highest priority projects.

Subp. 4. [See repealer.]

Subp. 5. **Amendments to intended use plan.** ~~If the authority shall amend the intended use plan to add additional eligible projects to the extent determines that sufficient funds are available and projects meet the eligibility criteria of subpart 2, the authority has the option to amend the intended use plan to place additional projects in the fundable range.~~

7380.0260 APPLICATIONS.

Subpart 1. **Timing.** Applicants whose projects are ~~identified to receive funding listed in the fundable range~~ on the intended use plan as described in part 7380.0255 must submit ~~the items specified in items A and B~~ the following within six months after the date the authority adopts the intended use plan or an amendment to the intended use plan. ~~If the applicant fails to submit these items by the required date, the applicant's project will be subject to the bypass procedure as provided in part 7380.0255, subpart 4. The applicant must:~~

A. ~~submit~~ an application for financial assistance to the authority; and

B. ~~for construction projects, submit plans and specifications for construction projects~~ to the Department of Health as provided in part 4720.9045.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. **Complete applications.** An application is ~~considered complete when the applicant has provided~~ must contain the required forms, ~~and the data, exhibits, and documentation which have been submitted are sufficient~~ for the authority to make an informed determination that:

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- A. the financing of the project is fully assured;
 - B. the applicant has the financial capability to repay the loan based on the authority's analysis of information which may include user charges, special assessments, population trends, major employers, building permits, largest taxpayers, trends of estimated market values, property tax rates, property tax collection, net tax capacity, indebtedness, budget forecasts, planned capital expenditures, and other information deemed necessary by the authority to make an informed determination on the creditworthiness of the applicant; and
 - C. the applicant has provided the assurances, certifications, and resolutions necessary to comply with the laws and regulations applicable to the fund; and
 - D. adequate collateral is being provided by the applicant to secure the loan to the extent required by the authority.
- Subp. 5. [See repealer.]

Subp. 6. **Evaluation of certified applications.** The executive director and staff shall evaluate applications for projects certified by the Department of Health to determine the applicant's capacity to comply with the act, *Minnesota Statutes*, section 446A.081, parts 7380.0245 7380.0250 to 7380.0297, the loan agreement, and the covenants of the ~~general obligation bond, revenue bond, or promissory note and debt security agreement that will be issued by the applicant to the authority that will be issued.~~ When the department's Department of Health's certification of an applicant's project and the as-bid costs have been received, the staff shall provide a signed recommendation to the authority, approved and countersigned by the executive director, recommending whether the loan should be approved, approved with special conditions, or rejected.

Subp. 7. **Rejection of an application.** The authority or executive director on behalf of the authority shall reject an application for financial assistance for one or more of the following reasons:

- A. failure of the project to receive certification by the Department of Health under part 4720.9060;
- B. failure of the applicant to submit a complete application as provided in subpart 4;
- C. failure of the applicant to develop and document dedicated sources of revenue sufficient to ensure repayment debt service payment of the loan and adequate operation and maintenance of the facility;

[For text of item D, see M.R.]

- E. failure of the applicant to demonstrate creditworthiness sufficient to repay the authority debt or adequately collateralize the loan;
or
- F. failure of the applicant to demonstrate its capacity to comply with the act, *Minnesota Statutes*, section 446A.081, parts 7380.0245 7380.0252 to 7380.0297, the loan agreement, and the covenants of the ~~general obligation bond, revenue bond, or promissory note and debt security agreement that will be issued by the applicant to the authority; or~~
- G. failure of the applicant to correct a default condition on a prior loan with the authority.

7380.0265 LOAN TERMS AND CONDITIONS.

Subpart 1. **In general.** ~~Subject to the availability of funds, the authority shall provide loans or other financial assistance for eligible costs of projects listed in the fundable range on the intended use plan, or for emergency projects designated by the commissioner of the department, which are not rejected for any of the reasons listed in part 7380.0260, subpart 7. The terms and conditions for loans or other financial assistance provided by the authority to borrowers for certified projects are as provided by The act, other applicable federal laws and regulations, Minnesota Statutes, section 446A.081, subdivision 8, Minnesota Rules including parts 7380.0245 7380.0252 to 7380.0297, the capitalization grant, and the authority's basic bond resolution and series bond resolution, all as amended from time to time, govern the terms and conditions of the loan agreement issued by the authority. Except as provided in subpart 3, all borrowers shall issue a general obligation bond or a revenue bond to the authority as debt security for the loan agreement. The borrower's authorizing resolution for issuance of debt to the authority shall acknowledge the primacy of the terms and conditions of the loan agreement, and the general obligation bond, revenue bond, or promissory note and security agreement issued by the borrower to the authority for the project financing. Borrowers shall also comply with chapter 4720.~~

Subp. 2. **Borrowers providing general obligation or revenue bonds.** A borrower providing a general obligation or revenue bond to the authority must use a nationally recognized bond counsel, identified as such and included in The Bond Buyer's Municipal Marketplace Directory, to prepare the bonds and other related documentation and render an opinion to the authority. Items A to F apply to borrowers providing general obligation or revenue bonds to the authority.

A. The term of the loan shall must be amortized over a period not to exceed 20 years. In no case may the term of the loan exceed the design life of the project being financed.

[For text of items B to D, see M.R.]

E. The borrower shall begin making ~~principal and interest~~ payments on the loan no later than one year after approval of the loan. The principal payments must begin no later than 18 months after approval of the loan or one year after project completion as estimated in the application, whichever is earlier. Subsequent Principal and interest payments must be made in the amounts and at the times given stated by the authority in the loan agreement. In no case shall payments be less frequent than annual principal and interest payments sufficient to amortize the debt within the term of the loan. Interest accrues immediately on funds disbursed to the borrower by the authority.

F. If the project involves a significant water user, the borrower must enter into an agreement with the significant water supply user which ensures that the borrower and the authority are adequately protected in the event the significant water supply user curtails or ceases its operations. Throughout the life of the loan the authority may request and the borrower shall:

- (1) update pertinent information contained in the original application;
- (2) attest that the information does not contain any untrue statement of material fact;
- (3) authorize the authority to use the information to meet its continuing disclosure obligations; and
- (4) notify the authority if the borrower becomes aware of any changes that cause the information submitted to contain an untrue statement or omit a material fact.

Subp. 3. **Borrowers not providing general obligation or revenue bonds.** The authority shall provide financial assistance, up to a maximum of \$250,000, to a borrower not providing issuing a general obligation or revenue bond by utilizing either a linked deposit loan or participation loan, as determined by the authority. The maximum participation must not exceed 50 percent of the loan balance at time of purchase or \$50,000, whichever is less. The terms and conditions in items A to E D apply to linked deposit loans and participation loans.

A. The maximum term of the loan shall first be determined by determining based on the useful life of the property being acquired with the loan proceeds. The term of the loan shall project not to exceed the following limits:

[For text of subitems (1) to (3), see M.R.]

[For text of items B and C, see M.R.]

D. For linked deposit loans, the authority's CD shall be insured by the Federal Deposit Insurance Corporation or secured as provided in *Minnesota Statutes*, section 118A.03, subdivision 3. The CD term and amount shall be equal to the term and amount of the borrower's loan.

E. For participation loans, the financial institution and the authority shall take a proportional security interest in capital assets or real property of the borrower to collateralize the loan.

7380.0272 INTEREST RATE DETERMINATIONS.

Subpart 1. In general.

A. Except as provided in part 7380.0275 for participation loans, the rate of interest on a loan must be based on the principal redemption schedule of the loan, the appropriate bond yield scale identified in subpart 2, and the applicable interest rate discounts identified in subpart 3.

B. The interest rate on a loan must be set based on the date that the authority receives from the applicant a formal request to proceed with the loan agreement. This must be after the authority has received all of the following:

- (1) a complete application;
- (2) project certification by the Department of Health; and
- (3) documentation of as-bid costs.

C. In no case may the interest rate on a loan be less than one percent.

D. For loans funded in whole or in part with proceeds of authority bonds, the rate of interest on those loans must not exceed a rate which results in the yield on the loan being materially higher than the yield on the bonds as required and defined in the Internal Revenue Code of 1986, as amended, and the regulations and interpretations of the United States Department of Treasury promulgated with respect thereto, including and without limitation *Code of Federal Regulations*, title 26, section 1.148(2)(d).

Subp. 2. **Bond yield scale.** The bond yield scale used in calculating the loan rate must be the greater of the adjusted authority scale, if authority bond proceeds are available, or the market scale as described in items A to D.

A. For loans secured with a tax-exempt general obligation bond, the rate must be based on the greater of the Aaa market scale or the unadjusted authority scale.

B. For loans secured with a taxable general obligation bond, the rate must be based on the greater of the Aa market scale or the authority scale adjusted for the difference between the Aaa market scale and the Aa market scale.

C. For loans under item A, the authority has the option to accept a tax-exempt revenue bond, in place of a tax-exempt general obligation bond, from a city of the first class that cannot issue a general obligation bond to finance a water supply system without first obtaining the approval of the electors at a referendum. The rate for a loan secured with a tax-exempt revenue bond must be based on the greater of the Aaa market scale or the unadjusted authority scale.

D. For loans under item B, the authority has the option to accept a taxable revenue bond, in place of a taxable general obligation bond, from a city of the first class that cannot issue a general obligation bond to finance a water supply system without first obtaining the approval of the electors at a referendum. The rate for a loan secured with a taxable revenue bond must be based on the greater of the Aa market scale or the authority scale adjusted for the difference between the Aaa market scale and the Aa market scale.

Subp. 3. **Interest rate discounts.** Interest rate discounts must be provided as described in items A and B unless item C applies.

A. Borrowers are eligible for base discounts as determined by the authority in part 7380.0255, subpart 1, item C.

B. Borrowers under 2,500 population must receive additional discounts on loan amounts up to \$20,000 per household as provided in

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subitems (1) and (2).

(1) A borrower must receive an interest rate discount of 50 basis points if the median household income level of the borrower is below the median household income level for the metropolitan or nonmetropolitan area, as applicable, based on the most recent census.

(2) A borrower must receive an interest rate discount based on its estimated average annual residential system cost per household after completion of the project. If the average residential system cost per household, as a percentage of median household income of the borrower, is greater than:

- (a) 2.00 percent, the borrower must receive a discount of 150 basis points;
- (b) 1.75 percent but less than 2.00 percent, the borrower must receive a discount of 125 basis points;
- (c) 1.50 percent but less than 1.75 percent, the borrower must receive a discount of 100 basis points;
- (d) 1.25 percent but less than 1.50 percent, the borrower must receive a discount of 75 basis points; or
- (e) 1.00 percent but less than 1.25 percent, the borrower must receive a discount of 50 basis points.

C. For loans with projects involving a significant water user, the interest rate discounts provided in items A and B must not be applied unless a significant water user agreement is in place.

Subp. 4. Demographic data. For the purpose of calculating interest rate discounts in subpart 3, the data used to determine the population and median household income of the borrower must be that which most accurately measure the current population and median household income of the project's service area. If there is reason to believe that the United States Census data or the data from the state demographer is not a current, accurate representation of the median household income or population of the project's service area, the borrower may document the reasons why the data is not an accurate representation, and obtain additional information regarding median household income or population of the project's service area. The information must consist of reliable data from local, regional, state, or federal sources, or from a survey conducted by a reliable impartial source. If the authority determines that the demographic data submitted by the borrower does not reflect the most current or accurate measure of the population and median household income of the project's service area, the authority shall update the demographic data to reflect the most current and accurate figures.

7380.0275 INTEREST RATE DETERMINATIONS FOR BORROWERS NOT PROVIDING GENERAL OBLIGATION OR REVENUE BONDS PARTICIPATION LOANS.

Subpart 1. **In general Participation loans.** The authority shall set the interest rate for a borrower not providing a general obligation or revenue bond to the authority, and utilizing a linked deposit or participation loan, as provided in this part: interest rate on the participation share of the loan purchased by the authority shall be at the rate of two percent. The financial institution may retain 50 percent of the interest collected on the authority's participation share of the loan as payment for duties performed as lead lender to the borrower.

Subp. 2. [See repealer.]

Subp. 3. **Participation loans Disbursement.** The interest rate on the authority's portion of a participation loan shall be at the rate of a United States government treasury security of a comparable maturity to the term of the loan being made, minus 100 basis points. The interest rate to a borrower on the total amount of a participation loan shall be a blended rate of the financial institution's rate and the authority's rate in proportion to the respective rates of participation. The borrower shall not be entitled to any other interest rate discounts pursuant to part 7380.0270. The authority shall make a single disbursement to the financial institution after project completion and within 30 days upon receipt of a request and supporting documentation from the financial institution.

7380.0277 MARKET CONSIDERATIONS.

Subpart 1. **Market adjustments.** If the authority determines that market conditions are such that interest rates calculated under part 7380.0272 are noncompetitive, the authority has the option to establish a temporary market adjustment discount in addition to the other interest rate discounts established under part 7380.0255, subpart 1.

Subp. 2. Suspension of loans.

A. The executive director, acting on behalf of the authority, shall suspend offering loans if it is determined that there are extreme or unusual events impacting the bond market and that to continue making loans under existing terms, conditions, and interest rates would be detrimental to the authority's bondholders or the financial viability of the fund.

B. If loans are suspended under item A, the authority shall have the option to resume making loans under existing criteria or reset the criteria and the means by which it will determine loan terms, conditions, and interest rates that will be offered.

7380.0280 SUPPLEMENTAL ASSISTANCE FOR DISADVANTAGED COMMUNITIES.

Subpart 1. **In general.** The authority shall provide supplemental assistance, in the form of a reduction in the amount of loan principal which a borrower has to repay, to public water supply systems owned by a governmental or intergovernmental agency, a nonprofit organization, an Indian tribe, or any combination of them that meet the criteria in subpart 2. The total amount of supplemental assistance provided in any one year shall not exceed ten percent of the federal capitalization grant for that year or \$2,000,000, whichever is less grants

available.

Subp. 2. **Disadvantaged community criteria.** ~~A borrower~~ An applicant is eligible for supplemental assistance as described in subpart 1 if:

A. the ~~borrower's~~ applicant's project receives public health priority points on the ~~department's~~ Department of Health's project priority list under part 4720.9020; and

B. after completion of the ~~proposed~~ project, the ~~borrower~~ applicant will have an estimated average annual residential water ~~service charge system cost~~ of 1.4 percent of median household income or more; ~~and~~

~~C. the borrower has also applied to all other federal and state financial assistance programs for which it is eligible.~~

Subp. 3. **Amount of supplemental assistance.** The supplemental assistance amount shall be equal to 80 percent of the amount needed to reduce the ~~estimated~~ asbid average annual residential water ~~service charge system cost~~ to 1.4 percent of median household income. If the current average annual residential water ~~service charge system cost~~ is at or exceeds 1.4 percent of median household income, the supplemental assistance amount shall be 80 percent of the project cost. The supplemental assistance amount provided to a single borrower shall not exceed \$500,000.

7380.0285 OTHER FINANCIAL ASSISTANCE.

In addition to the loans provided in parts 7380.0265 to 7380.0275 and the supplemental assistance provided in part 7380.0280, the authority may provide other forms of financial assistance as provided in the act and in *Minnesota Statutes*, section 446A.081, subdivision 9. The ~~executive director~~ authority shall determine when other forms of financial assistance are appropriate based on existing financial conditions, the impact on the drinking water revolving fund, the financial capacity of the borrower, and the advantages to the borrower in using one form of financing as opposed to another form.

7380.0295 RELEASE OF FUNDS.

Subpart 1. **In general.** ~~Subject to the availability of funds, disbursements to the borrower shall be made in accordance with applicable state and federal law governing the disbursements. In addition, No disbursements shall be made to a borrower until and unless the authority has determined the total estimated cost of the project and ascertained that the financing of the project is assured by. Subject to the availability of funds and appropriate documentation of incurred costs, disbursements to the borrower must be made after the following occurs:~~

A. ~~a loan authorized by state law or appropriation of bonds or other money of the borrower to a fund for the construction of the project the loan closing has been completed; and~~

B. ~~an irrevocable undertaking, by resolution of the borrower, to use all the money made available for the project exclusively for the project, and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction fund of additional money or proceeds of additional bonds to be issued by the borrower has submitted a request for payment of incurred, eligible costs on forms provided by the authority.~~

Subp. 2. **Adverse change.** The authority shall not release funds to a borrower for an approved project if there has been a material negative change in the financial condition of the borrower, as reasonably determined by the authority, since the day of the completion of the application including, but not limited to, a default on any general obligation bond. The authority reserves the right to suspend or terminate ~~funding~~ financial assistance to a borrower if the authority determines that there has been ~~such a~~ an adverse change.

Subp. 3. **Withholding, disallowance, or termination of disbursements.**

A. The authority shall withhold or disallow either total or partial disbursements if:

(1) the commissioner of the Department of Health requests disbursements be withheld or disallowed as provided in part 4720.9075; ~~or~~

(2) the borrower fails to comply with the requirements of the act, *Minnesota Statutes*, section 446A.081, parts ~~7380.0245~~ 7380.0252 to 7380.0297, the loan agreement, or the bonds or promissory note and security agreement issued by the borrower to the authority;:

(3) the borrower fails to submit documentation that eligible costs have been incurred; or

(4) the borrower fails to submit required compliance reports including, but not limited to, annual audits.

B. If the authority withholds or disallows disbursements under item A, the executive director shall give a borrower written notice of the reasons and the time in which the borrower must demonstrate that the condition has or will be corrected. If the condition has not been corrected in the specified time period, ~~withheld or disallowed~~ disbursements may be terminated. Termination of disbursements means that the amount of the loan available to the borrower is reduced by the amount so terminated.

7380.0296 PENALTY FOR NONCOMPLIANCE WITH LOAN CONDITIONS PENALTIES FOR DEFAULT.

Subpart 1. **Penalty for late payment.** If a borrower has failed to fully comply with the loan conditions provided in parts 7380.0245 to 7380.0297, the executive director shall notify the borrower in writing of the authority's determination. The borrower has three months from the date of notification to return to compliance or provide a written plan, acceptable to the authority, for returning to compliance. Upon submission of a plan by the borrower, the authority shall either accept or reject the plan. If an accepted plan has a longer time period (Cite 31 SR 1131)

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for returning to compliance, the time period for compliance shall be the period specified in the accepted plan. If after three months the borrower fails to return to compliance or provide an acceptable plan, or fails to return to compliance within the time period specified in an accepted plan, the interest rate on the unpaid loan principal shall increase from and after the date of required compliance to the quarterly set rate in effect when the borrower's loan application was received, with no further discounts as provided in part 7380.0270. If the borrower subsequently returns to compliance, the borrower may request the authority to reinstate the original interest rate. If the authority determines, upon written request of the borrower, that the borrower has returned to compliance, the interest rate on the unpaid loan principal shall revert back to the original interest rate as of the date of the determination by the authority. fails to make a payment in the amount and at the times prescribed by the authority, and fails to remedy the default within five business days after the payment due date, the authority shall charge the borrower the lesser of 18 percent per annum, based on 30-day months and a 360-day year or the highest interest rate allowed by law, on the unpaid principal amount.

Subp. 2. Penalty for material noncompliance. If the authority notifies a borrower that the borrower is not in compliance with the loan conditions provided in parts 7380.0252 to 7380.0297, the borrower shall have three months from the date of notification to return to compliance or provide a written plan to the authority for returning to compliance. Upon submission of a plan by the borrower, the authority shall either accept or reject the plan. A borrower's failure to return to compliance or to provide an acceptable plan, or failure to return to compliance within the time periods specified in an accepted plan, shall result in an immediate increase in the interest rate on the loan by eliminating all interest rate discounts that were applied in determining the interest rate under part 7380.0272, subpart 3. If the authority determines that the borrower has returned to compliance, the interest rate on the unpaid loan principal shall revert back to the original interest rate as of the date of the notification of noncompliance by the authority.

7380.0297 REPORTS, DISCLOSURE, AND AUDITS.

[For text of subpart 1, see M.R.]

Subp. 2. Disclosure. During the term of the loan, the borrower is required on its own volition to disclose to the authority any material information or events impacting the creditworthiness of the borrower, including, but not limited to, those requirements contained in the Code of Federal Regulations, title 17, section 240.15c2-12 adopted by the United States Securities and Exchange Commission. If and when required by the rule, the borrower shall enter into a continuing disclosure document in a form provided by acceptable to the authority.

Subp. 3. Audits. During the term of the loan, the Except as provided in subpart 4, a municipal borrower must shall provide annual independent audits acceptable to the authority acceptable reports of independent annual audits for the term of the loan. Additionally, a borrower must provide an annual independent audit performed Audit reports must be submitted within 30 days after the completion of the audit but no later than nine months after the end of the audit period. The audits must be conducted in accordance with generally accepted government auditing standards and, where applicable, in compliance with the Single Audit Act requirements of the federal Office of Management and Budget, circular A-133, published in the *Federal Register*, volume 61, number 215, on November 5, 1996, and in compliance with the Single Audit Act Amendment of 1996, *United States Code*, title 31, sections 7501 to 7507, as amended from time to time. A borrower providing pledging a general obligation or revenue bond to the authority must provide such audits for those years in which the authority disburses \$300,000 or more to the borrower shall list the debt as a general obligation debt of the borrower in its audit report. A borrower pledging a revenue bond shall list the debt as revenue debt in its audit report.

Subp. 4. Waiver of audit requirements.

A. Beginning in the calendar year following the final disbursement of loan funds, the borrower may request a waiver from the authority of the annual independent audit. A waiver shall be granted by the authority if the borrower has demonstrated satisfactory financial management practices and the following conditions are met:

(1) the borrower submits a request in writing;

(2) the total outstanding balance of all authority loans are less than \$300,000 or such other amount acceptable to the agencies that rate the authority's debt;

(3) independent annual audits have been provided as required; and

(4) the borrower is in compliance with all terms and conditions of the loan agreements.

B. A waiver provided to a borrower shall be revoked by the authority if either of the following conditions occur:

(1) failure to make payments when due; or

(2) failure to submit, within 12 months of the end of the reporting year, an annual financial report as required by the Office of the State Auditor pursuant to *Minnesota Statutes*, section 6.47, including operating statements from the enterprise funds and any future independent audits completed for other purposes.

C. The waiver shall be suspended by the authority when the authority issues a new loan to the borrower.

D. Waivers granted by the authority under this subpart remain in effect until all authority loans are fully repaid, unless revoked by the authority in its sole option and discretion.

7380.0400 PURPOSE.

The water pollution control revolving fund administered by the Minnesota Public Facilities Authority provides loans and other forms of financial assistance for the ~~planning to eligible municipalities to plan, designing design, and construction of construct~~ municipal wastewater ~~treatment or storm water~~ systems to assure maintenance of progress toward municipal compliance, or implementation of nonpoint source management ~~pollution~~ controls, as required by the Federal Water Pollution Control Act, to municipalities for projects that have been certified by the Minnesota Pollution Control Agency. Under the provisions of the act and *Minnesota Statutes*, section 446A.07, the authority receives capitalization grants from the United States Environmental Protection Agency provides a capitalization grant to the state of Minnesota to provide loans through the authority to ensure that the Revolving Fund is available to finance water pollution control projects in perpetuity. The terms and conditions of the loan agreement for financial assistance provided by the authority must be in conformance with the Federal Water Pollution Control Act, *United States Code*, title 33, particularly sections 1381 to 1387, the rules of the agency, and this part, and is responsible for managing the fund in perpetuity, including making loans to eligible borrowers and receiving debt service payments. Parts 7380.0400 to 7380.0480 provide for the authority's administration of its responsibilities under *Minnesota Statutes*, section 446A.07. The Pollution Control Agency also has administrative responsibilities under *Minnesota Statutes*, section 446A.07, including determining project priorities and approving projects prior to the award of financial assistance by the authority. Parts 7077.0100 to 7077.0292 provide for the administration of the Pollution Control Agency's responsibilities.

7380.0422 INTENDED USE PLAN.

Subpart 1. Adoption of intended use plan. The authority shall, after providing for public notice and comment, annually adopt an intended use plan that describes the intended uses of the amounts in the fund in a particular fiscal year. The intended use plan shall identify:

- A. projects listed in the fundable range on the prior year's intended use plan that met the application requirements in part 7380.0425 and were certified by the Pollution Control Agency as provided in part 7077.0281 but did not receive a loan award;
- B. new projects meeting the eligibility requirements in subpart 2 which are in the fundable range as determined under subpart 3;
- C. the base discounts for interest rates on loans under part 7380.0442, subpart 3, item A; and
- D. the other eligible activities to be funded as provided in the act and *Minnesota Statutes*, section 446A.07, and the amounts to be allocated for each.

Subp. 2. Eligibility. To be eligible for placement on the intended use plan:

- A. the project must be listed on the project priority list maintained by the Pollution Control Agency as provided in part 7077.0115; and
- B. the applicant must submit a written request to the authority for placement on the intended use plan that includes:
 - (1) a brief description of the project for which financial assistance is sought;
 - (2) a project cost estimate and the requested loan amount; and
 - (3) a project schedule indicating that the project will proceed in the fiscal year for which the intended use plan is being prepared.

Subp. 3. Fundable range. Eligible projects shall be listed on the intended use plan in order of their priority on the project priority list maintained by the Pollution Control Agency as provided in part 7077.0115, beginning first with the projects identified in subpart 1, item A, and, secondly, with the projects meeting the requirements in subpart 1, item B. The authority shall identify the fundable range based on the amount determined to be available for loans.

Subp. 4. Amendments to intended use plan. If the authority determines that sufficient funds are available and projects meet the eligibility criteria in subpart 2, the authority has the option to amend the intended use plan to place additional projects in the fundable range.

7380.0425 APPLICATIONS.

Subpart 1. Timing. Applicants whose projects are listed in the fundable range on the intended use plan as described in part 7380.0422 must submit the following within six months after the date the authority adopts the intended use plan or an amendment to the intended use plan:

- A. an application for financial assistance to the authority; and
- B. plans and specifications for construction projects to the Pollution Control Agency as provided in part 7077.0274.

Subp. 2. Complete application. An application must contain the required forms, data, exhibits, and documentation for the authority to determine that:

- A. the financing of the project is fully assured;
- B. the applicant has the financial capability to repay the loan based on the authority's analysis of information which may include user charges, special assessments, population trends, major employers, building permits, largest taxpayers, trends of estimated market values, property tax rates, property tax collection, net tax capacity, indebtedness, budget forecasts, planned capital expenditures, and other information deemed necessary by the authority to make an informed determination on the creditworthiness of the applicant;
- C. the applicant has provided the assurances, certifications, and resolutions necessary to comply with the various laws and regulations

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applicable to the fund; and

D. adequate collateral is being provided by the applicant to secure the loan.

Subp. 3. Evaluation of applications. The executive director and staff shall evaluate applications for projects certified by the Pollution Control Agency to determine the applicant's capacity to comply with parts 7380.0400 to 7380.0480, the act, *Minnesota Statutes*, section 446A.07, the loan agreement, and the covenants of the debt security that will be issued. When the Pollution Control Agency's certification of an applicant's project and the asbid costs have been received, the staff shall provide a signed recommendation to the authority, approved and countersigned by the executive director, recommending whether the loan should be approved, approved with special conditions, or rejected.

Subp. 4. Rejection of application. The authority or executive director on behalf of the authority shall reject an application for financial assistance for one or more of the following reasons:

A. failure of the project to receive certification from the Pollution Control Agency under part 7077.0281;

B. failure of the applicant to submit a complete application as provided in subpart 2;

C. failure of the applicant to develop and document dedicated sources of revenue sufficient to ensure debt service payment of the loan to the authority and adequate operation and maintenance of the facility;

D. failure of the applicant to demonstrate that it has the technical, managerial, and financial capability to construct the facility and adequately operate and maintain the wastewater system for the term of the loan;

E. failure of the applicant to demonstrate creditworthiness sufficient to repay the authority debt or adequately collateralize the loan;

F. failure of the applicant to demonstrate its capacity to comply with parts 7380.0400 to 7380.0480, the act, *Minnesota Statutes*, section 446A.07, the loan agreement, and the covenants of the debt security; or

G. failure of the applicant to correct a default condition on a prior loan with the authority.

7380.0430 AUTHORITY EVALUATION PROCEDURE LOAN TERMS AND CONDITIONS.

Subpart 1. In general. Subject to the availability of funds, the authority shall evaluate applications certified by the commissioner of the agency to determine the applicant's capacity to comply with the terms and conditions of the Act and the rules of the authority as provided in this part.

The applicant's project must have been identified in the agency's intended use plan for the year in which the applicant is applying.

The authority will only provide financial aid for the allowable costs provided in part 7380.0410, subpart 7: provide loans or other financial assistance for eligible costs of projects listed in the fundable range on the intended use plan, which are not rejected for any of the reasons listed in part 7380.0425, subpart 4. The act, other applicable federal laws and regulations, *Minnesota Statutes*, *Minnesota Rules*, including parts 7380.0400 to 7380.0480, the capitalization grant, and the authority's basic bond resolution and series bond resolution, all as amended from time to time, govern the terms and conditions of the loan agreement issued by the authority. All borrowers shall issue a general obligation bond to the authority as debt security for the loan agreement. The borrower's authorizing resolution for issuance of debt to the authority shall acknowledge the primacy of the terms and conditions of the loan agreement.

Subp. 2. Loan terms and conditions Borrowers pledging general obligation bonds. A borrower providing a general obligation bond to the authority must use a nationally recognized bond counsel, identified as such and included in the Bond Buyer's Municipal Marketplace Directory, to prepare the bonds and other related documentation and render an opinion to the authority. Items A to F apply to borrowers providing general obligation bonds to the authority.

A. The terms and conditions for loans and other forms of financial assistance provided by the authority to eligible applicants for certified projects are as provided by the act, *Minnesota Statutes*, chapter 446A; this part; and as provided by the authority in the loan agreement and the general obligation promissory note issued by the municipality to the authority for the project financing. loan must be fully amortized over a period not to exceed 20 years. In no case may the term of the loan exceed the design life of the project being financed. If treatment works have been segmented or phased, the debt service payment requirements of this subpart apply to each phase or segment of the project.

B. If the authority provides a loan to a municipality for planning or design engineering of a wastewater treatment facility, the interest rate, terms, and conditions must be the same as for loans elsewhere in this part. The borrower shall designate and maintain, for the term of the loan, dedicated sources of revenue sufficient to fully amortize the loan and to fully provide for the operation and maintenance of the wastewater system.

C. The borrower shall establish and maintain a debt service account and an operation and maintenance account in amounts to achieve the purposes in items A and B.

D. The borrower shall maintain the technical, managerial, and financial capability to adequately operate and maintain the wastewater system for the full term of the loan.

E. The borrower shall begin making interest payments on the loan no later than one year after approval of the loan. The principal payments must begin no later than 18 months after the approval of the loan or one year after project completion as estimated in the application, whichever is earlier. Principal and interest payments must be made in the amounts and at the times stated by the authority.

in the loan agreement. Interest accrues immediately on funds disbursed to the borrower by the authority.

F. Throughout the life of the loan the authority may request and the borrower shall:

(1) update pertinent information contained in their original application;

(2) attest that such information does not contain any untrue statement of material fact;

(3) authorize the authority to use the information to meet its continuing disclosure obligations; and

(4) notify the authority if the borrower becomes aware of any changes which cause the information submitted to contain an untrue fact or omit a material fact.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

7380.0442 INTEREST RATE DETERMINATION.

Subpart 1. In general.

A. In general, the rate of interest on a loan must be based on the principal redemption schedule of the loan, the appropriate bond yield scale identified in subpart 2, and the applicable interest rate discounts identified in subpart 3.

B. The interest rate on a loan must be set based on the date that the authority receives from the applicant a formal request to proceed with the loan agreement. This must be after the authority has received all of the following:

(1) a complete application;

(2) project certification by the Pollution Control Agency; and

(3) documentation of asbid costs.

C. In no case may the interest rate on a loan be less than one percent.

D. For loans funded in whole or in part with proceeds of authority bonds, the rate of interest on those loans must not exceed a rate which results in the yield on the loan being materially higher than the yield on the bonds as required and defined in the Internal Revenue Code of 1986, as amended, and the regulations and interpretations of the United States Department of Treasury promulgated with respect thereto, including and without limitation *Code of Federal Regulations*, title 26, section 1.148(2)(d).

Subp. 2. Bond yield scale. The bond yield scale used in calculating the loan rate is the greater of the adjusted authority scale, if authority bond proceeds are available, or the market scale as described in items A and B.

A. For loans secured with a tax-exempt general obligation bond, the rate must be based on the greater of the Aaa market scale or the unadjusted authority scale.

B. For loans secured with a taxable general obligation bond, the rate must be based on the greater of the Aa market scale or the authority scale adjusted for the difference between the Aaa market scale and the Aa market scale.

Subp. 3. Interest rate discounts. Interest rate discounts must be provided as described in items A and B unless item C applies.

A. Borrowers are eligible for base discounts as determined by the authority in part 7380.0422, subpart 1, item C.

B. Borrowers under 2,500 population must receive additional discounts on loan amounts up to \$20,000 per household as provided in subitems (1) and (2).

(1) A borrower must receive an interest rate discount of 50 basis points if the median household income level of the borrower is below the median household income level for the metropolitan or nonmetropolitan area, as applicable, based on the most recent census.

(2) A borrower must receive an interest rate discount based on its estimated average annual residential system cost per household after completion of the project. If the estimated average annual residential cost per household, as a percentage of median household income of the borrower, is greater than:

(a) 2.00 percent, the borrower must receive a discount of 150 basis points;

(b) 1.75 percent but less than 2.00 percent, the borrower must receive a discount of 125 basis points;

(c) 1.50 percent but less than 1.75 percent, the borrower must receive a discount of 100 basis points;

(d) 1.25 percent but less than 1.50 percent, the borrower must receive a discount of 75 basis points; or

(e) 1.00 percent but less than 1.25 percent, the borrower must receive a discount of 50 basis points.

C. For loans with projects involving a significant wastewater contributor, the interest rate discounts provided in items A and B must not be applied unless a significant wastewater contributor agreement is in place.

Subp. 4. Demographic data. For the purpose of calculating interest rate discounts in subpart 3, the data used to determine the population and the median household income of the borrower must be that which most accurately measures the current population and median household income of the project's service area.

If there is reason to believe that the United States Census data or the data from the state demographer is not a current, accurate representation of the median household income or population of the project's service area, the borrower may document the reasons why the data is not an accurate representation, and obtain additional information regarding median household income or population of the project's service area. The information must consist of reliable data from local, regional, state, or federal sources, or from a survey

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conducted by a reliable impartial source. If the authority determines that the demographic data submitted by the borrower does not reflect the most current or accurate measure of the population and median household income of the project's service area, the authority shall update the demographic data to reflect the most current and accurate figures.

7380.0445 MARKET CONSIDERATIONS.

Subpart 1. Market adjustments. If the authority determines that market conditions are such that interest rates calculated under part 7380.0442 are noncompetitive, the authority has the option to establish a temporary market adjustment discount in addition to the other interest rate discounts established under part 7380.0442.

Subp. 2. Suspension of loans.

A. The executive director, acting on behalf of the authority, shall suspend offering loans if it is determined that there are extreme or unusual events impacting the bond market and that to continue making loans under existing terms, conditions, and interest rates would be detrimental to the authority's bondholders or the financial viability of the fund.

B. If loans are suspended under item A, the authority shall have the option to resume making loans under existing criteria or reset the criteria and the means by which it will determine loan terms, conditions, and interest rates that will be offered.

7380.0450 OTHER FINANCIAL ASSISTANCE.

In addition to the loans provided in parts 7380.0430 to 7380.0440 7380.0442, the authority may use any provide other forms of financial aids assistance as provided in *United States Code*, title 33, section 1383(d) the act and in *Minnesota Statutes*, section 446A.07, subdivision 8. The use of specific financing tools will be determined by the authority shall determine when other forms of financial assistance are appropriate based on existing financial market conditions at the time the financing of the project takes place, the impact on the water pollution control revolving fund, the financial capacity of the borrower, and the advantages to the borrower in using one form of financing as opposed to another form.

The revolving loan fund authorized by the act may be used:

A. to buy or refinance the debt obligation of municipalities for treatment works for which the debt was incurred and construction begun after March 7, 1985, at or below market rate;

B. to guarantee or purchase insurance for local obligations to improve credit market access or reduce interest rates;

C. to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if bond proceeds are deposited in the fund; and

D. to provide loan guarantees for similar revolving funds established by a governmental unit other than state agencies.

7380.0460 FEES.

If the authority charges a loan recipient a loan origination fee, the fee must be based on a schedule established by the authority and must not exceed one and onehalf percent of funds borrowed from the authority. The fees, if any, will be charged to all loan recipients and must be as provided in the loan application form. These fees may be included as an eligible project activity or category in the municipality's application to the authority, and are due and payable as provided in the loan agreement fees, they must be as provided in *Minnesota Statutes*, section 446A.04, subdivision 5, paragraph (a).

7380.0470 RELEASE OF FUNDS.

Subpart 1. In general. Subject to the availability of funds, payments to the governmental unit for an approved project will be made in accordance with applicable state and federal law governing payments, but payments will not be made until the authority has determined the total estimated cost of the project, and ascertained that the total final financing of the project is assured by the following:

A. a loan authorized by state law or the appropriation proceeds of bonds or other money of the municipality to a fund for construction of a project; and

B. an irrevocable undertaking, by resolution of the applicant, to use the loan proceeds exclusively for the project, and to pay any additional amount by which the cost of the project exceeds the final estimate by the appropriation to the construction fund of additional money or proceeds of additional bonds to be issued by the governmental unit. No disbursements shall be made to a borrower until and unless the authority has determined the total estimated cost of the project and ascertained that the financing of the project is assured. Subject to the availability of funds and appropriate documentation of incurred costs, disbursements to the borrower must be made after the following occurs:

A. the loan closing has been completed; and

B. the borrower has submitted a request for payment of incurred, eligible costs on forms provided by the authority.

Subp. 2. Adverse change. The authority shall not release funds to a municipality borrower for an approved project until the authority has determined that if there have has been no adverse changes a material negative change in the financial capacity condition of the municipality since borrower, as reasonably determined by the authority since the day of the completion of the application including, but

not limited to, a default on any general obligation bond.

The authority reserves the right to suspend or terminate ~~funding~~ financial assistance to ~~the municipality~~ a borrower if the authority determines that there has been an adverse change.

Subp. 3. **~~Conformance with plans and reporting requirements~~ Withholding, disallowance, or termination of disbursements.**

A. The authority shall withhold, ~~suspend~~, or terminate ~~disallow~~ either total or partial ~~payments~~ disbursements if ~~the authority determines that a project does not substantially conform to approved plans and specifications, or there has been substantial noncompliance;~~

(1) the commissioner of the Pollution Control Agency requests disbursements be withheld or disallowed as provided in part 7077.0292;

(2) the borrower fails to comply with ~~reporting the requirements~~ of the act, *Minnesota Statutes*, section 446A.07, parts 7380.0400 to 7380.0480, the loan agreement, or the bonds or promissory note and security agreement issued by the borrower to the authority;

(3) the borrower fails to submit documentation that eligible costs have been incurred; or

(4) the borrower fails to submit required compliance reports including, but not limited to, annual audits.

B. If the authority withholds or disallows disbursements under item A, the executive director shall give a ~~municipality~~ borrower written notice of the ~~deficiencies the authority has determined exist~~, reasons and the time in which the ~~municipality~~ borrower must demonstrate to the authority's satisfaction that the condition has or will be corrected. ~~The time for demonstration must not exceed 90 days.~~ If the condition has not been corrected in the specified time period, withheld or disallowed disbursements may be terminated. Termination of disbursements means that the amount of the loan available to the borrower is reduced by the amount so terminated.

7380.0475 PENALTIES FOR DEFAULT.

Subpart 1. **Penalty for late payment.** If a borrower fails to make a payment in the amount and at the times prescribed by the authority, and fails to remedy the default within five business days after the payment due date, the authority shall charge the borrower the lesser of 18 percent per annum, based on 30-day months and a 360-day year, or the highest interest rate allowed by law, on the unpaid principal amount.

Subp. 2. **Penalty for material noncompliance.** If the authority notifies a borrower that the borrower is not in compliance with the loan conditions provided in parts 7380.0400 to 7380.0480, the borrower shall have three months from the date of notification to return to compliance or provide a written plan to the authority for returning to compliance. Upon submission of a plan by the borrower, the authority shall either accept or reject the plan. A borrower's failure to return to compliance or to provide an acceptable plan, or failure to return to compliance within the time periods specified in an accepted plan, shall result in an immediate increase in the interest rate on the loan by eliminating all interest rate discounts that were applied in determining the interest rate under part 7380.0442, subpart 3. If the authority determines that the borrower has returned to compliance, the interest rate on the unpaid loan principal shall revert back to the original interest rate as of the date of the notification of noncompliance by the authority.

7380.0480 REPORTS, DISCLOSURE, AND AUDITS.

Subpart 1. **Reports.** During the term of the loan, the ~~municipality~~ borrower shall make written reports to the ~~executive director~~ authority on forms provided by the authority and on a schedule determined by the executive director.

Subp. 1a. **Disclosure.** During the term of the loan, the borrower is required on its own volition to disclose to the authority any material information or events impacting the creditworthiness of the borrower, including, but not limited to, those requirements contained in the *Code of Federal Regulations*, title 17, section 240.15c2-12, adopted by the United States Securities and Exchange Commission. If and when required by the rule, the borrower shall enter into a continuing disclosure document in a form acceptable to the authority.

Subp. 2. **Audits.** Financial assistance recipients must arrange and pay for independent audits, acceptable to the authority and prepared, ~~if required by the Clean Water Act~~. Except as provided in subpart 3, a municipal borrower shall provide to the authority acceptable reports of independent annual audits for the term of the loan. Audit reports must be submitted within 30 days after the completion of the audit but no later than nine months after the end of the audit period. The audits must be conducted in accordance with generally accepted government auditing standards and, where applicable, in compliance with the Single Audit Act requirements of the federal Office of Management and Budget, Circular ~~A-128~~ A-133, published in the *Federal Register*, volume 50 ~~61~~, number 188, page 39083 ~~215~~, on ~~September 27, 1985~~ November 5, 1996, and in compliance with the Single Audit Act ~~Amendment of 1984~~ 1996, *United States Code*, title 31, sections 7501 to 7507, as amended from time to time. A borrower pledging a general obligation bond shall list the debt as a general obligation debt of the borrower in its audit report.

Subp. 3. **Waiver of audit requirements.**

A. Beginning in the calendar year following a final disbursement of loan funds, a borrower may request a waiver from the authority of the annual independent audit. A waiver must be granted by the authority if the borrower has demonstrated satisfactory financial management practices and the following conditions are met:

(1) the borrower submits a request in writing;

(2) the total outstanding balance of all authority loans are less than \$300,000 or such other amount acceptable to the agencies that rate

Proposed Rules

the authority's debt;

(3) independent annual audits have been provided as required; and

(4) the borrower is in compliance with all terms and conditions of the loan agreement.

B. A waiver provided to a borrower shall be revoked by the authority if either of the following conditions occur:

(1) failure to make payments when due; or

(2) failure to submit, within 12 months of the end of the reporting year, an annual financial report as required by the Office of the State Auditor pursuant to *Minnesota Statutes*, section 6.47, including operating statements from the enterprise funds and any future independent audits completed for other purposes.

C. The waiver shall be suspended by the authority when the authority issues a new loan to the borrower.

D. Waivers granted by the authority under this subpart remain in effect until all authority loans are fully repaid, unless revoked by the authority in its sole option and discretion.

REPEALER. *Minnesota Rules*, parts 7380.0100; 7380.0110; 7380.0120; 7380.0130; 7380.0245; 7380.0250, subparts 8, 11, 13, 20, 22, 25, 27, 30, 31, 32, and 33; 7380.0255, subpart 4; 7380.0260, subparts 2, 3, and 5; 7380.0270; 7380.0275, subpart 2; 7380.0410; 7380.0420; 7380.0430, subparts 3, 4, and 5; and 7380.0440, are repealed.

EFFECTIVE DATE. The amendments to *Minnesota Rules*, parts 7380.0250 to 7380.0480, are effective July 1, 2007. *Minnesota Rules*, parts 7380.0252; 7380.0272; 7380.0277; 7380.0422; 7380.0425; 7380.0442; 7380.0445; and 7380.0475, are effective July 1, 2007. The repealer is effective July 1, 2007.

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.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Occupational Safety and Health; Adoption of Federal Standards by Reference

The rules proposed and published at *State Register*, Volume 31, Number 25, pages 772-773, December 18, 2006 (31 SR 772), are adopted as proposed.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the 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 the emergency conditions. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: Taking Fish in Boundary Waters

Taking of Fish on Minnesota-South Dakota Boundary Waters

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rules is *Minnesota Statutes*, sections 97A.045, subd. 4. The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows.

Minnesota Rules, part 6266.0400, subp. 2 provide for changes in the fishing seasons and limits on border waters with South Dakota. Each year, Minnesota staff meet with representatives of the border states to discuss potential regulation changes for common waters. These discussions result in negotiated regulations that each state then proceeds to adopt. Each of the states began a process to adopt a more liberal fishing opener. South Dakota's process of adopting regulations takes much less time and as a result they have been able to put the more liberal opener in place on the border waters already. These areas are popular fishing spots when the fishing season opens and anglers have come to expect common regulations. If the proposed rule language is not adopted by April 21 for South Dakota border waters, it will confuse anglers and create enforcement problems by not having common regulations.

Dated: February 1, 2007

Mark Holsten, Commissioner
Department of Natural Resources

6266.0400 TAKING OF FISH ON MINNESOTASOUTH DAKOTA BOUNDARY WATERS.

[For text of subpart 1, see M.R.]

Subp. 2. **Species, seasons, and limits on MinnesotaSouth Dakota boundary waters.** Except as provided in part 6264.0400, subpart 29, the following applies to the species, seasons, and limits for taking fish on MinnesotaSouth Dakota boundary waters:

Species	Open Season	Daily and Possession Limits
A. Walleye and sauger	Last Saturday in April <u>closest to April 21</u> through last day in February.	6
B. Northern pike	Last Saturday in April <u>closest to April 21</u> through last day in February.	6
C. Small and large mouth bass	Last Saturday in April <u>closest to April 21</u> through last day in February.	6

[For text of items D to K, see M.R.]

[For text of subps 3 to 13, see M.R.]

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.

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Minnesota Forest Resources Council

Notice of Availability for Public Review, Proposed Guidelines for the Sustainable Harvest of Woody Biomass from Forestland and Brushland

The Minnesota Forest Resources Council is requesting public review and comment on proposed guidelines for the sustainable harvest of woody biomass from forestland and brushland. *Minnesota Statute (Minnesota Statute 216B.2424)* mandates that the Minnesota Forest Resources Council (Council) and the Minnesota Department of Natural Resources (DNR) develop guidelines or best management practices for "sustainably managed woody biomass" for both forestland (Council) and brushland (DNR). The statute requires that these guidelines must be reviewed and approved by the Council by July 1, 2007. These guidelines are contained in two documents (i.e., forestland and brushland) titled "Biomass Harvesting on Forest Management Sites in Minnesota" and "Woody Biomass Harvesting on Brushlands and Open Lands in Minnesota".

Members of the public wanting to review and provide comment on one or both of the proposed guideline documents will be able to view them on the Council web site (www.frc.state.mn.us/FMgdline/BHGC) on March 1, 2007. To receive printed copies of the proposed guideline documents or more information, contact:

Dick Rossman, DNR/Division of Forestry
6603 Bemidji Avenue N.
Bemidji, MN 56601
Phone: (218) 755-4062
Fax: (218) 755-4417
E-mail: dick.rossman@dnr.state.mn.us

Written comments on one or both of the proposed guideline documents must be received by e-mail, postal mail, or fax by Dick Rossman no later than 4:00 p.m. on Tuesday, March 27, 2007.

Minnesota Department of Human Service

Request for Comments on Possible Amendments to Rules Governing Licensure of Child Foster Care by Counties and Private Agencies, *Minnesota Rules*, Chapter 9543

Subject of Rules. *Minnesota Rules*, Chapter 9543, govern county and private agency licensure of foster care providers who are licensed under *Minnesota Rules*, Chapter 2960. The amendments to *Minnesota Rules*, Chapter 9543 would govern county and private

Official Notices

agencies that perform licensing duties related to persons who provide foster care under a license issued according to *Minnesota Rules*, Chapter 2960, who will also offer mental health treatment foster care to children placed in the licensed foster home.

Mental health treatment foster care services have been provided to children in Minnesota for more than 20 years. The possible rule amendments would provide uniform standards for licensing mental health treatment foster care services. The possible amendments will clarify the procedures and standards that counties and child placing agencies will use to license mental health treatment foster care programs. The amendments identify the responsibilities of county and private agencies that will provide treatment foster care programs..

Persons Affected. The amendments to the rules would likely affect:

- County agencies who may perform licensing duties related to mental health treatment foster care programs and provide services;
- private child placing agencies licensed under Minnesota Rules, parts 9545.0750 to 9545.0845, who may license mental health treatment foster care programs and provide services;
- foster care providers who care for foster children in need of mental health treatment foster care;
- entities that purchases mental health treatment for children who would use a mental health treatment foster home as a treatment provider;
- mental health professionals who serve children in foster care and the children's families;
- a child and the parent or guardian of a child who may need mental health treatment foster care; and
- individuals who provide services to mental health foster care treatment programs.

Statutory Authority. *Minnesota Statutes*, section 245A.09, authorizes the Department to adopt rules for licensing programs. *Minnesota Statutes*, section 245A.16 requires county agencies and private agencies to follow applicable rules when licensing foster care providers. *Minnesota Statutes*, section 256.01, subdivision 2, paragraph (aa), authorizes the department to create standards for specialized therapeutic services to be provided by foster care homes.

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 contemplates appointing an advisory committee to comment on the possible rules. The contact person for the rule advisory committee is Ms. Beske Brown Her contact information is listed below.

Rules Drafts. The Department has prepared a preliminary draft of the possible rules amendments that will be available before the publication of the proposed rules.

Agency Contact Persons. Written comments, questions, requests to receive a preliminary draft of the rules, and requests for more information on these possible rules should be directed to: Deborah Beske Brown, regarding foster care issues; Addie Fenstad, regarding mental health treatment issues; Beth Scheffer, regarding the rulemaking process. Ms. Beske Brown may be reached at the Minnesota Department of Human Services, 444 Lafayette Road, Saint Paul, MN 55155; or by **phone** at (651) 4314731; or by **fax** at (651) 651-431-7491; or by **e-mail** at deborah.beske.brown@state.mn.us; Ms. Fenstad may be reached at the Minnesota Department of Human Services, 540 Cedar Street, Saint Paul, MN 55155; or by **phone** at (651) 431-2335; or by **fax** at (651) 431-7418; or by **e-mail** at Addie.Fenstad@state.mn.us. Ms. Scheffer may be reached at the Minnesota Department of Human Services, 444 Lafayette Road, Saint Paul, MN 55155; or by **phone** at (651) 431-4336; or by **fax** at (651) 431-7523; or by **e-mail** at Elizabeth.Scheffer@state.mn.us **TTY** users may call the Department at (651) 297-3173.

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 if and 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.

Dated: February 2007

Official Notices

Department of Natural Resources Division of Fish and Wildlife

Notice of Fish and Wildlife Habitat Stamp Art Contests Background about the Fish and Wildlife Habitat Stamp Art Contests

Minnesota Statutes 97A.045 and Minnesota Rules 6290 permit the Commissioner of the Department of Natural Resources (DNR) to conduct contests for selection of designs for fish and wildlife habitat stamps.

NOTICE IS HEREBY GIVEN that **entry dates for four habitat stamp contests** conducted by the DNR are as follows:

1. Year **2008 Trout and Salmon Stamp contest**. Entries will be accepted beginning Monday, July 23, 2007 and continuing until 4 p.m. Friday, August 3, 2007 at the Minnesota Department of Natural Resources, Section of Fisheries, 500 Lafayette Road, Box 20, St. Paul, Minnesota, 55155-4020. The judging will take place Thursday, August 9, 2007, at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota. The rainbow trout is not eligible this year.

2. Year **2008 Migratory Waterfowl Stamp contest**. Entries will be accepted beginning Monday, August 13, 2007, and continuing until 4 p.m. Friday, August 24, 2007, at the Minnesota Department of Natural Resources, Section of Wildlife, 500 Lafayette Road, Box 20, St. Paul, Minnesota, 55155-4020. The judging will take place Thursday, August 30, 2007, at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota. The **Ross's Goose** is the only eligible species for depiction on the 2008 Minnesota waterfowl stamp.

3. Year **2008 Pheasant Habitat Stamp contest**. Entries will be accepted beginning Tuesday, September 4, 2007, and continuing until 4 p.m. Monday, September 17, 2007, at the Minnesota Department of Natural Resources, Section of Wildlife, 500 Lafayette Road, Box 20, St. Paul, Minnesota, 55155-4020. The judging will take place Thursday, September 20, 2007, at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota.

4. Year **2009 Turkey Habitat Stamp contest**. Entries will be accepted beginning Monday, December 17, 2007, and continuing until 4 p.m. Friday, January 4, 2008, at the Minnesota Department of Natural Resources, Section of Wildlife, 500 Lafayette Road, St. Paul, Minnesota, 55155. The judging will take place Thursday, January 10, 2008, at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota.

All entries for the contests must be accompanied by the appropriate application materials. Contest application packages, which include all entry forms and specifications, are available by writing: Minnesota DNR Information Center, 500 Lafayette Road, St. Paul, MN 55155-4040; or by calling the DNR at (612) 296-6157.

The contest application and information are also available on the DNR website at <http://www.dnr.state.mn.us/contests/stamps.html>.

Dated: February 12, 2007

Ray Norrgard
Division of Fish and Wildlife
Department of Natural Resources

Minnesota Pollution Control Agency Decision Document for the TCF Bank Stadium Site/Former Republic Creosoting Site on the University of Minnesota East Bank Campus

NOTICE IS HEREBY GIVEN, that the Minnesota Pollution Control Agency ("MPCA") has issued a Minnesota Decision Document ("MDD") for the TCF Bank Stadium Site/former Republic Creosoting Site ("Site") located on the University of Minnesota East Bank Campus. The MDD presents the process used by the MPCA to select the cleanup levels for the Site, and summarizes the facts and determinations made by the MPCA in approving the response actions for the Site. The response actions were developed for the protection of public health and the environment, pursuant to the laws of the state of Minnesota and applicable federal laws and are designed to reduce the contaminant concentrations to levels that protect human health from exposure through the pathways of dermal contact, ingestion and inhalation. The response actions are also protective of ecological risks. The MDD is available for public review at the Wilson Reserve/Periodicals Unit of Wilson Library, 65 Wilson Library, 309 - 19th Av. S., Minneapolis, MN, and may also be viewed on-line at the following website: http://www1.umn.edu/stadium/environmental_process.html

Public Utilities Commission**Notice of Filing and Prehearing Conference in the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) for Certificates of Need for Three 115 kV Transmission Lines in Southwestern Minnesota****Public Utilities Commission Docket No. E-002/CN-06-154**

On December 4, 2006, Xcel Energy (the Company) submitted a certificate of need application for transmission facilities proposed for construction in the southwestern part of Minnesota. The application and other documents in this docket may be reviewed on the Public Utilities Commission (Commission) website at www.puc.state.mn.us by clicking on "eDocket & eFiling" and then on "Search documents."

The three 115-kilovolt transmission lines proposed by the Company are:

- a 10 to 15 mile line in Lyon County between Lake Yankton Substation near Balaton, Minnesota and a new substation near Marshall, Minnesota;
- a 15 to 20 mile line in Murray and Nobles Counties between Fenton Substation near Chandler, Minnesota and Nobles County Substation northwest of Worthington, Minnesota; and
- a 10 to 15 mile line in Lincoln County between Yankee Substation south of Hendricks, Minnesota and the Minnesota/South Dakota border.

The proposed transmission facilities fall under the definition of "large energy facility" in *Minnesota Statutes* § 216B.2421, subd. 2 (3). Therefore, in accordance with *Minnesota Statutes* § 216B.243, subd. 2, the facilities cannot be constructed or sited in Minnesota unless the Commission issues a certificate of need to the Company.

The certificate of need rules pertaining to this filing are *Minnesota Rules*, parts 7849.0010 to 7849.0400. More specifically, the application requirements for transmission lines are given by parts 7849.0220, 7849.0240, and 7849.0260 to 7849.0340. The criteria for assessment of need are given by part 7849.0120.

The Commission has accepted Xcel Energy's certificate of need application and has ordered a contested case proceeding. Administrative Law Judge Beverly Jones Heydinger has been assigned to conduct the hearings in these proceedings. Her address and telephone number are as follows: Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, Minnesota 55401-2138, (612) 341-7606.

A prehearing conference will be held at 3:30 p.m. on February 26, 2007 in the Small Hearing Room, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147. Persons wishing to participate in this docket as an official party should attend this conference. Among the issues to be discussed are times and places for public hearings, dates for pre-filing of expert testimony, and discovery procedures.

Questions regarding this project and this docket may be directed to Commission staff members David Jacobson at (651) 201-2238, david.jacobson@state.mn.us and Bob Cupit at (651) 201-2255, bob.cupit@state.mn.us.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Department of Corrections Notice of Availability of Grant Funds for Two-year Restorative Justice Projects Providing Local Services

The Minnesota Department of Corrections, Community Services Division, Grants & Subsidies Unit, announces a Request for Proposals (RFP) for state grant funds for two-year restorative justice projects providing local services as defined in Minnesota Statutes, section 611A.775. The goal of this RFP is to promote programs that have demonstrated successful results and are building long-term sustainability by developing diverse, stable funding from public, local, and private funding sources.

The amount of funding is \$206,000 per year beginning July 1, 2007, through June 30, 2009. Funds will be awarded as two one-year grants ranging from \$10,000 to \$40,000 per year covering the twelve-month periods of July 1, 2007, through June 30, 2008, and July 1, 2008, through June 30, 2009.

Non-profit 501(c)(3) organizations, local units of government, and American Indian tribal governments are eligible to apply. Successful applicants may be eligible to request an additional two years of funding. This RFP does not obligate the state to complete the proposed project, and the state reserves the right to cancel this solicitation if it is considered to be in its best interest.

All applications are due at 4:30 p.m., Tuesday, March 27, 2007.

To receive a copy of the RFP, which describes in detail how to apply for funding, contact:

Lynda Davis
Minnesota Department of Corrections
Grants and Subsidies Unit
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
Telephone: (651) 361-7166
TTY: (800) 627-3529
E-mail: ldavis@co.doc.state.mn.us

Department of Human Services Community Partnerships Office of Economic Opportunity Availability of Emergency Services Program, Transitional Housing Program, and Emergency Shelter Grant Program Funds

NOTICE IS HEREBY GIVEN given that the Minnesota Department of Human Services (DHS) Community Partnerships, Office of Economic Opportunity announces the anticipated availability of Emergency Services Program (ESP), Transitional Housing Program (THP) and Emergency Shelter Grants Program (ESGP) funding. Funding under these programs may be used to pay the costs of providing homelessness prevention services, emergency shelter, transitional housing, and supportive services to homeless persons.

The exact amount of available funding may not be known until the end of the 2007 Minnesota Legislative Session. All funds will be awarded through a competitive grant process. Funds will be awarded for a two-year period beginning July 1, 2007 and ending June 31, 2009. To be considered for funding under this program, applicants must email one electronic copy to: kadra.bade@state.mn.us by Friday, March 30, 2007, and mail two hard copies of the application, postmarked by March 30, 2007 to:

Kadra Bade
Minnesota Department of Human Services
Office of Economic Opportunity
P.O. Box 64962

St. Paul, MN 55164-0962

For more information or to request an application packet, contact

Pat Leary
Minnesota Department of Human Services
Office of Economic Opportunity
P.O. Box 64962
St. Paul, MN 55164-0962
(651) 431-3824, or
E-mail: pat.leary@state.mn.us

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) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site 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.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

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State Contracts

Minnesota State Colleges and Universities

Notice of Request for Information (RFI) for Architectural, Owner's Representative, Real Estate and other related Professional and Technical services for a Master List of Consultants

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities ("MnSCU"), requests information of Minnesota registered consultants, as appropriate, to assist MnSCU in providing Architectural/Engineering, Owner Representative, Real Estate and other related Professional and Technical services as needed for up to a five-year period. Projects will vary in scope and may involve due diligence services, new construction, remodeling, commissioning, site and utility work, facilities, roads and grounds, and land development.

The Request for Information documents can be found **online** at: www.facilities.mnscu.edu under Solicitation Announcements. Copies of the RFI may also be requested from:

Nancy Marandola
Minnesota State Colleges & Universities
Wells Fargo Place, 30 Seventh Street East, Suite 350
St. Paul, Minnesota 55101-7804
Telephone: (651) 297-7862
E-mail: Nancy.marandola@so.mnscu.edu

An information meeting has been scheduled for March 20, 2007 at 2:00 P.M. CST in the Auditorium (Room 150) at Saint Paul College, 235 Marshall Avenue, Saint Paul, Minnesota 55102.

Proposals must be delivered to:

Minnesota State Colleges & Universities
ATTN: Construction and Support Services
30 Seventh Street East, Suite 350
St. Paul, Minnesota 55101-7804

Proposals must be received **NOT** later than April 13, 2007 at 4:00 P.M. CST; late responses will not be considered.

MnSCU reserves the right to cancel this solicitation if it is considered to be in its best interest. The RFI is not a guarantee of work and does not obligate MnSCU to award any contracts. MnSCU reserves the right to discontinue the use or cancel all or any part of this Master List of Consultants program if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota State Colleges and Universities

Central Lakes College

Request for Proposals for Deleting Existing Office Area at the Brainerd Campus of Central Lakes College and Creating a New Science Lab

Sealed Bids for: **Central Lakes College**
Brainerd Science Lab
Minnesota State Colleges and Universities
Brainerd, Minnesota

will be received by: **Kari Christiansen**
Central Lakes College, 501 West College Drive
Room C212
Brainerd, Minnesota

Until **2:00 PM**, local time, **Tuesday, March 13th, 2007** at which time the bids will be opened and publicly read aloud in room E208.

Project Scope: The project consists of deleting existing office area at the Brainerd Campus of Central Lakes College and creating a new Science Lab and support spaces of approximately 1,750 square feet.

A pre-bid meeting will be held at 10:00 AM, Tuesday, March 6th, 2007 in room E208 of Central Lakes College, Brainerd Campus. The Architect/Engineer and Owner Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer, Architecture One, are on file at the offices of the:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges: St. Paul, Minneapolis, St. Cloud, Duluth, Fargo-Moorhead
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

Architecture One
311 South 8th Street
Brainerd, MN 56401
(218) 829-0525

A deposit of \$50.00 is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a \$50.00 deposit to the Architect. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

Minnesota State Colleges and Universities (MnSCU)

Normandale Community College

Building Services Department

Notice of Intent to Solicit Bid for Fine Arts Air Handler

NOTICE IS HEREBY GIVEN that Normandale Community College is requesting bids for the purchase of air handling units, to be furnished for installation under a separate bid package. Subject to compliance with requirements, provide air handling units of one of the following One Hundred Sixty-five Thousand no/100 Dollars (\$165,000.) This bid does not obligate Normandale Community College to spend the estimated dollar amount.

Bid forms, contract documents, drawings and specifications as prepared by the project Architect/Engineer are on file at the offices of:

Ankeny Kell Architects, P.A.
821 Raymond Avenue Suite 400
St. Paul, MN 55114
Telephone: (651) 645-6806
Fax: (651) 645-0079

Bids must be presented by Friday, March 2, 2007 by 9:00 a.m. at which time bids will be opened and publicly read aloud. Send sealed bids to:

Craig Erickson
Normandale Community College – L1790
9700 France Avenue South
Bloomington, MN 55431

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Normandale Community College

Notice of Request for Bid (RFB) for Fine Arts Building Addition & Alterations

Sealed Bids must be presented by **Tuesday, March 20, by 2:00 p.m.**, local time, at which time bids will be opened and publicly read aloud. Deliver sealed bids to:

Craig Erickson, Fiscal Director
Normandale Community College
Library Building, Room - L1790
9700 France Avenue South
Bloomington, MN 55431

Project Scope: Approximately 16,000 SF classroom and office addition and 24,000 SF renovation to the Fine Arts Building. The project also includes related site work.

Estimated Cost: \$4,400,000

A **Pre-Bid Meeting** will be held at 10:00 a.m., Friday, March 2, 2007, in Room L-1790, Library Building, Normandale Community College, 9700 France Avenue South, Bloomington, Minnesota. The Architect/Engineer and Owner Representatives will review the bidding procedures, bidding documents and other conditions with interested bidders and answer questions.

Complete sets only of bidding documents may be obtained at the following address: Ankeny Kell Architects, 821 Raymond Avenue, Suite 400, St. Paul, MN 55114, **Phone:** (651) 645-6806 or **Fax:** (651) 645-0079. A deposit of \$100.00 is required for each set.

Additional sets may be purchased at the non-refundable cost of \$150.00. Documents can be picked up at Franz Repro, 2700 Freeway Boulevard, Suite 900, Brooklyn Center, MN 55430, (763) 503-3401.

Prospective bidders may also purchase the full documents, viewable by Adobe Acrobat Reader, on Compact Disk at the cost of \$20.00 per disk.

Minnesota State Colleges and Universities (MnSCU)

Normandale Community College

Request for Proposals for Rebid of Disaster Recovery / Backup Solution

Normandale Community College is requesting proposals to assist in developing disaster recovery/backup solution for Normandale Community College's Network. In the event of a disaster Normandale Community College strives to be back "on-line" allowing access to primary data within hours by all personnel. The secondary data would then be restored in a more normal fashion. This could be accomplished in 4 parts: 1.) Replace/Rebuild primary servers, 2.) Restore primary data, 3.) Replace/Rebuild secondary servers, 4.) Restore secondary data.

One way to accomplish this is to replicate data to off-site storage, Normandale Community College, would look at replicating data to another MnSCU site in case of a local site disaster.

This RFP is undertaken by Normandale Community College pursuant to the authority contained in provisions of *Minnesota Statutes* § 136F.581 and other applicable laws.

Accordingly, Normandale Community College shall select the vendor(s) whose proposal(s), and oral presentation(s) if requested, demonstrate in Normandale Community College's sole opinion, the clear capability to best fulfill the purposes of this RFP in a cost effective manner. Normandale Community College reserves the right to accept or reject proposals, in whole or in part, and to negotiate separately as necessary in order to serve the best interests of Normandale Community College. This RFP shall not obligate the Normandale Community College to award a contract or complete the proposed project and it reserves the right to cancel this RFP if it is considered to be in its best interest.

Proposal Rejection and Waiver of Informalities

This RFP does not obligate the Minnesota State Colleges and Universities (MnSCU) system, its Board of Trustees or Normandale Community College to award a contract or complete the proposed project and each reserves the right to cancel this RFP if it is considered to be in its best interest. Normandale Community College also reserves the right to waive minor informalities and, notwithstanding

anything to the contrary, reserves the right to:

1. reject any and all proposals received in response to this RFP;
2. select a proposal for contract negotiation other than the one with the lowest cost;
3. negotiate any aspect of the proposal with any vendor;
4. terminate negotiations and select the next most responsive vendor for contract negotiations;
5. terminate negotiations and prepare and release a new RFP;
6. terminate negotiations and take such action as deemed appropriate.

Normandale Community College's agent for purposes of responding to inquiries about the RFP is:

Name: Harold Liebersbach
Title: Senior Network Engineer
Address: 9700 France Ave So, Bloomington, MN 55431
Telephone: (952) 487-8190
Fax: (952) 487-8190
E-mail address: harold.liebersbach@normandale.edu

All substantive responses to vendor queries will be made available to all vendors by posting the question, with the name of the vendor submitting the question and the answer on the RFP website. For purposes of this RFP, posting on this website constitutes written notification to all vendors. Vendors are expected to check: www.normandale.edu/BackupRFP/ frequently.

Submission

Sealed proposals must be received at the following address not later than 2:00 p.m. CT on Tuesday, March 6th 2007.

Institution: Normandale Community College
Name: Terry Pelzel
Title: Purchasing Coordinator
Room C1092
Mailing Address: 9700 France Ave So, Bloomington, MN 55431

The responder shall submit 4 copies of its RFP response and a compact disc with the RFP response in Microsoft Word format. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. One copy of the proposal must be unbound and signed in blue or black ink by an authorized representative of the vendor. Proof of authority of the person signing must accompany the response.

Minnesota State Colleges and Universities (MnSCU)

St. Cloud State University

Sealed Bids Sought for LiDAR

Sealed proposals for services hereinafter described will be received by St. Cloud State University at the Business Services Office, AS 122, St. Cloud Minnesota until **3:00 PM** on **MARCH 15, 2007** and will be publicly opened and read aloud. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

Bids are requested for **LiDAR** as per Request for Proposal available in the Business Services Office, St. Cloud State University.

For further information contact:

Lisa Sparks
Director of Purchasing
St. Cloud State University – AS 122
720 - 4th Ave. South
St. Cloud, MN 56301-4498
(320) 308-4788 or Doris Frieler @ (320)308-4001

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Winona State University

Notice of Request for Qualification for Public Art Maxwell Hall Renovation

NOTICE IS HEREBY GIVEN Winona State University, Winona, MN is seeking proposals for a contract to provide art design and commissioning. The Public Art project will be the creation and installation of an original flooring design in the public lobby area at Maxwell Hall, Winona State University. Proposal information will be available Tuesday, February 20, 2007 by contacting Susan Jones, CPMI, Owner's Representative by **e-mail** at sjones@cpmi.com or **calling** (952) 854-3663.

Sealed proposals must be received by **2:00 PM CST Wednesday March 14, 2007 at Winona State University, Facilities Services Building, 175 West Mark Street, Room 208, Winona, MN 55987, Attention: Susan Jones, Owner Representative.** Faxed or e-mailed proposals will NOT be considered. Late responses will NOT be considered. Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

Minnesota State Colleges and Universities (MnSCU)

Winona State University

Request for Proposals for Copy Machine Contract

Notice is hereby given that Winona State University is seeking proposals for a cost per copy, copy machine contract.

Proposal specifications will be available February 19, 2007 by contacting the Purchasing Department at PO Box 5838, 205 Somsen Hall, Winona, MN 55987, **e-mail:** sschmitt@winona.edu or by **calling:** (507) 457-5067.

There will be an interested vendor meeting at 1:00 PM CST Thursday, March 1, 2007 in Somsen Hall, Room 1110.

Sealed proposals must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 PM CST Monday, March 26, 2007.

Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

Iron Range Resources

Giants Ridge[®], Biwabik, Minnesota

Request for Proposals for Rental of Winter and Summer Sports Equipment

Giants Ridge, owned and operated by Iron Range Resources, is seeking proposals from firms or individuals experienced in the rental of winter and summer sports equipment, including skis, snowboards, mountain bikes, canoes, and inline skates; operation of a full service ski school; operation of a disc golf course; and operation of a retail gift shop.

Persons wishing a full proposal may obtain one by contacting:

Joyce Stoehr
Iron Range Resources
4261 Hwy 53 S
P O Box 441
Eveleth MN 55734
Telephone: (218) 744-7342
E-mail: joyce.stoehr@ironrangeresources.org

by March 6, 2007. Deadline for submission is Tuesday, March 13, 2007, 2:30 p.m. Central Time.

Department of Natural Resources**Notice of Availability of Contract for Sediment Sampling on the South Shore of Lake Bemidji****CERTIFICATION # 11654 - Amount of proposed contract: \$60,000**

The Minnesota Department of Natural Resources is requesting proposals for the purpose of sampling and analysis of near shore sediments (including a layer of woody debris) along the south shore of Lake Bemidji. The project goals are to investigate whether any hazardous substance contamination issues exist in the lakebed which would affect potential development or restoration projects, and to determine appropriate cleanup plans (response action plans) to address identified contamination.

Work is proposed to start after March 12, 2007.

A Request for Proposals will be available on cd by mail from this office February 23, 2007. **A written request (by direct mail, e-mail or fax) is required to receive the Request for Proposal.** After February 23, 2007, the Request for Proposal on cd must be picked up in person.

The Request for Proposal can be obtained from:

Peter Buessler
2115 Birchmont Beach Road Ne
Bemidji, MN 56601
Phone: (218) 755-3634, (218) 770-5794 cell
Fax: (218) 755-4066
E-mail: peter.buesseler@dnr.state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **March 5, 2007. 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.

Minnesota Pollution Control Agency**Environmental Analysis and Outcomes Division****Request for Proposals for Method Development for Evaluating Risks of Consuming Non-Mercury-PBT-Contaminated Fish**

The Minnesota Pollution Control Agency requests proposals from qualified consultants to develop a model to predict the uptake and bioaccumulation of (non-mercury) pollutants into fish tissue. These pollutants are anticipated to be emitted in quantities above existing ambient air concentrations and are associated with projects being proposed by industrial facilities. Predicted fish tissue concentrations can be used to estimate risks to people who may routinely eat the fish. Policy and permitting decisions will be informed by the results of these modeling exercises. Work is proposed to start after March 30, 2007.

A Request for Proposals will be available by mail from this office. **A written request (by direct mail, e-mail or fax) is required to receive the Request for Proposal.** The Request for Proposal can be obtained from:

Martina Cameron
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Telephone: (651) 296-7755
Fax: (651) 297-8676
E-mail: Contracts@pca.state.mn.us

Responders are encouraged to supply an e-mail address and to receive the RFP electronically. The subject line of the e-mail request should state "Method Development, CR601."

Any questions must be mailed, faxed or e-mailed to Martina Cameron, and received by 10:00 A.M. on February 23, 2007. Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 10:00 A.M. on March 12, 2007. **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.

State Contracts

Department of Public Safety

Division of Homeland Security and Emergency Management

Request for Proposals to Provide Emergency Services as a Hazardous Materials Emergency Response Team (1) and Chemical Assessment Teams (up to 10)

The Minnesota Department of Public Safety is seeking proposals to provide emergency services as a component of the Hazardous Materials Regional Response Team Program. Proposals are being sought to serve as a Hazardous Materials Emergency Response Team and Hazardous Materials Chemical Assessment Teams. Details are contained in a complete Request for Proposal, which may be obtained, by calling or writing:

David Berrisford
Field Services Branch Director
Homeland Security and Emergency Management
444 Cedar Street, Suite 223
St. Paul, MN 55101-5145
Phone: (651) 201-7450
Fax: (651) 296-0459
E-mail: david.berrisford@state.mn.us

The Department is authorized to contract with one (1) Hazardous Materials Emergency Response Team, and up to (10) Chemical Assessment Teams.

The estimated cost of the contracts are: \$120,000.00 per year for the Emergency Response Team, and \$45,000.00 per year for each Chemical Assessment Team. The Department will issue contracts for a two year period and retain the option to renew the contracts for three additional years, not exceeding a total of five years.

A proposal development conference has been scheduled for 2:00 pm Central Standard Time on February 27, 2007, and will be held at the MN Department of Public Safety, 444 Cedar Street, Suite 223., St. Paul, MN., Governors Conference Room. Anyone interested in submitting a proposal in response to this notice and/or RFP is invited and encouraged to attend. The final date for submitting proposals is —Friday, March 16, 2007.

Department of Revenue

Notice of Availability of Contract for Upgrade to Scan/Capture System

The Minnesota Department of Revenue is requesting proposals for professional and technical services for an integrator who will be responsible for purchasing two high speed scanners, software to run the scanners, and Captiva InputAccel, most current available release.

Work is proposed to start on or about March 20, 2007 and be completed by August 1, 2007.

A complete copy of the Request for Proposal may be obtained from:

Contracts Unit
Minnesota Department of Revenue
Mail Station 4220
St. Paul, MN 55146-4220
Phone: (651) 556-4023, or (651) 556-4024
Fax: (651) 556-3122
E-mail: dor.rfp@state.mn.us

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.

Supreme Court

Request for Proposals to Implement a Juvenile Substance Abuse Court Chemical Assessment and Intensive Case Management Program for the Chisago County District Court

The Chisago County District Court will accept proposals for developing and implementing a Juvenile Substance Abuse Court Extended Aftercare/ Relapse Prevention Program. The project will be performed according to the specifications described in the detailed Request for Proposals document, which may be obtained from:

Kathleen Karnowski
Court Administrator
Chisago County Government Center
313 North Main Street
Center City, MN 55102-9664
Phone: (651) 213-8650
E-mail: *Kathleen.Karnowski@courts.state.mn.us*

Questions concerning the request should be addressed to Ms. Karnowski in writing. Answers to questions that change or substantially clarify the solicitation shall be issued by addendum and provided to all prospective Responders.

Proposal Submission Deadline

Final written proposals must be submitted in writing to Chisago County Court Administrator at the address indicated above no later than 4:30 p.m. CST on Monday February 26, 2007.

The District Court reserves the right to accept or reject any and all proposals, waive defects in any proposal and to accept the proposal or any part thereof that appears in the opinion of the Court, most advantageous to the objectives of the project.

The District Court will only consider written and timely communications from Responders. An authorized representative of the Responder shall submit inquiries in writing to the office indicated above.

Only those responses received by the specified deadline shall be considered by the District Court.

Department of Transportation (Mn/DOT)

Engineering Services Division

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 Ron Bisek at (651) 296-1361 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 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:

Ron Bisek
Consultant Services
Office of Technical Support
Minnesota Department of Transportation

State Contracts

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 (Mn/DOT)

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.

Department of Transportation (Mn/DOT)

Engineering Services Division

Request for Proposals (RFP) for Mn/DOT Safety Rest Area Facilities – Condition Assessment and Investment Recommendations

NOTICE OF AVAILABILITY of Contract to provide comprehensive facility assessment services and reinvestment planning. The services include assessing and documenting current facility condition and deficiencies, assess the facilities ability to meet plant adaptations, recommend corrections for all deficiencies, recommend priorities for corrective action, provide cost estimates for deficiency corrections and forecast future capital renewal budgets needed to maintain facilities in good condition. Information resulting from this work will be used by Mn/DOT staff involved with rest area program management to guide recommendations to management staff for maintenance, renovation and /or replacement of these facilities. Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate Mn/DOT to complete the work contemplated in this notice, and Mn/DOT reserves the right to cancel this RFP. All expenses incurred in responding to this notice shall be borne by the responder.

The goal of this project is to determine the precise condition of each of the State rest areas and determine the overall condition of this portfolio of facilities. Additionally, to quantify the costs associated with continuing to maintain and repair these facilities as compared to performing major renovations or for replacing older facilities with modern ones. This work requires prioritization of repair recommendations and recapitalization projects. A comprehensive list of deferred maintenance (backlog) projects is also required.

The full RFP can be viewed on the Consultant Services Web Page at: www.dot.state.mn.us/consult under the P/T Notices Section. If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Melissa McGinnis, Contract Administrator
Telephone: (651) 366-4644
E-mail: melissa.mcginis@dot.state.mn.us

Note: RESPONSES WILL BE DUE ON MARCH 12, 2007 AT 2:00PM CENTRAL TIME.

Non-State Bids, 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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the 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 Invitation for Bids (IFB) for Baghouse Bag Replacement

Reference Number 06P176

The Metropolitan Council (Council) is requesting bids for Baghouse Bag Replacement with high temperature rated cartridge type filters for the Metropolitan Wastewater Treatment Plant.

The tentative schedule for this procurement is as follows:

<i>Issue Invitation for Bids</i>	February 6, 2007
<i>Bids Due</i>	March 6, 2007
<i>Award Contract</i>	March, 2007

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a request by e-mail, fax, mail or phone to:

Sunny Jo Emerson
Metropolitan Council
390 N Robert Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

Metropolitan Council

Notice of Invitation for Bids (IFB) for Janitorial Services for the Council's Central Office

Reference Number 07P006

The Metropolitan Council is requesting bids for furnishing and delivery of Janitorial Services for the Council's Central Office Building at 390 Robert Street North.

<i>Issue Invitation for Bids</i>	February 20, 2007
<i>Bids Due</i>	March 20, 2007
<i>Award Contract</i>	March 2007

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a request either by e-mail, fax or mail or phone to:

Sunny Jo Emerson
Senior Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

Non-State Bids, Contracts & Grants

Metropolitan Council

Notice of Invitation for Bids (IFB) for the Metro Plant Solids Processing Contingency Plan

Reference Number 06P082

The Metropolitan Council is requesting bids the following services: trucking services and landfill disposal of up to 600 wet tons per day of alkaline stabilized sludge material *on an as-needed basis* during the next two years.

The tentative schedule for this procurement is as follows:

<i>Issue Invitation for Bids</i>	February 20, 2007
<i>Site Visit/ Pre-Bid Meeting</i>	March 12, 2007 at 1:30pm East Metro Gate
<i>Bids Due</i>	March 21, 2007 at 2:00pm
<i>Award Contract</i>	March/April 2007

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a request by e-mail, fax, mail or phone to:

Miriam Lopez-Rieth
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
390 Robert Street North
St. Paul, MN 55101
Phone: (651) 602-1095
Fax: (651) 602-1083
E-mail: Miriam.Lopez-Rieth@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals (RFP) On-Line Applicant and Recruitment Management System

Contract Number 07P005

The Metropolitan Council is requesting proposals for an on-line applicant self-service and recruitment management system to support the Metropolitan Council's hiring process.

<i>Issue Request for Proposals</i>	February 12, 2007
<i>Receive Proposals</i>	March 12, 2007
<i>Contract negotiated, executed, NTP</i>	April, 2007

All firms interested in being considered for this project and desiring to receive an RFP package are invited to submit a Letter of Interest to:

Miriam Lopez-Rieth, Contracts and Procurement Unit
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101
Phone: (651) 602-1095
Fax: (651) 602-1183
E-mail: Miriam.Lopez-Rieth@metc.state.mn.us

Metropolitan Council - Metro Transit Request for Proposals for Metro Mobility Agency Service

The Metropolitan Council is soliciting proposals from paratransit service providers to provide Metro Mobility Agency Service during 2007-2012.

Metro Mobility Agency Service provides Americans with Disabilities Act (ADA) paratransit service that serves one-way trip requests by ADA-certified riders to select day training and habilitation centers and adult day care facilities. Agency service is coordinated

Non-State Bids, Contracts & Grants

by the Metro Mobility Service Center and is provided to eighteen centers and facilities, some with multiple locations. The detailed service information for each of these locations is described in the Request for Proposals (RFP) document. Proposers may propose and submit a response for up to three pieces of work: block one only, block two only, and/or blocks one and two combined.

A Pre-Proposal Conference will be held on March 30, 2007. Details of the conference are in the RFP.

The Request for Proposals will be issued on March 5, 2007. To obtain an RFP, contact:

Candace Osiecki
Metro Transit Purchasing
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070
Fax: (612) 349-5069
E-mail: candace.osiecki@metc.state.mn.us

Minnehaha Creek Watershed District

Bids Sought for Removal of Bituminous and Class 5 Parking Lot and Installation of Porous Asphalt or Pervious Concrete Surface with Underdrain

NOTICE IS HEREBY GIVEN that the Minnehaha Creek Watershed District (MCWD) is soliciting bids for the removal of bituminous and class 5 parking lot and installation of porous asphalt or pervious concrete surface with underdrain. The project is located at the Wolner Baseball Fields at 2345 Cyprus Lane in the City of Mound. Work shall begin on or after August 1, 2007. Work shall be complete no later than November 30, 2007.

Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work will be received by Minnehaha Creek Watershed District at its office, 18202 Minnetonka Boulevard, Deephaven, MN until 12:00 PM, February 22, 2007. **Bid submittals must be clearly labeled "MCWD Wolner Baseball Field Bid Package" on the outside of the submittal package.** All communications relative to this project should be addressed to the Project Manager prior to opening of the Bid. Minnehaha Creek Watershed District: Attention Renae Clark, rclark@minnehahacreek.org or phone (952) 471-0590.

Contractors desiring a copy of the bid package, plans, specifications and proposal forms may obtain them from the office of Minnehaha Creek Watershed District, or at the office of Wenck Associates, Inc., 1800 Pioneer Creek Center, Maple Plain, MN upon the payment of a \$25.00 non-refundable fee for each bid package. Bid packages are also available for examination at each location, or electronically at:

<ftp://www.minnehahacreek.org/MCWD%20Info/City%20of%20Mound%20Downtown%20Redevelopment/Wolner%20Baseball%20Field%20Bid%20Package/>

A pre-bid meeting will be held at the Minnehaha Creek Watershed District office at 12:00 PM on February 15, 2007.

Each bid proposal shall be submitted on forms furnished for that purpose. Each bid proposal shall be accompanied by a "Bid Security" in the form of a certified or cashier's check made payable to Minnehaha Creek Watershed District ("owner") in an amount not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the Owner, with a surety company duly authorized to do business in the state of Minnesota, such Bid Security to be a guarantee that the bidder, if awarded a contract, will enter into a contract with Minnehaha Creek Watershed District; and the amount of the certified check will be retained or the bond enforced by the Owner in case the bidder fails to do so. The Owner will retain the deposits for the three lowest bidders until the contract has been awarded and executed but not longer than sixty (60) days. No bid may be withdrawn for a period of sixty (60) days following the bid opening.

The bid of the lowest responsible bidder is intended to be accepted on or before the expiration of sixty (60) days after the date of the opening of bids. The Owner, however, reserves the right to reject any or all bids and to waive any minor irregularities, informalities or discrepancies, and further reserves the right to award the contract in the best interest of Minnehaha Creek Watershed District.

Ramsey County Regional Railroad Authority (RCRRA)

Notice to Interested Parties of Solicitation for Services Relating to an Alternatives Analysis Study for the Rush Line Corridor from St. Paul Union Depot to Hinckley, Minnesota

Ramsey County Regional Railroad Authority (RCRRA) is soliciting proposals for services relating to an Alternatives Analysis Study for the Rush Line Corridor from St. Paul Union Depot to Hinckley, Minnesota. The Rush Line Corridor is federally authorized, and work (Cite 31 SR 1157)

Non-State Bids, Contracts & Grants

is to be conducted in a manner to meet federal requirements.

The Rush Line Corridor Alternatives Analysis Study is a step in the process for making decisions on transportation investments for the transportation corridor. The purpose of this study is to identify and evaluate the alternatives that will address the transportation problems, needs and opportunities in the Rush Line Corridor and develop a recommended course of action for the next phase of the process.

Proposals Due: March 28, 2007

DBE Goal: The project is funded in part by the Federal Transit Administration and carries a Disadvantaged Business Enterprise (DBE) goal of 13%.

Contact: If you are interested in receiving a copy of this Request for Proposals please contact the Contract and Analysis Division, Room 280 City Hall/Court House, 15 W. Kellogg Blvd, Saint Paul, MN 55102 (651) 266-8900.

Scott County – Regional Fiber Project

Scott County Fiber Optic Network and Service

Scott County is Soliciting Sealed Proposals for Construction of the Regional Fiber Ring

Site Surveys are available beginning at 9:00 AM, Thursday, February 15th and Friday, February 16th, 2007 at the Scott County Conference Center, 205 Fourth Ave, Shakopee, MN 55379 *Vendors should contact Perry Mulcrone at Phone: 952-496-8776; email: pmulcrone@co.scott.mn.us; if they plan to do a site survey. There will be no makeup time for site visits. Site visits are not mandatory but vendors will be responsible for meeting the inside fiber cabling requirements in compliance with applicable local, state, and federal codes including any County mandated requirements.*

Proposals are due at **2:00 PM CDT on March 15th, 2007**. Proposals must be submitted in accordance with the Invitation for Proposals documents available from:

Scott County
Gary Shelton, Deputy County Administrator
Government Center 215
200 Fourth Avenue West
Shakopee, MN 55379
Phone #: (952) 496-8105
Fax #: (952) 496-8180
E-mail: gshelton@co.scott.mn.us

University of Minnesota

Request for Proposal for Consulting Engineering Services for the Academic Health Back Up Cooling Study and MCB Fuel Oil Transfer Design

Project # 142-07-1314 & 1315

I. NOTICE OF REQUEST FOR PROPOSAL

A. The University of Minnesota is seeking Proposals from an engineering consulting firm to perform a concurrent two part scope of work.

1. PART 1 is design and construction support services for the installation of a new fuel oil transfer system from an existing 20,000 gallon fuel oil storage tank in Hasselmo Hall to the emergency generator fuel oil tank in the Molecular Cellular Biology building.
2. PART 2 is a study of the Academic Health Center to determine the feasibility and probable construction cost for implementing backup cooling and expanded standby power systems to support the critical research facilities and equipment in defined areas of the AHC during an area wide power outage.

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E-mail or call your request for the full RFP to Chip Foster, which will be sent free of charge to interested vendors.

II. CONTACT FOR RFP INQUIRIES:

Refer questions to:

PURCHASING SERVICES:
Chip Foster
Facilities Management
400 Donhowe Building
319 15th Ave. SE
Minneapolis, MN 55455-1082
Phone: 612-626-6080
FAX: 612-624-5796
E-Mail: foste048@umn.edu

III. TENTATIVE SCHEDULE OF EVENTS

(Be advised that these dates are subject to change as University deems necessary.)

	DATE
RFP issue	February 21, 2007
Mandatory Pre-Proposal Meeting on site at Phillips-Wagensteen Bldg.	March 2, 2007
All Questions Mailed/Faxed to Purchasing Services by	March 13, 2007
RFP Responses due @ 1PM	March 27, 2007
Evaluation, Selection of Short-listed Finalist	April 6, 2007
Short-listed Finalist Presentations	April 18, 2007
Issue P.O. for Start of Work on PART 1 Scope of Work	May 2, 2007
Start Design on PART 1 Scope of Work	May 7, 2007
Present Recommended Engineer for PART 2	
Scope of Work to the University Regents	June 8, 2007
Finalize Full Contract	July 2, 2007
Begin Work on PART 2	July 9, 2007
Complete the Design Work on PART 1	July 20, 2007
Complete the Study Work on PART 2	January, 2008

The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between a proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

University of Minnesota Subscribe to Bid Information Service (BIS)

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

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

