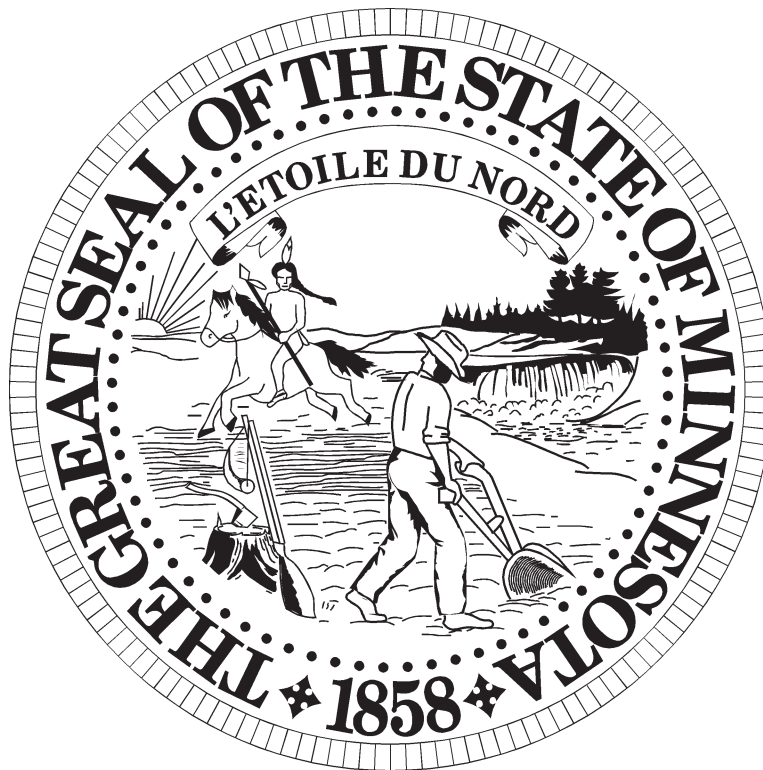


State of Minnesota

State Register



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

Published every Monday (Tuesday when Monday is a holiday)

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State Register

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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:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
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Carol L. Molnau, Lt. Governor	(651) 296-3391	Dana B. Badgerow, Commissioner	Robin Panlener, editor
Lori Swanson, Attorney General	(651) 297-4272	Materials Management Division:	John Mikes, assistant editor
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# 43	Monday 27 April	Noon Tuesday 21 April	Noon Wednesday 15 April
# 44	Monday 4 May	Noon Tuesday 28 April	Noon Wednesday 22 April
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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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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 (DNR) Adopted Expedited Emergency Game and Fish Rules: 2009 Bear Season

6232.2800 GENERAL REGULATIONS FOR TAKING BEARS.

Subpart 1. **Bag limit.** A person may not take more than one bear in quota areas and two bears in no-quota areas during any calendar year whether by firearm or archery. Bears taken may be of either sex or any age except that bear cubs may not be taken.

[For text of subs 2 to 8, see M.R.]

6232.3055 BEAR LICENSE QUOTAS.

The number of available licenses for quota areas for the 2009 bear hunting season is 10,000 and is divided as follows:

- A. Bear Quota Area 12: 450;
- B. Bear Quota Area 13: 600;
- C. Bear Quota Area 22: 150;
- D. Bear Quota Area 24: 650;
- E. Bear Quota Area 25: 1,250;
- F. Bear Quota Area 26: 1,000;
- G. Bear Quota Area 31: 1,300;
- H. Bear Quota Area 41: 400;
- I. Bear Quota Area 44: 1,100;
- J. Bear Quota Area 45: 600; and
- K. Bear Quota Area 51: 2,500.

6232.3100 BEAR NO-QUOTA AREA.

Licenses for the no-quota area are not limited in number and may be purchased ~~from a county auditor's office, county auditor's subagents in Pine, Kanabec, Roseau, and Marshall Counties, or the License Bureau at an electronic licensing system (ELS) agent, ELS-Internet, or ELS-Telephone.~~ A person may ~~not~~ purchase a license for both a quota area and the no-quota area in the same year. No-quota licenses are valid only in the no-quota area.

6232.3500 BEAR GUIDING OUTFITTING.

Subpart 1. **Application for bear ~~guide~~ hunting outfitter licenses.** An application for a bear hunting ~~guide~~ outfitter license can be obtained from the License ~~Bureau~~ Center.

Subp. 2. **Deadline for license issuance.**

- A. A bear hunting ~~guide~~ outfitter license may not be issued after August 31 in any year.
- B. Persons may be added to a master bear hunting outfitter license at any time.
- C. A person listed under a master bear hunting outfitter license must remain on the license for the entire license year.

Subp. 3. **Required reporting by bear ~~guides~~ outfitters.** All licensed bear hunting ~~guides~~ outfitters must complete the report form provided with the license and return it to the specified address no later than ten days after the close of the bear season. Failure to submit this report or failure to provide all requested information may result in ineligibility for a bear hunting ~~guide~~ outfitter license for the following bear season.

Expedited Emergency Rules

EFFECTIVE PERIOD. *Minnesota Rules*, part 6232.3055, expires December 31, 2009. The expedited emergency amendments to *Minnesota Rules*, parts 6232.2800, 6232.3100, and 6232.3500 expire December 31, 2009. After the emergency amendments to *Minnesota Rules*, parts 6232.2800, 6232.3100, and 6232.3500 expire, the permanent rules as they read prior to the amendments again take effect, except as they may be amended by permanent rule.

Department of Natural Resources Adopted Expedited Emergency Game And Fish Rules: 2009 Moose Season Quota

6232.3700 GENERAL REGULATIONS FOR TAKING MOOSE.

[For text of subs 1 to 8, see M.R.]

Subp. 9. **Bag limit.** The bag limit of moose is one of any age or sex antlered moose per licensed party of hunters. Only one moose may be taken by a party.

6232.3855 QUOTAS FOR TAKING MOOSE.

The number of available licenses for the 2009 moose hunting season is 225. Licenses are distributed by zone as follows:

- A. Moose Zone 20: 12;
- B. Moose Zone 21: 6;
- C. Moose Zone 22: 5;
- D. Moose Zone 23: 2;
- E. Moose Zone 24: 9;
- F. Moose Zone 25: 14;
- G. Moose Zone 26: 4;
- H. Moose Zone 27: 5;
- I. Moose Zone 28: 9;
- J. Moose Zone 29: 8;
- K. Moose Zone 30: 7;
- L. Moose Zone 31: 18;
- M. Moose Zone 32: 4;
- N. Moose Zone 33: 7;
- O. Moose Zone 34: 2;
- P. Moose Zone 36: 10;
- Q. Moose Zone 37: 3;
- R. Moose Zone 60: 4;
- S. Moose Zone 61: 10;
- T. Moose Zone 62: 19;
- U. Moose Zone 63: 4;
- V. Moose Zone 64: 8;
- W. Moose Zone 70: 7;
- X. Moose Zone 72: 12;
- Y. Moose Zone 73: 6;
- Z. Moose Zone 74: 4;
- AA. Moose Zone 76: 6;
- BB. Moose Zone 77: 10;
- CC. Moose Zone 79: 5; and
- DD. Moose Zone 80: 5.

EFFECTIVE PERIOD. The expedited emergency amendment to *Minnesota Rules*, part 6232.3700, expires December 31, 2009. After the emergency amendment expires, the permanent rule as it read prior to the amendment again takes effect, except as it may be amended by permanent rule. *Minnesota Rules*, part 6232.3855, expires December 31, 2009.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

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 Department of Health Adopted Exempt Permanent Rules Relating to Minnesota Clean Indoor Air Act

4620.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 4620.0050 to 4620.1450, the terms in this part have the meanings given them.

Subp. 2. [See repealer.]

Subp. 3. [Repealed, 19 SR 1128]

Subp. 4. [See repealer.]

Subp. 4a. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [Repealed, 19 SR 1128]

Subp. 7. [Repealed, 19 SR 1128]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 11. **Place of work employment.** "Place of work employment" means any location at which two or more individuals perform any type of a service for consideration of payment under any type of employment relationship, including but not limited to an employment relationship with or for a private corporation, partnership, individual, or government agency. This term includes any location where two or more individuals gratuitously perform service for which individuals are ordinarily paid. Examples of a place of work include an office, a public conveyance, a factory, a warehouse, or a similar place of work has the meaning given in Minnesota Statutes, section 144.413.

Subp. 11a. [See repealer.]

Exempt Rules

Subp. 12. [See repealer.]

[For text of subps 13 to 14a, see M.R.]

Subp. 14b. **Public place.** “Public place” has the meaning given in *Minnesota Statutes*, section 144.413. ~~For purposes of parts 4620.0050 to 4620.1450, a public place includes all indoor areas used by the general public or serving as a place of work or jury duty. It does not include a place used for a private social function or a private enclosed office.~~

Subp. 15. [See repealer.]

Subp. 16. [See repealer.]

Subp. 16a. [See repealer.]

[For text of subp 17, see M.R.]

4620.0500 SIGNS.

Subpart 1. [See repealer.]

Subp. 2. **Statement on sign signs.** All signs used to identify a location where the responsible person prohibits smoking in an entire public place, place of employment, or public meeting must use the statement, “No smoking is permitted in this entire establishment” or a similar statement. ~~The sign must be conspicuously posted either on or immediately inside of all outside entrances to the public place. If smoking is permitted anywhere within a public place, place of employment, or at a public meeting, the sign must state, “Smoking is prohibited except in designated areas.”~~ All signs used to identify a smoking-permitted area must use the words “smoking permitted” or the international smoking symbol, or both. Signs that are used to identify an acceptable nonsmoking area must use the words “no smoking” or the international no-smoking symbol, or both.

Subp. 3. **Placement of sign.** Signs must be conspicuously posted on or immediately inside of all outside entrances to the public place, place of employment, or public meeting. All signs used to identify smoking-permitted and acceptable nonsmoking areas must be placed at a height and location easily seen by a person in the establishment and must not be obscured in any way. ~~In areas where signs have to be read from a distance, the following are minimum lettering and symbol sizes that must be used:~~

	Farthest distance from which sign is to be read:	Height of lettering:	Diameter of outer circle on symbol:
Up to:	75 feet	1.5 inches	4 inches
	150 feet	4 inches	6 inches
	200 feet	6 inches	10 inches
	350 feet	8 inches	15 inches
	500 feet	12 inches	18 inches

The boundary between an acceptable nonsmoking area and a smoking-permitted area must be clearly designated so a person can differentiate between the two areas.

Subp. 4. **Size of lettering.** Signs used ~~on tables, seats, or entrances~~ to designate acceptable nonsmoking and smoking-permitted areas must use printed letters of not less than 0.5 inches (1.3 centimeters) in height. Whenever either of the international symbols is used, the diameter of the outer circle must not be less than three inches. ~~The size of lettering on signs reading “Smoking Permitted” must not exceed the size of lettering on signs reading “No Smoking” in the same public place.~~

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

4620.1440 COMPLIANCE.

The responsible person proprietor must comply with parts 4620.0050 to 4620.1450. ~~If a rule governing specific affected places conflicts with or is inconsistent with a general provision of parts 4620.0050 to 4620.0600, the specific provision of parts 4620.0750 to~~

Exempt Rules

4620.1450 prevails over the general provision. A public place specified in parts 4620.0050 to 4620.1450 must comply with parts 4620.0750 to 4620.1450 according to the activities that take place in the public area. Different rules may apply to individual areas within a building according to the actual activities conducted within each area.

4620.1450 VARIANCE TO RULES RELATING TO CLEAN INDOOR AIR.

The commissioner shall grant variances to parts 4620.0100 to 4620.1450, ~~except part 4620.0300~~, only according to the procedures and criteria specified in parts 4717.7000 to 4717.7050.

4717.7000 VARIANCE REQUEST.

Subpart 1. **Request.** A party may ask the commissioner of health to grant a variance from the following rules:

A. clean indoor air, parts 4620.0100 to 4620.1500, ~~except part 4620.0300~~;

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

[For text of subps 2 and 3, see M.R.]

REPEALER. *Minnesota Rules*, parts 4620.0100, subparts 2, 4, 4a, 5, 8, 9, 10, 11a, 12, 15, 16, and 16a; 4620.0300; 4620.0400; 4620.0500, subparts 1, 5, and 6; 4620.0600; 4620.0750; 4620.0955, subpart 1; 4620.1000; 4620.1025; 4620.1100; 4620.1200; 4620.1300; 4620.1400; and 4620.1425, are repealed.

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.

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Official Notices

Department of Human Services (DHS)

Adult and Children Mental Health Divisions

Request for Public Input on State Plan to Expand Community-Based System for Providing Mental Health Services for Adults with Serious Mental Illness and Children with Severe Emotional Disturbances

The Minnesota Department of Human Services (DHS) is seeking public comment into the update and implementation of the State plan for 2010 to expand the community-based system for providing mental health services for adults with serious mental illness and children with severe emotional disturbances.

As an ongoing process, the federal Secretary of the Department of Health and Human Services, through the Center for Mental Health Services, Substance Abuse and Mental Health Services Administration (SAMHSA), awards Block Grants to States to Establish or expand this community-based system. DHS is required to submit a grant application that includes the State plan. The annual federal grant to Minnesota is currently about \$6.7 million. The funds are to be used to carry out the State plan contained in the application, to evaluate programs and services set in place under the plan, and to conduct planning, administration and educational activities related to the provision of services under the plan.

The key goals of the plan and the grant funding are:

- Access to a comprehensive system of care, including employment, housing, case management, rehabilitation, dental and health services, along with mental health services and supports;
- Participation of consumers/survivors and their families in planning and evaluation of state systems;
- Access for underserved populations, including homeless people and rural populations;
- Promoting recovery, resiliency for children, and community integration of people with psychiatric disabilities; and,
- Accountability through uniform reporting on access, quality, and outcomes of services.

The 2003 Final Report of the President's New Freedom Commission on Mental Health entitled "Achieving the Promise: Transforming Mental Health Care in America" (<http://www.mentalhealthcommission.gov/reports/FinalReport/toc.html>) recommends six broad goals for a transformed public mental health system that would promote recovery from mental illness:

1. Americans understand that mental health is essential to overall health;
2. Mental health care is consumer and family-driven;
3. Disparities in mental health services are eliminated;
4. Early mental health screening, assessment and referral are common practice;
5. Excellent mental health care is delivered and research is accelerated; and,
6. Technology is used to access mental health care and information.

DHS is preparing the 2010 update of Minnesota's approved plan for Federal Fiscal Years 2009 to 2011 for consideration by SAMHSA. The plan/grant application includes:

- an overview of Minnesota's mental health system,
- identified areas where particular attention is needed,
- significant achievements in previous year,
- new developments and issues,
- legislative initiatives and changes,
- description of regional and county programs,
- strengths and weaknesses of the service system,
- unmet service needs and critical gaps in the current system,
- state priorities and plans to address unmet needs,
- goals and measurable targets the state plans to achieve annually, and
- the proposed use of the federal block grant funds for the upcoming year.

An annual implementation report is completed later each calendar year which:

- reports on the state's progress in meeting the goals and targets in the previous year's plan,

- provides mental health data and information on a common national data collection system, and
- reports how the state uses the grant funds.

Public input is sought into the update and implementation of the three-year plan and grant application. As part of the input process, the Federal Block Grant Committee of the Minnesota State Council on Mental Health and its Subcommittee on Children's Mental Health reviews public input and advises DHS on development of the plan/application. This committee meets next in late May. Public input would be appreciated by May 18, 2009 for the committee to consider at its May meeting. Inputs on development of the plan/grant application must be submitted no later than close of business on August 18, 2009 for consideration for inclusion in the 2010 plan submission. Ongoing input is encouraged and will be considered on an ongoing basis. Please provide written input to Richard Seurer by mail at Adult Mental Health Division, Minnesota Department of Human Services, PO Box 64981, St. Paul, Minnesota 55164-0981 or by e-mail Richard.Seurer@state.mn.us.

The current 2009-2011 plan is available online. The federal Substance Abuse and Mental Health Services Administration/Center for Mental Health Services has a new Web-based application/reporting system called the Web Block Grant Application System (WebBGAS) for this grant program. To access the federal site, search WebBGAS; select **CMHS Block Grant 2009** (there are 3 different federal grant applications on this entrance page) and **launch**; enter user name **MN_citizen** and password **St.Paul#929553** to see Minnesota's 2009 FBG Application (for 2009-2011) and 2008/09 Implementation Report. You will be able to review Minnesota's plan, although changes to the plan cannot be made to the plan. Please note that the application is divided into several sections; and you will have to open each section separately. After selecting a section of the plan, you should click on the Narrative File pdf.

Department of Human Services (DHS) Office of Economic Opportunity Minnesota's Draft Community Services Block Grant FY2009 Plan for Recovery Act (ARRA) Funds and 2010-2011 Plan Available for Public Inspection and Comment

NOTICE IS HEREBY GIVEN that a public hearing will be held on May 14, 2009 by the Department of Human Services/Office of Economic Opportunity in conjunction with the development and submittal of Minnesota's Community Services Block Grant FY2009 Plan for Recovery Act (ARRA) funds and the Community Services Block Grant 2010-2011 Plan. The hearing will be held on May 14, 2009 at 9 a.m. at the MCIT Building, 100 Empire Drive, St. Paul, MN 55103 (for directions, see <http://www.mcit.org/directions.aspx>). The purpose of this hearing is to provide the public an opportunity to comment on the proposed use and distribution of funds to be provided through the allotment to the State of Minnesota under the American Recovery and Reinvestment Act (Recovery Act) of 2009 and the Community Services Block Grant Act. These funds are used by Community Action Agencies, Tribal Governments and the Department of Human Services to combat the causes and effects of poverty. Draft plans will be distributed at the hearing or can be accessed for public inspection and comment by contacting Daniel DuHamel at (651) 431-3819 or by email at daniel.j.duhamel@state.mn.us on or after May 14, 2009.

Further information and/or comments should be submitted to the attention of

Daniel DuHamel
DHS
P.O. Box 64962
St. Paul, MN 55164-0962
or by email (daniel.j.duhamel@state.mn.us) no later than May 22, 2009.

Official Notices

Department of Labor and Industry (DOLI)

Labor Standards Unit

Notice of Correction to Commercial Prevailing Wage Rates for Plumbers in Crow Wing County

Corrections have been made to the Commercial Prevailing Wage Rates certified 01/20/2009, for **Labor Code 419**, Plumbers in Crow Wing County.

Copies with the corrected certified wage rate for this Region or this County may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.doli.state.mn.us. Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Steve Sviggum, Commissioner
Department of Labor and Industry

Minnesota Pollution Control Agency (MPCA)

Regional Division

Notice of Availability of Draft Revisions to the Lower Wild Rice River Turbidity Total Maximum Daily Load Report and Request for Comment

Public Comment Period Begins: April 20, 2009

Public Comment Period Ends: May 20, 2009

The Minnesota Pollution Control Agency (MPCA) is requesting comments on revisions to the draft report for the Lower Wild Rice River Turbidity Total Maximum Daily Load (TMDL). The draft TMDL report, originally public noticed from September 15 to October 15, 2008, now includes a new wasteload allocation for stormwater discharges which requires public comment. These dischargers account for less than one percent of the suspended sediment load entering the river. ***This change, found on pages 15 and 20 of the draft report for the Lower Wild Rice River (<http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>), is the only item for which the MPCA is requesting public comment.*** Following the comment period on this specific change, the MPCA will revise the draft TMDL report as appropriate, and submit it to the U.S. Environmental Protection Agency (EPA) for approval.

Background: A TMDL report is prepared for waters designated as impaired and is required by the federal Clean Water Act. The TMDL itself is a calculation of the maximum amount of a pollutant that a water body can receive and continue to meet water quality standards for designated beneficial uses. The report includes sources of the pollutant causing the impairment, along with the necessary reductions needed from among the sources. The report and associated efforts result in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL report is followed by implementation activities for achieving the necessary reductions. The lower Wild Rice River is part of the Wild Rice River watershed of the larger Red River Basin of the North. This portion of the Wild Rice River runs from the confluence with the South Branch of the Wild Rice River to the Red River of the North and is located entirely within Norman County, Minnesota. The Wild Rice River watershed encompasses just over one million acres and is located in Clearwater, Mahanomen, Becker, Norman and Clay counties.

The lower Wild Rice River was originally listed as impaired for turbidity in Minnesota's 2006 303(d) List of Impaired Waters. This reach was assessed to be impaired based on water quality monitoring conducted by the MPCA in 2001 and 2003. All of the turbidity readings taken during the open water season were 25 nephelometric turbidity units (NTUs) or higher. The only turbidity measurements that were less than 25 NTU, of which there were five, were sampled during the winter season (December – March). Minnesota's turbidity water quality standard for the lower Wild Rice River is 25 NTUs.

The primary contributing sources of the turbidity impairment appear to be from upland soil erosion and stream-bank erosion. The turbidity impairment can also be directly correlated with higher flows, with sediment reductions near 90 percent needed to achieve the

turbidity water quality standard during moist conditions and high flows. Implementation strategies in the draft TMDL study will be used to guide turbidity reduction efforts. A more detailed implementation plan is being developed to identify specific measures needed to achieve the desired reductions.

Preliminary Determination on the Draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL report to the EPA for final approval.

A draft TMDL report and fact sheet are available for review at the MPCA office at the address listed below, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>.

Written Comments: You may submit written comments on the wasteload allocation for stormwater in the draft TMDL report (pages 15 and 20) or on the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the revisions to the draft TMDL report;
2. A statement of the action you wish the MPCA to take, including specific references to the stormwater wasteload allocation in the draft TMDL that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the MPCA Commissioner to investigate the merits of your position.

Written comments on the draft TMDL report must be sent to the MPCA contact person listed below and received by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Suggested changes will be considered before the final TMDL report is sent to the EPA for approval.

Agency Contact Person. Written comments and requests for more information should be directed to:

John Frederick
Minnesota Pollution Control Agency
714 Lake Avenue Plaza, Suite 220
Detroit Lakes, MN 56501
Phone: (218) 847-1519
Minnesota Toll Free: 1-800-657-3864
Fax: (218) 846-8110
E-mail: john.frederick@pca.state.mn.us
TTY users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

Petition for Public Informational Meeting: You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues. A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the draft TMDL report; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

Official Notices

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the TMDL report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice.

Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL report and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL report; or (3) a timely request for a contested case hearing is pending.

You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the draft TMDL report.

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.

Applying for Grants

Have you checked up on all the “active” state grants? Only for *State Register* subscribers is a “Contracts & Grants” section available that lists all grants and contracts open for bid. Open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of ALL the current rules, with an INDEX, and previous years’ indices, as well as a list of all contracts and grants open for bid. Subscribe and receive LINKS to the *State Register*. You also receive Subscriptions cost \$180 a year (an \$80 savings). Here’s what you receive via e-mail:

- Word Search Capability
- LINKS, LINKS, LINKS
- Easy Access to *State Register* Archives
- Updates to Index to Vol. 31
- “Contracts & Grants” Open for Bid
- Early delivery, on Friday
- E-mailed to you . . . its so easy
- Indexes to Vols. 31, 30, 29, 28 and 27

It’s all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber’s issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us.

Minnesota Department of Human Services (DHS)

Managed Care and Payment Policy Division

ADDENDUM to Request for Proposals for Procurement of Minnesota Senior Health Options (MSHO), Minnesota Senior Care Plus (MSC+), and Special Needs Basic Care (SNBC) in Carlton, Cook, Koochiching, Lake, and St. Louis Counties

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services through its Managed Care and Payment Policy Division has published an Addendum to its Request for Proposal published in the April 13, 2009 State Register. The RFP was to provide health care services under MSHO, MSC+ and SNBC to enrollees in Carlton, Cook, Koochiching, Lake, and St. Louis Counties. This Addendum is withdrawing the RFP in accordance with Section I. B. of the RFP, which allows the state to cancel the solicitation if is considered to be in the State’s best interest.

If you have questions, please contact Cara Bailey, at cara.bailey@state.mn.us, or at:

Department of Human Services
Managed Care and Payment Policy Division
P.O. Box 64984
St. Paul, MN 551550984
Phone: (651) 431-2515

This is the only person designated to answer questions regarding this RFP.

State Grants & Loans

Minnesota Department of Human Services (DHS)

Managed Care and Payment Policy Division

Notice of Request for Proposals for Procurement of the Minnesota Senior Health Options (MSHO) Program and Procurement of Special Needs Basic Care (SNBC) for Specific Counties

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services, through its Managed Care and Payment Policy Division (State), is seeking proposals from additional qualified managed care organizations (MCOs) sponsoring Medicare Advantage Special Needs Plans (SNPs) to provide prepaid health care and long-term care services to persons who are eligible for Medicare and Medical Assistance under Minnesota Senior Health Options (MSHO) and/or Special Needs Basic Care (SNBC) in: Carlton, Cook, Koochiching, Lake, and St. Louis Counties. **MCOs that currently provide MSHO or SNBC in these counties do NOT need to respond to this RFP.**

MSHO and SNBC health plans are SNPs contracting with the STATE for the provision of prepaid health care and home and community-based services under the MSHO program and prepaid health care under the SNBC program. SNPs provide integrated Medicare and Medicaid services to eligible Medical Assistance (MA) enrollees in Minnesota. The STATE is requesting proposals for expanded MSHO and SNBC services in the five counties noted above.

A Request for Proposals will be available by accessing the Department of Human Services public website after 12:00 noon (CST) on April 20, 2009, at: http://www.dhs.state.mn.us/id_000102.

To obtain a paper copy of the RFP, please print a copy from the website. If you have problems downloading the RFP, contact Cindy Czech at: cindy.czech@state.mn.us or call (651) 431-2514.

Information submitted in response to the Request for Proposals in this notice must be received by 4:00 p.m. (CDT) on May 11, 2009, addressed as follows:

Attention: Cara Bailey
Managed Care and Payment Policy Division
Department of Human Services
444 Lafayette Road N.
St. Paul, MN 55155
Phone: (651) 431-2515

Late information will not be considered and will be returned unopened to the submitting party. **Faxed or e-mailed information will not be accepted.**

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

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

Subscribe to the *State Register*

A summarized "Contracts & Grants" section lists **all contracts and grants** currently open for bid. It is available **only to subscribers** to the *State Register*. Subscribers also receive LINKS to the *State Register*, as well as Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. Here's what you receive via e-mail:

- Word Search Capability
- LINKS, LINKS, LINKS
- Easy Access to *State Register* Archives
- Updates to Index to Vol. 31
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Subscriptions cost \$180 a year (an \$80 savings). It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us

Minnesota State Colleges and Universities (MnSCU) Riverland Community College - Austin Request for Proposal for Snack and Hot Beverage Vending Service Contract

Riverland Community College is seeking a snack and hot beverage vending service contract. The proposed contract seeks a vending company to provide snack and hot beverage vending service on its Albert Lea and Austin campuses. This RFP shall not obligate Riverland to award a contract.

The deadline for the proposal is May 4, 2009.

Call Brad Doss or write for the full RFP which will be sent free of charge to interested vendors. Submit to:

Brad Doss
Business Manager
1900 8th Ave NW
Austin, MN 55912
Phone: (507) 433-0523
E-mail: brad.doss@riverland.edu

Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

State Contracts

Minnesota State Colleges and Universities (MnSCU) Winona State University Request for Bids for the Purchase of a Four-wheel Drive Loader

NOTICE IS HEREBY GIVEN that Winona State University is seeking bids for the purchase of a four wheel drive loader. Suggested model John Deer 244J Loader.

Bid specifications will be available April 20, 2009 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.

Sealed bids 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 Monday, May 4, 2009.

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

Minnesota Historical Society (MHS) Notice of Request for Proposals for Summative Exhibit Evaluation

The Minnesota Historical Society (Society) is seeking proposals from qualified individuals or firms to conduct a comprehensive summative evaluation of the exhibit "MN150," which opened at the Minnesota History Center in St. Paul, Minnesota, in October 2007. In particular, the Society requires professional services in the following areas:

- Designing an evaluation strategy in consultation with Society staff.
- Preparing an evaluation form to be used by Society staff and volunteers to interview "MN150" visitors.
- Overseeing the evaluation process
- Preparing a written summary and analysis of the results of the visitor survey by September 2009.

Proposals must be received by **2:00 p.m. Local Time on Thursday, May 7, 2009**. Late proposals will not be considered.

The Request for Proposals is available from Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society via e-mail: mary.green-toussaint@mnhs.org.

Dated: April 20, 2009

Minnesota Pollution Control Agency (MPCA) Request for Proposals for Professional/Technical Master Contract for Natural Resource Damage Assessment Services

The Minnesota Pollution Control Agency (MPCA) is authorized to respond to releases of petroleum, hazardous substances, and pollutants or contaminants, which have been reported to the State. The MPCA is responsible for remediation of these sites to reduce to acceptable levels the risk to humans and the environment. The MPCA is a Co-Natural Resource Trustee for natural resources and is responsible for compensating the public for lost natural resources and their services resulting from releases of petroleum or hazardous substances.

The MPCA is requesting proposals from qualified and experienced Contractors to enter into a Master Contract. The MPCA performs investigations and other actions at sites throughout Minnesota and expects to respond to many additional sites each year. This RFP is targeted at Natural Resource Damage Assessment (NRDA) Contractors.

Multiple Contractors are being sought to conduct a full range of NRDA activities statewide including; NRDA strategy and coordination, pre-assessment screening and determination, restoration planning, as well as additional tasks needed to complete a NRDA to conclusion.

The MPCA desires to contract with qualified Contractors for services from July 1, 2009, through June 30, 2011, with the option of three one-year extensions. No actual work or payment is guaranteed pursuant to the contract.

A complete Request for Proposal (RFP) describing the requirements necessary for the services described above can be obtained as noted below.

For a copy of the Request for Proposal Contact:

Mary Nelson
Minnesota Pollution Control Agency
Operational Support Division
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Phone: (651) 757-2606
Fax: (651) 297-1456
E-mail: *Contracts@pca.state.mn.us*

Responders are encouraged to supply an email address and to receive the RFP electronically. The subject line of the e-mail request should state "Natural Resource Damage Assessment Professional Master Contract, CR2326."

Questions: Responders should submit in writing a list of questions they would like addressed. Questions must be mailed, e-mailed or faxed to Mary Nelson and received by 4:00 p.m. on May 5, 2009.

Proposal Due Date and Time: May 19, 2009, 2:00 p.m. (CDT). Proposals must be submitted to the attention of the above MPCA contact person. Late submittals 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.

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Juanita Voigt at (651) 366-4774 for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop 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 awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to 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 for application. Applications are accepted on a continual basis. All expenses are 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.

State Contracts

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

Send completed application material to:

Juanita Voigt
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680

Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

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. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

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 Contracting Opportunities

The Metropolitan Council posts all notices of Requests for Proposals (RFP) and Invitations for Bids (IFB) for all of its divisions on its website: <http://www.metrocouncil.org> (see **Doing Business with the Council, Contracting Opportunities**). Project-specific instructions for obtaining the solicitation documents are provided in each notice.

If you have any questions regarding this advertisement, or need assistance accessing the notices, please contact: Miriam, for Metropolitan Council projects, at (651) 602-1095 or miriam.lopez-rieth@metc.state.mn.us; or Candace, for Metro Transit projects, at (612) 349-5070 or candace.osiecki@metc.state.mn.us.

University of Minnesota (U of M) Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24-hour/day, 7-day/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.

