

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- Withdrawn Rules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
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
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# 46	Monday 18 May	Noon Tuesday 12 May	Noon Wednesday 6 May
# 47	Monday 25 May	Noon Tuesday 19 May	Noon Wednesday 13 May
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## Minnesota Rules: Amendments & Additions

Rules Index - Vol. 33, # 40-45: Monday 11 May 2009 ..... 1850

### Proposed Rules

#### Public Utilities Commission (PUC)

Proposed Permanent Rules Relating to Ex Parte Communications and Restrictions on Former Commissioners..... 1851

### Adopted Rules

#### Education Department (MDE)

Adopted Permanent Rules Relating to Secondary Career and Technical Education..... 1857

#### Labor and Industry Department (DOLI)

Adopted Permanent Rules Relating to Window Fall Prevention Devices..... 1859

### Official Notices

Official Notices Go to Work for You..... 1860

### Executive Council

#### State Board of Investment

#### Land Exchange Board

#### Investment Advisory Council

Meeting of the Investment Advisory Council on May 20, 2009, and the Executive Council, State Board of Investment, and Land Exchange Board on June 10, 2009..... 1860

### Human Services Department (DHS)

#### Minnesota Board on Aging,

#### Aging and Adult Services Division:

Request for Comment on Proposed FFY 2010 Amendment to Minnesota State Plan on Aging..... 1860

#### State Operated Services Division:

Disproportionate Population Adjustment and Proposed Payment Rates for State Regional Treatment Centers..... 1861

### State Contracts

Subscribe to the State Register..... 1862

### Colleges and Universities, Minnesota State (MnSCU)

#### Anoka Technical College:

Opportunity for Proposals on HYBRID BOOKSTORE..... 1863

Opportunity for Proposals on Online Workorder System..... 1863

#### Dakota County Technical College:

Sealed Bids Sought for New Soccer Field Bleachers..... 1864

#### Metropolitan State University:

Advertisement for Request for Proposals for Grounds Maintenance and Snow Removal..... 1865

#### North Hennepin Community College:

Request for Bids for the Campus Center Sound and Presentation System Upgrade..... 1865

#### Pine Technical College:

Request for Proposals for Avaya Telephone System Upgrade..... 1866

#### Rochester Community and Technical College:

Request for Proposal for the Installation and Maintenance of ATM Machines..... 1866

#### Saint Paul College:

Sealed Bids Sought for Haas CNC Tool Room Lathe..... 1867

### Commerce Department

#### Office of Energy Security:

Request for Proposals to Obtain a Primary Contractor to Develop and Implement Energy Improvement Financing for Local Government..... 1867

### Minnesota Historical Society

Request for Bids for Historic Fort Snelling Long Barracks Renovation and Site Work..... 1868

### Natural Resources Department (DNR)

Availability of Contract for Invasive Species Audience Assessment..... 1868

### Transportation Department (Mn/DOT)

#### Engineering Services Division:

Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")..... 1869

Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices..... 1869

#### Office of Investment Management:

Request for Proposals (RFP) for North/West Passage Corridor-Wide Commercial Vehicle Permitting..... 1870

### Non-State Bids, Contracts & Grants

#### Metropolitan Council

Contracting Opportunities..... 1870

#### Minnehaha Creek Watershed District

Solicitation of Bids for Vegetation Maintenance at Ten Sites... 1871

#### University of Minnesota (U of M)

Subscribe to Bid Information Service (BIS)..... 1871

Contracts information is available from the Materials Management Helpline (651) 296-2600, or Web site:

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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.

## Rules Index: Vol. 33 - # 40-45:

Monday 6 April 2009 - Monday 11 May 2009

### Labor and Industry Department - Construction

#### Codes and Licensing Division

1303.2300; .2305; .2310; .2320; .2330;  
1305.1405 (adopted)..... 1859

### Department of Agriculture

1556.0110; .0120; .0145; .0160; .0165 (adopted)..... 1747

### Education Department

3505.1000; .1100; .1150; .1200; .1300; .1400; .1500; .1600;  
.1700; .1900; .2000; .2200; .2300; .2400; .2500; .2600; .4300;  
.4800; .4900; .5200; .5300; .5400; .5500; .5600; .5700; .5800;  
.5900 (adopted)..... 1857  
3505.1000 s. 37, 43, 45, 46, 47, 48; .5000; .5700, s. 3,  
(repealed)..... 1857

### Health Department (MDH)

4620.0100; .0500; .1440; .1450; 4717.7000....(adopted  
exempt)..... 1769  
4620.0100 s. 2, 4, 4a, 5, 8, 9, 10, 11a, 12, 15, 16, 16a; .0300;  
.0400; .0500 s. 1, 5, 6; .0600; .0750; .0955 s. 1; .1000; .1025;  
.1100; .1200; .1300; .1400; .1425 (repealed exempt)..... 1769  
4717.7810; .7820; .7830; .7840; .7850; .7860; .7870; .7880;  
.7890; .7900 (adopted)..... 1792  
4717.4200; .7100; .7150 s. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11; .7300;  
.7400; .7600; .7650; .7700; .7750; .7800 (repealed)..... 1792

### Natural Resources Department (DNR)

6216.0300 s. 1; .0350 (proposed repealer)..... 1791  
6232.2800; .3055; .3100; .3500 (adopted expedited  
emergency)..... 1771, 1798  
6232.3700; .3855 (adopted expedited emergency)...1772, 1800  
6280.0100; .0250; .0350; .0450; .0550; .0600; .0700; .0900;  
.1000; .1100; .1200 (adopted)..... 1721  
6280.0100 s. 5, 10, 14; .0350 s. 1, 2, 5, 6; .0800  
(repealed)..... 1721

### Public Utilities Commission

7845.0100; .0800; .0900; .7000; .7200; .7300; .7400; .7500;  
.7700; .7800; .7900 (proposed)..... 1851

# 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 Utilities Commission (PUC)

### Proposed Permanent Rules Relating to Ex Parte Communications and Restrictions on Former Commissioners

#### DUAL NOTICE: Notice of Intent to Adopt 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 Amendments to Rules Governing *Ex Parte* Communications, *Minnesota Rules*, Chapter 7845

**Introduction.** The Commission intends to adopt rules without a public hearing following the procedures 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 June 17, 2009, the Commission will hold a public hearing in the Large Hearing Room, at the Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, Minnesota, 55101-2147, starting at 10:00 a.m., on Tuesday, June 30, 2009. To find out whether the Commission will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after June 17, 2009 and before June 30, 2009.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Kate Kahlert, Public Utilities Commission, 121 Seventh Place East, Suite 350, Saint Paul, Minnesota, 55101-2147; **Phone:** (651) 201-2239, **Fax:** (651) 297-7073; and **e-mail at:** [kate.kahlert@state.mn.us](mailto:kate.kahlert@state.mn.us). **TTY** users may call the Commission at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules govern *ex parte* communications. The Legislature recently made changes to *Minnesota Statutes* § 216A.037, and this rulemaking incorporates these changes. There are four main areas covered by this rulemaking. The first is a change to an existing employment restriction that bans Commissioners from accepting employment, within one year of leaving the Commission, with rate regulated entities. That ban is being amended to include employment with telecommunications carriers. Second, the proposed amended rules add the term *participant*, conforming them to recent statutory changes that restrict certain *ex parte* communications between a Commissioner and a party or participant. The third change removes duplicative language. Chapter 7845 includes provisions that govern the Commission's code of conduct and provisions that govern *ex parte* communications. Duplicative language that is found in both of these areas will be removed from the *ex parte* provisions and will remain in the code of conduct provisions. Fourth, the proposed amended rules include an investigatory process for complaints seeking sanctions for alleged *ex parte* violations, consistent with recent changes to *Minnesota Statutes* § 216A.037. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

# Proposed Rules

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**Comments.** You have until 4:30 p.m. on Wednesday, June 17, 2009 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period. Please mention the docket number, **U-999/R-07-887**, at the beginning of your comments.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. You must make your request for a public hearing in writing, which must be received by the agency contact person by 4:30 p.m. on Wednesday, June 17, 2009. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

**Alternative Format/Accommodation.** Upon request, the Commission can make this Notice 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 agency contact person at the address or telephone number listed above.

**Modifications.** The Commission may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Commission follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Commission encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Commission will cancel the hearing scheduled for June 30, 2009, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-2239 after June 17, 2009.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Commission will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Commission will hold the hearing 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 Steve M. Mihalchick is assigned to conduct the hearing. Judge Mihalchick can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620; **telephone:** (651) 361-7844, **Fax:** (651) 361-7936, and **e-mail:** [steve.mihalchick@state.mn.us](mailto:steve.mihalchick@state.mn.us).

**Hearing Procedure.** If the Commission holds a hearing, you and all interested or affected persons, including representatives of associations or other 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 hearing record closes. All evidence presented should relate to the proposed 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. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge 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. You may direct questions about the procedure to the Administrative Law Judge.

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

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# Proposed Rules

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or you may view the SONAR on the Commission's **website** at: <http://www.puc.state.mn.us/PUC/index.html>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of 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 agency may adopt the rules after the end of the comment period. The Commission will submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency 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 rules. You may ask to be notified of the date that 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 that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

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

Dated: 28 April 2009

Burl Haar, Executive Secretary  
Public Utilities Commission

## 7845.0100 DEFINITIONS.

[For text of subs 1 to 5, see M.R.]

Subp. 6. **Telephone company.** "Telephone company" has the meaning given it in *Minnesota Statutes*, section 237.01, except that for the purposes of this chapter it also includes an independent telephone company as defined in *Minnesota Statutes*, section 237.01, subdivision 3; a radio common carrier as defined in *Minnesota Statutes*, section 237.01, subdivision 4; a telecommunications carrier as defined in *Minnesota Statutes*, section 237.01, subdivision 6; a small telephone company as defined in *Minnesota Statutes*, section 237.773, subdivision 1; and their agents, officers, and representatives.

[For text of subs 7 and 8, see M.R.]

Subp. 9. **Rate-regulated entity.** "Rate-regulated entity" means an entity subject to rate regulation by the commission and includes all of the following:

- A. a public utility as defined in *Minnesota Statutes*, section 216B.02, subdivision 4;
- B. a cooperative electric association that has elected to become subject to regulation by the commission under *Minnesota Statutes*, section 216B.026;
- C. a municipality that has elected to become subject to regulation by the commission under *Minnesota Statutes*, section 216B.025;
- D. a telephone company as defined in *Minnesota Statutes*, section 237.01, subdivision 7;
- E. an independent telephone company as defined in *Minnesota Statutes*, section 237.01, subdivision 3;
- F. a telecommunications carrier as defined in *Minnesota Statutes*, section 237.01, subdivision 6; and
- G. a small telephone company as defined in *Minnesota Statutes*, section 237.773, subdivision 1.

## 7845.0800 FUTURE EMPLOYMENT.

Subpart 1. **One-year restriction.** While employed with the commission or within one year after leaving it, a commissioner shall not accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with a public utility or telephone company subject to rate regulation by the commission rate-regulated entity.

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

# Proposed Rules

## 7845.0900 ~~POST-EMPLOYMENT~~ ~~POSTEMPLOYMENT~~ REPRESENTATION.

Subpart 1. **By commissioner.** A commissioner shall not represent a ~~public utility or telephone company subject to rate regulation by the commission, rate-regulated entity,~~ formally or informally, before the commission for one year after leaving the commission. At no time shall a commissioner represent a party on a proceeding that was pending before the commission during that commissioner's term in office.

Subp. 2. **By employee.** For one year after leaving the commission, an employee shall not represent a ~~public utility or telephone company subject to rate regulation by the commission, rate-regulated entity~~ before the commission on a proceeding that the employee participated in during that employment with the commission.

## 7845.7000 DEFINITIONS.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Ex parte communication.** "Ex parte communication" means an oral or written, off-the-record communication made to or by commissioners or commission decision-making personnel, without notice to parties or participants, that is directed to the merits or outcome of an on-the-record proceeding. This term does not include procedural, scheduling, and status inquiries or other inquiries or requests for information that have no bearing on the merits or the outcome of the proceeding.

[For text of subs 5 and 6, see M.R.]

Subp. 7. **Participant.** "Participant" means a person who files comments or appears in a proceeding, other than public hearings held in contested cases and other commission proceedings conducted to receive general public comments, to present views without becoming a party.

## 7845.7200 PROHIBITED EX PARTE COMMUNICATIONS.

Subpart 1. **Communications with commissioners.** An ex parte communication, either direct or indirect, must not be made or attempted to be made between a commissioner and a party or a participant concerning:

A. a material issue during a pending contested case proceeding, from the date the matter is referred to the Office of Administrative Hearings until the commission issues its final order and the time to petition for reconsideration expires, or until the commission issues a final order responding to the petition for reconsideration, whichever is later;

B. a material issue in a rulemaking proceeding after the beginning of commission deliberations, from the date the commission posts notice of its deliberations for adoption of rules on the open meeting calendar until the order adopting the rules is issued;

C. a material issue in a disputed formal petition; or

D. other communications prohibited by law such as:

(1) offers of employment to commissioners, as described in *Minnesota Statutes*, section 216A.036, and in parts 7845.0700 and 7845.0800;

(2) discussions with commissioners concerning past or future benefits or compensation, as described in *Minnesota Statutes*, section 216A.037, subdivision 2, and in parts 7845.0700 and 7845.0800; or

(3) offers to commissioners of compensation, gifts, gratuities, favors, entertainment, meals, beverages, loans, or other things of monetary value, as described in part 7845.0700.

[For text of subp 2, see M.R.]

## 7845.7300 HANDLING PROHIBITED EX PARTE COMMUNICATIONS.

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

Subp. 2. **Oral communication.** If a party or participant makes or attempts to make a prohibited oral ex parte communication to a commissioner, the commissioner shall advise the party or participant who makes or attempts to make the communication that the communication is prohibited and shall immediately terminate the communication. If a prohibited oral ex parte communication takes place, the commissioner who receives the communication shall forward to the commission's executive secretary, within 48 hours, a signed and dated statement that includes the following information:

A. the name and docket number of the proceeding;

B. to the extent known, the name and address of the person making the communication and the relationship, if any, to the parties to or the participants in the proceeding;

C. the date and time of the communication, its duration, and the means by and circumstances under which it was made;

D. a summary of the matters discussed; and

E. whether the party or participant making the prohibited communication persisted after being advised that the communication was prohibited.

Subp. 3. **Notice to parties and participants.** The commission's executive secretary shall place the statement in the commission's public file within 48 hours, but shall not make the statement part of the record of the pending proceeding. The executive secretary shall serve a copy of the statement on the parties and participants on the commission's official service list. If the statement is voluminous, the executive secretary may serve notice to the parties and participants on the official service list that the statement is available for public inspection at the commission's offices during regular business hours.

## 7845.7400 HANDLING PERMISSIBLE EX PARTE COMMUNICATIONS.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Interim rate proceedings; compliance filings.** Commissioners and decision-making personnel may receive or generate written or oral ex parte communications with a party or participant in the setting of interim rates or the review of compliance filings following the issuance of a final order or order after reconsideration. Commissioners and decision-making personnel who receive or generate written or oral ex parte communications in these situations shall place a signed note in the commission's public file containing the name of the party or participant, date, docket number of proceeding, and topic as soon as practicable, but no later than the issuance of the interim rate order or the compliance filing order.

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

## 7845.7500 SANCTIONS.

Subject to notice and hearing, a party who makes a prohibited ex parte communication to a commissioner or who encourages or solicits others to make a prohibited ex parte communication to a commissioner is subject to the following sanctions: listed in part 7845.7800.

A. dismissal of the proceeding if the prohibited ex parte communication has so prejudiced the proceeding that the commission cannot consider it impartially;

B. an adverse ruling on a pending issue that is the subject of the prohibited ex parte communication, when other parties are prejudiced by the prohibited ex parte communication;

C. the striking of evidence or pleadings when the evidence or pleadings are tainted by the prohibited ex parte communication; or

D. a public statement of censure by the commission, when the prohibited ex parte communication is determined to be part of a continuing pattern of improper ex parte communication or when a single prohibited communication takes place and mitigating circumstances exist that:

(1) negate the need for a more severe sanction;

(2) do not prejudice the proceeding to the extent that the commission is unable to consider it impartially;

(3) do not prejudice other parties to the proceeding; and

(4) do not taint the evidence or pleadings.

## 7845.7700 EX PARTE COMMUNICATIONS; COMPLAINTS SEEKING SANCTIONS.

Subpart 1. **Complaint.** A person seeking sanctions for alleged ex parte violations may file a complaint with the commission.

Subp. 2. **Contents.** The contents of the complaint must include all of the following information:

A. name and address of the complainant;

B. name and address of the complainant's counsel, if any;

C. name and address of each person alleged to have violated the ex parte prohibition (respondents);

D. name and address of each respondent's counsel, if any;

E. facts constituting the allegation; and

F. sanctions sought.

Subp. 3. **Service.** Complaints filed under this part must be filed with the commission and mailed to or served on all of the following:

A. each respondent;

B. the department;

C. the Residential Utilities Division of the Office of the Attorney General; and

D. all persons on the commission's official service list for the proceeding.

Subp. 4. **Answer.** Within seven days of service of the complaint, each respondent shall file an answer with the commission and serve it on all of the following:

A. each complainant;

B. the department;

# Proposed Rules

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- C. the Residential Utilities Division of the Office of the Attorney General; and
- D. all persons on the commission's official service list for the proceeding.

## **7845.7800 COMPLAINT PROCEEDING.**

Subpart 1. **Office of Administrative Hearings.** The commission shall refer the complaint and answer to the Office of Administrative Hearings.

Subp. 2. **Investigation.** The administrative law judge assigned to the ex parte complaint proceeding by the Office of Administrative Hearings shall conduct a hearing investigation and shall issue a report within 30 days after the matter is referred. If the administrative law judge determines that the report cannot be properly completed within that time period, the judge shall report that fact to the commission within the 30-day period and shall file a final report within a reasonable time thereafter, no later than 60 days after the referral to the Office of Administrative Hearings.

Subp. 3. **Decision.** The report of the administrative law judge shall describe the relevant facts of the case and shall set forth the judge's findings as to whether ex parte violations occurred. The findings and decisions of the judge as to whether ex parte violations occurred are binding on the commission.

Subp. 4. **Sanctions.** In the report, the administrative law judge shall discuss and make recommendations regarding sanctions, including the recusal of any commissioner or the removal of decision-making personnel from an affected case. The administrative law judge may only recommend that the commission impose one of the following sanctions if the judge finds that the condition specified for the sanction is met:

A. dismiss the proceeding if the prohibited ex parte communication has so prejudiced the proceeding that the commission cannot consider it impartially;

B. issue an adverse ruling on a pending issue that is the subject of the prohibited ex parte communication, when other parties or participants are prejudiced by the prohibited ex parte communication;

C. strike evidence or pleadings when the evidence or pleadings are tainted by the prohibited ex parte communication;

D. issue a public statement of censure by the commission, when the prohibited ex parte communication is determined to be part of a continuing pattern of improper ex parte communication;

E. issue a public statement of censure by the commission when a single prohibited communication takes place and mitigating circumstances exist that:

(1) negate the need for a more severe sanction;

(2) do not prejudice the proceeding to the extent that the commission is unable to consider it impartially;

(3) do not prejudice other parties to or participants in the proceeding; and

(4) do not taint the evidence or pleadings; or

F. if the administrative law judge finds the complainant's allegation of an ex parte violation was interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of the proceeding, the judge may recommend that the commission issue an appropriate sanction against the complainant.

## **7845.7900 COMMENT PERIOD; COMMISSION DECISION.**

Subpart 1. **Notice.** After receiving the administrative law judge's report, the commission shall provide notice of the report to all persons on the commission's official service list for the affected proceeding.

Subp. 2. **Comment period.** Any person wishing to comment on the judge's report regarding the recommendation of sanctions must do so within ten days of the commission's notice of the report. The commission may vary the notice period as it deems appropriate.

Subp. 3. **Decision.** Following the comment period, and with notice, the commission shall hold a hearing and render its decision regarding the imposition of sanctions. Notice of the hearing must be sent to those on the commission's official service list for the affected proceeding.

# 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 Education

### Adopted Permanent Rules Relating to Secondary Career and Technical Education

The rules proposed and published at *State Register*, Volume 33, Number 15, pages 647-657, October 13, 2008 (33 SR 647), are adopted with the following modifications:

#### **3505.1150 AWARDING SCIENCE, MATHEMATICS, OR ARTS CREDITS THROUGH CAREER AND TECHNICAL EDUCATION.**

Subp. 2. **Guidelines** Minimum standards for granting credit. For the purpose of *Minnesota Statutes*, section 120B.024, paragraph (c), districts electing to offer science, mathematics, or arts credits for participation in career and technical education may consider granting credit when the following three criteria are met: If a district chooses to grant credit for science, mathematics, or art credit for participation in career and technical education, pursuant to *Minnesota Statutes*, section 120B.024, paragraph (c), it may do so provided that the program for which the credit is offered meets the following criteria:

#### **3505.2500 INSTRUCTIONAL PROGRAM APPROVAL.**

The commissioner of education shall approve programs on the following basis. Approval shall be on the basis of a complete program as defined in career and technical education program quality assessment rubrics part 3505.2550. The local education agency shall provide evidence that its curriculum is designed to meet career and technical objectives which shall include:

#### **3505.2550 MINIMUM STANDARDS FOR INSTRUCTIONAL PROGRAM APPROVAL.**

Subpart 1. **Required standards.** A secondary career and technical education program shall provide evidence that the standards in subparts 2 to 8 are met.

Subp. 2. **Community involvement.** Each program shall have an advisory committee that discusses current industry practices, program issues and needs, and curriculum. The committee shall meet formally with a planned agenda at least twice per year. Agendas and minutes shall be kept on file. Ongoing communication shall occur between career and technical education program staff and advisory committee members.

Subp. 3. **Personnel.** Each career and technical education program shall utilize appropriately licensed staff who shall follow requirements for renewal of credentials governed by the Minnesota Board of Teaching or Minnesota Board of School Administrators as appropriate. Teachers, administrators, and support staff are aware of professional, industry, occupational, or other organizations that can assist them in their work. Individuals working in instructional support positions shall either hold licensure as a technical tutor or shall meet highly qualified paraprofessional requirements under the Elementary and Secondary Education Act.

Subp. 4. **Program administration.** Administrators responsible for career and technical education programs shall have knowledge of school law, school finance, and the appropriate use of funds; shall ensure equal access and full participation of students who are members of special populations as defined in the Carl D. Perkins Career and Technical Education Act; shall submit reports to the department as required; shall maintain internal records as necessary for the proper implementation of the programs; and shall oversee the recruitment, retention, and replacement of staff. Administrators shall work within their school districts to utilize the uniform financial accounting and reporting system (UFARS) and to follow federal Education Department General Administrative Regulations (EDGAR).

Subp. 5. **Program assessment.** The district shall evaluate program performance using accountability indicators specified in the Carl D. Perkins Career and Technical Education Act and shall include the program in its curriculum review cycle. The district shall identify and utilize a process for continuous program improvement.

# Adopted Rules

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Subp. 6. **Program design.** The program shall provide opportunities for career awareness, career exploration, and career preparation. The program reflects an understanding of programs of study, and provides guidance that reflects current labor market information. The curriculum addresses career development, technological literacy, and workplace skills, is aligned to local standards for career and technical education programs, and supports a broad understanding of the industry. Safety instruction is based on federal, state, and local health and safety laws, regulations, and policies. Curriculum is developmentally appropriate, gender and culturally neutral, and is reviewed at least once each five years. Students have access to work-based learning opportunities and, where utilized, such activities are guided by training agreements and training plans. Instruction provides a balance of classroom and laboratory activities and utilizes technology. Authentic assessment is used to measure knowledge and skill proficiency. Students have access to leadership development opportunities through student organizations or other means.

Subp. 7. **Resources.** Instructional materials and supplies are appropriate to allow students to meet program objectives. Equipment is adequate to address program goals and objectives, and is properly installed, shielded, guarded, and ventilated. Adequate material storage and waste disposal is provided. Both school-based and community-based instructional settings are suitable for effective learning and are barrier free. Class size and facilities are appropriate for safe student learning. First aid equipment is available and signage reflects an emphasis on safety.

Subp. 8. **Support services.** The district has policies to ensure that the learning environment is barrier free and accessible to members of special populations. Basic accommodations are made where necessary to address the needs of members of special population groups. Instructional staff are involved in decisions pertaining to individual educational programs and guidance pertaining to secondary to postsecondary transitions.

## **3505.2600 PROGRAM COMPONENTS.**

All program components and learner outcomes for specific program areas as specified in ~~career and technical education program quality assessment rubrics part 3505.2550~~ must be addressed to qualify for approval; however, emphasis shall be at the discretion of the local education agency with guidance from the program advisory committee.

## **3505.4300 COMMUNITY-BASED EDUCATION.**

When a career and technical program includes a segment in which students are placed on a paid or unpaid experience outside the career and technical class or laboratory for more than 40 hours during the program, the local education agency shall meet the requirements for the employment related community-based education option of a program as stated in ~~career and technical education program quality assessment rubrics part 3505.2550~~.

## **3505.5400 ELIGIBLE COST CATEGORIES.**

Subp. 2. **Contracted services.** Contracted services provided by a public or private agency other than a Minnesota public school district or cooperative center for instructional education services. Revenue is available for:

A. A resource specialist or a guest speaker employed by an entity described in this subpart who teaches part of a program under the supervision of a licensed secondary career and technical teacher. Contracted services for programs for persons with disabilities must be preapproved by the state program specialist. UFARS object ~~dimension~~ dimensions 303 to 305 must be complied with.

Subp. 4. **Curriculum development.** Curriculum development that is part of a five year plan for improvement based on program assessment as defined in UFARS program dimension 610.

A. The ~~five-year~~ five-year plan must be submitted to the state program specialist for the career and technical program for approval. Yearly amendments are required if the plan or timelines deviate from the approved five-year plan.

**Department of Labor and Industry (DOLI)  
Adopted Permanent Rules Relating to Window Fall Prevention Devices**

The rules proposed and published at *State Register*, Volume 33, Number 21, pages 911-913, November 24, 2008 (33 SR 911), are adopted with the following modifications:

**1303.2320 WINDOW FALL PREVENTION REQUIRED.**

Windows that are required to comply with part 1303.2310 must be equipped with window fall prevention screens, guards, or other devices that comply with ASTM F 2006 or ASTM F 2090.

Exceptions:

1. Fixed, nonoperable windows.
2. Windows located in basements.
3. Windows located below the first story above grade plane.
4. Windows in which the opening of a window in any position does not permit a four-inch diameter sphere to pass through the opening.
5. Windows in which the bottom of the sill is more than ~~42~~ 24 inches (~~1,067~~ 610 mm) above the finished floor.

**1305.1405 SECTION 1405, INSTALLATION OF WALL COVERINGS.**

Subp. 3. ~~Section 1405.12.12~~ **1405.12.2**. IBC Section ~~1405.12.12~~ 1405.12.2 is deleted in its entirety.

**EFFECTIVE DATE.** Pursuant to *Minnesota Statutes*, section ~~16B.61, subdivision 3c~~ 326B.106, subdivision 7, these rules are effective July 1, 2009.

## 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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## Executive Council

### State Board of Investment

### Land Exchange Board

### Investment Advisory Council

## Official Notice of Meeting of the Investment Advisory Council on May 20, 2009, and the Executive Council, State Board of Investment, and Land Exchange Board on June 10, 2009

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, June 10, 2009 at 9:00 A.M. in Room 123, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Wednesday, May 20, 2009 at 12:00 Noon at the State Board of Investment, Board Room (Main Floor), 60 Empire Drive, St. Paul, MN.

## Department of Human Services

### Minnesota Board on Aging

### Aging and Adult Services Division

## Notice of Request for Comment on Proposed FFY 2010 Amendment to Minnesota State Plan on Aging

The Minnesota Board on Aging requests comments on a proposed amendment to the State Plan on Aging (for federal fiscal year 2010). The Minnesota Board on Aging has the option to submit an amendment to its current State Plan on Aging (FFY 2009-2012) to the U.S. Administration on Aging (AoA) on July 1, 2009. The State Plan addresses the ways in which the Minnesota Board on Aging is helping to

prepare the state for the aging of the population. The state plan also articulates the ways in which the components of the 2006 reauthorized Older Americans Act are being implemented. Outlined below are the five Goals for the State Plan on Aging.

- Goal 1:** Empower older adults and their families to make informed decisions about, and be able to easily access, home and community-based services.
- Goal 2:** Enable older adults and family caregivers to sustain their community living by accessing flexible, affordable and effective services.
- Goal 3:** Empower older adults and family caregivers to manage their own health risks.
- Goal 4:** Ensure the rights of older adults and prevent their abuse, neglect and exploitation.
- Goal 5:** Partner with communities to prepare for the aging of the population.

The proposed amendment provides updates to the current State Plan on Aging and highlights activities to coordinate services for tribal elders, protect the rights of vulnerable older adults, prepare for emergencies, partner with faith-based agencies and coordinate aging services with health care services.

The thirty-day public comment period begins May 4, 2009 and ends at 4:30 p.m. on June 3, 2009. The full text of the proposed State Plan on Aging Amendment is available by contacting:

Jean Wood  
Executive Director  
Minnesota Board on Aging  
Aging and Adult Services Division  
P.O. Box 64976  
St. Paul, MN 55164-0976

## Department of Human Services State Operated Services Division Public Notices of the Disproportionate Population Adjustment and Proposed Payment Rates for State Regional Treatment Centers

**NOTICE IS HEREBY GIVEN** to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of proposed changes concerning the disproportionate population adjustment (DPA) and the payment rates for State Regional Treatment Centers under the MA Program. This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish proposed payment rates for institutional providers, the methodologies underlying the establishment of such rates, and the justification of such rates.

In conjunction with the current state fiscal year's budget for State Operated Services, as appropriated by the legislature, payment rates are determined in accordance with *Minnesota Statutes*, §246.50, subdivision 5.

Effective for admissions occurring during State Fiscal Year 2010 (July 1, 2009 through June 30, 2010), the inpatient payment rate for the Anoka Metro Regional Treatment Center will be adjusted by 17.84 percent.

Due to legislative action, the following proposed MA payment rates are subject to change. Final rates for State Fiscal Year 2010 will be published prior to July 1, 2008.

### Adult Mental Health Services

Anoka-Metro Regional Treatment Center	\$785
Community Behavioral Health Hospitals	\$1,411

# Official Notices

## Forensic Services

Adolescent/Young Adult Services	\$697
Minnesota Extended Treatment Options	\$1,129
Minnesota Security Hospital	\$543
Forensic Transition Services	\$446
Competency Restoration Program	\$509
Forensic Nursing Home	\$623

## Minnesota Sex Offender Program

Minnesota Sex Offender Program	\$286
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Questions and comments may be directed to Lynn Glancey, Minnesota Department of Human Services, State Operated Services Division, 444 Lafayette Road North, St. Paul, MN 55155-0979, **Phone** (651) 431-3690 or **E-mail:** [Lynn.Glancey@state.mn.us](mailto:Lynn.Glancey@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](http://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 day

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**Minnesota State Colleges and Universities (MnSCU)  
Anoka Technical College  
Opportunity for Proposals on HYBRID BOOKSTORE****GENERAL STATEMENT/SCOPE:**

The college is seeking proposals from vendors to operate a "hybrid bookstore". A hybrid bookstore is defined as a bookstore that sells college textbooks, materials and logo-wear on site at the college, as well as via the internet.

**TO RECEIVE A COMPLETE COPY OF THE PROPOSAL REQUEST/SPECS, PLEASE CONTACT PAMELA MOGENSEN, (763) 576-4785.**

Proposals must be sealed with a notation on the outside of the envelope that states: HYBRID BOOKSTORE PROPOSAL – DELIVER IMMEDIATELY. Mail or deliver (**faxes will not be accepted**) sealed proposal by MONDAY, JUNE 8, 2009, NO LATER THAN 2 PM to:

Anoka Technical College  
Purchasing Office Room 197  
Attn. Pamela Mogensen  
1355 West Highway 10  
Anoka, Minnesota 55303  
PHONE: (763) 576-4785

BID CLOSE DATE IS MONDAY, JUNE 8, 2009 – 2 PM

**Minnesota State Colleges and Universities (MnSCU)  
Anoka Technical College  
Opportunity for Proposals on Online Workorder System****GENERAL STATEMENT/SCOPE:**

The college is seeking proposals from vendors to assist in developing an online work order system. The requirements would be to provide a user friendly web-based/online workorder service request and tracking solution for customers and recipients.

**TO RECEIVE A COMPLETE COPY OF THE PROPOSAL REQUEST/SPECS, PLEASE CONTACT PAMELA MOGENSEN, (763) 576-4785**

Proposals must be sealed with a notation on the outside of the envelope that states:

ONLINE WORKORDER SYSTEM PROPOSAL – DELIVER IMMEDIATELY.

Mail or deliver (**faxes will not be accepted**) sealed proposal by WEDNESDAY, MAY 27, 2009, NO LATER THAN 2 PM CST to:

Attn. Pamela Mogensen  
Anoka Technical College  
Purchasing Office Room 197  
1355 West Highway 10  
Anoka, Minnesota 55303  
**Phone:** (763) 576-4785

PROPOSAL CLOSE DATE IS WEDNESDAY, MAY 27, 2009 – 2 PM CST

# State Contracts

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## Minnesota State Colleges and Universities (MnSCU) Dakota County Technical College Sealed Bids Sought for New Soccer Field Bleachers

**Sealed Bids for:** NEW SOCCER FIELD BLEACHERS  
Dakota County Technical College  
Rosemount, Minnesota

**will be received by:** Paul DeMuth  
Director of Operations  
Dakota County Technical College  
Rosemount, Minnesota

Until **2:00 PM, local time, Tuesday, May 26, 2009**, at which time the bids will be opened and publicly read aloud in Room 2-142 at Dakota County Technical College.

**Project Scope:** The Project consists of furnishing and installing 7 new ganged sections of non-elevated aluminum exterior bleachers for the soccer field at DCTC.

The site is available for the Contractor's review at their convenience. The Contractors are encouraged to visit the site. No pre-bid meeting is scheduled.

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

- 1) above named Project Architect/Engineer
- 2) following Builders' Exchanges: Minneapolis and St. Paul
- 3) McGraw Hill Construction Plan Room
- 4) MEDA Minority Contractors Plan Room
- 5) 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:

TKDA  
Suite 1500  
444 Cedar Street  
St. Paul, MN 55101  
Telephone: (651) 292-4400

**A non-refundable deposit of \$15.00 is required for each set.** If you wish to have the plans mailed, add an additional non-refundable fee of \$10.00 for shipping and handling.

Each bid 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)****Metropolitan State University****Advertisement for Request for Proposals for Grounds Maintenance and Snow Removal**

**Sealed proposals for:** Grounds Maintenance and Snow Removal on the Saint Paul Campus  
Metropolitan State University  
Saint Paul, MN

**Will be received by:** Dave Peasley  
Founders Hall Room 329B  
Metropolitan State University  
700 E. Seventh Street  
Saint Paul, MN 55106

Until Monday, **June 1, 2009**, local time, 2:00 P.M.

**Project Scope:**

Metropolitan State University is requesting proposals to assist in developing a year round grounds keeping maintenance program for the Saint Paul campus that will include lawn, grounds, and plant maintenance in warm months and snow and ice removal during winter months. The successful vendor will provide appropriately licensed and qualified equipment operators and equipment, labor, supervision, tools, transportation and services to maintain the grounds year round for a contract period of three years beginning July 1, 2009.

A **MANDATORY Pre-Award Vendors Conference** will be held on Tuesday, May 19, 2009 from 1:00-2:30 P.M., local time, in Founders Hall Room 301 at Metropolitan State University. The College Representative will review the proposal procedures and requirements, documents, and other conditions with interested vendors and answer questions.

The Request for Proposal Documents and Specifications as prepared by the owner, are on file at Metropolitan State University. Complete sets for use by Vendors in submitting their proposals may be obtained at the following address:

Founders Hall 321  
Building Services Suite  
Metropolitan State University

**Minnesota State Colleges and Universities (MnSCU)****North Hennepin Community College****Request for Bids for the Campus Center Sound & Presentation System Upgrade**

**NOTICE IS HEREBY GIVEN** that North Hennepin Community College is seeking bids for the upgrade and install of the sound & presentation system located on the 1<sup>st</sup> floor of our Campus Center in the cafeteria.

Proposal specifications will be available beginning Monday, May 11, 2009. Please contact Joseph Collins by phone (763) 488-0204 or email [joseph.collins@nhcc.edu](mailto:joseph.collins@nhcc.edu).

There will be a non-mandatory pre-bid meeting at North Hennepin Community College, Campus Center Lower Level by the calendar wall on Monday, May 18, 2009 at 1:00 pm. Proposal specifications will also be made available at that time.

Sealed proposals must be received by Joseph Collins at 7411 - 85<sup>th</sup> Ave. No., Learning Resource Center Rm. 125, Brooklyn Park, MN 55445 by 1:00 PM on Friday, May 29, 2009.

# State Contracts

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There will be a bid opening at North Hennepin Community College, Educational Services Rm. 36 on Friday, May 29, 2009 at 1:15 pm.

North Hennepin Community College 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) Pine Technical College Request for Proposals for Avaya Telephone System Upgrade

Pine Technical College is seeking proposals to upgrade our current Avaya G3csiR7 telephone system to current Avaya S8400 technology. This project includes the acquisition of the hardware and software, migration from current to new technology, training, and support.

For a complete copy of the RFP and required submission materials contact:

Ken Ries  
Chief information Officer  
Information Technology Services  
**Phone:** (320) 629-5195  
**E-mail:** [riesk@pinetech.edu](mailto:riesk@pinetech.edu)

All responses to this RFP must be received by:

Ron Scherman  
Business Manager  
Pine Technical College  
Pine City, MN 55063

**no later than:** 3:00 p.m. (Central Daylight Saving Time), May 18, 2009.

## Minnesota State Colleges and Universities (MnSCU) Rochester Community and Technical College Notice of Request for Proposal for the Installation and Maintenance of ATM Machines

**NOTICE IS HEREBY GIVEN** that Rochester Community and Technical College Request for Proposal (RFP) for the installation and maintenance of ATM machines on the UCR Campus.

To receive a copy of the RFP, send an e-mail to: [june.meitzner@roch.edu](mailto:june.meitzner@roch.edu) or fax your request to (507) 285-7104.

Proposals are due back by Monday, June 1, 2009, 4:00 CDT and are to be addressed to June Meitzner, Rochester Community and Technical College 851 30th Ave SE Rochester, MN 55904.

Faxes are not acceptable. Late responses will not be considered.

Any question should be in a form of an RFI and directed to June Meitzner: [June.meitzner@roch.edu](mailto:June.meitzner@roch.edu)

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel this solicitation.

**Minnesota State Colleges and Universities (MnSCU)****Saint Paul College****Sealed Bids Sought for Haas CNC Tool Room Lathe**

Sealed Bids Sought for Haas CNC Tool Room Lathe, to include Intuitive Programming , USB Port, 3-Jaw Chuck, Toolpost Kit (4 Turning Holders and 1 Boring Bar holder), Coolant Pump Kit. Bid should include delivery and set up. It will not include wiring the machine in. The delivery on or before August 1, 2009

Sealed bids are due May 19<sup>th</sup>, 2009 at 2:00pm at which time the bids will be opened.

Bid specifications are available from: Nataliya Kabakova at e-mail: [Nataliya.kabakova@saintpaul.edu](mailto:Nataliya.kabakova@saintpaul.edu) , or by **fax:** (651) 846-1476

Deliver bids to:  
Saint Paul College  
Business Office, room 1240  
235 Marshall Ave  
St Paul, MN 55102

**Department of Commerce****Office of Energy Security****Request for Proposals to Obtain a Primary Contractor to Develop and Implement Energy Improvement Financing for Local Government**

**Ref: #OES-05112009-PBEEEP01**

The Office of Energy Security requests proposals to obtain a “primary contractor” to develop and implement the Energy Improvement Financing Program for Local Government (aka Public Buildings Enhanced Energy Efficiency Program, or “PBEEEP”) as authorized by *Minnesota Statutes* 216C.42 and 216C.43. The contractor will be accountable to the Department of Commerce Office of Energy Security (OES) for delivering expert technical services and easy-to-use private financing to Minnesota local governments (school districts, counties, cities, townships, park boards, library boards, and all other political subdivisions) to make cost-effective building energy improvements.

Work is proposed to start no later than **August 10, 2009** through **August 2012** with the option of extending the contract for an additional two years. The cost of this project is expected to exceed \$50,000.

A Request for Proposals (RFP) will be available for download on the Office of Energy Security’s website ([www.energy.mn.gov](http://www.energy.mn.gov)) through **Friday, May 29, 2009**. Potential responders may also request a hard copy of the RFP by mail from this office. Requests for hard copies must be received by the Office of Energy Security no later than noon on **Friday, May 29, 2009**.

The Request for Proposal can be obtained from:

**Preferred Method:** [www.energy.mn.gov](http://www.energy.mn.gov)  
**U.S. Postal Service:** Amy Bicek  
Minnesota Department of Commerce  
Office of Energy Security  
85 Seventh Place E, Suite 500  
Saint Paul, MN 55101-2198

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **3:30 pm CDT on Monday, June 1, 2009**. Late proposals will not be considered. Fax 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

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## Minnesota Historical Society

### Notice of Request for Bids for Historic Fort Snelling Long Barracks Renovation and Site Work

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies for site improvements, installation of site utilities, rehabilitation of the interior of the Long Barracks, stabilization of the Gate House structure, and opening modifications to the Northwest Perimeter Wall at Historic Fort Snelling. The Work consists of interior demolition at the Long Barracks and reconstruction for use as public space and administration offices and will include: new mechanical, fire protection and electrical systems; the installation of water, storm sewer, gas and electric services to many of the existing buildings, site lighting, and general site work including new subsurface drainage systems.

The Request for Bids and other front-end documents are available by contacting Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102; **e-mail:** [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org). Project plans and specifications can be purchased for a refundable plan deposit of \$50.00 from CPMI, 3265 Northwood Circle, Suite 170, Eagan, MN 55121, **telephone:** (952) 854-3663; **facsimile:** (952) 854-2847.

There will be a **MANDATORY pre-bid meeting** for all interested parties on **Thursday, May 21, 2009 at 10:00 a.m. Local Time** at the Site, which is located at 200 Tower Avenue, Saint Paul, Minnesota 55111.

All bids must be received no later than **2:00 p.m. Local Time, Wednesday, June 10, 2009**. A public opening will be conducted at that time. Late bids will not be considered.

Dated: May 11, 2009

## Department of Natural Resources (DNR)

### Notice of Availability of Contract for Invasive Species Audience Assessment

The Minnesota Department of Natural Resources is requesting proposals for the purpose of evaluating the knowledge of Minnesota recreationists about terrestrial invasive species and describing their behaviors and motivations with regard to activities believed to be at risk of spreading invasive pests.

Work is proposed to start in June 2009.

A Request for Proposals will be available by mail from this office through May 26, 2009. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After May 26, 2009, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Susan Burks  
MNDNR Division of Forestry  
500 Lafayette Rd  
St Paul, MN 55155  
Phone: (651) 259-5954

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **2:30 p.m. on June 1, 2009. Late proposals will NOT be considered.** Fax or emailed 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.

## **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.

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](http://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.

# State Contracts

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## Minnesota Department of Transportation (Mn/DOT)

### Office of Investment Management

### Request for Proposals (RFP) for North/West Passage Corridor-Wide Commercial Vehicle Permitting

The North/West Passage states have completed several projects in the years since their establishment as a pooled fund. Some Work Plan 1 projects involved significant construction or equipment purchases. Under Work Plan 2, an ITS Integrated Corridor Strategic Plan was developed to guide future collaboration in the corridor. Work Plan 3 projects began building the operational concept introduced in the Strategic Plan. Complete details on previous work plans and individual projects are available through the program web site at [www.nwpassage.info](http://www.nwpassage.info). Currently, Work Plan 4 has presented a series of projects targeted for completion in 2009. The projects continue to integrate traveler information systems and coordinate maintenance operations across state borders. Project 4.4, North/West Passage Regional Permitting (from Work Plan 4), is the subject of work to be completed under this Contract.

The full RFP can be viewed on the Consultant Services Web Page at: <http://www.dot.state.mn.us/consult/files/notices/notices.html>.

If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Ashley Duran, Contract Administrator  
**E-mail:** [ashley.duran@dot.state.mn.us](mailto:ashley.duran@dot.state.mn.us)  
**Telephone:** (651) 366-4627

Note: RESPONSES WILL BE DUE ON **WEDNESDAY, JUNE 24, 2009 AT 2:00 PM CENTRAL DAYLIGHT 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 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](mailto:miriam.lopez-rieth@metc.state.mn.us); or Candace, for Metro Transit projects, at (612) 349-5070 or [candace.osiecki@metc.state.mn.us](mailto:candace.osiecki@metc.state.mn.us).

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# Non-State Bids, Contracts & Grants

## Minnehaha Creek Watershed District Solicitation of Bids for Vegetation Maintenance at Ten Sites

**NOTICE IS HEREBY GIVEN** that the Minnehaha Creek Watershed District (MCWD) is soliciting bids for the maintenance of vegetation at ten sites. The sites are Calhoun Stormwater Ponds, Cedar Meadows, Twin Lakes Park pond, Nokomis Knoll, Gateway, and Amelia ponds at Lake Nokomis, Long Lake Nelson Park Shoreline and ponds, Minnehaha Creek Headwaters Park, Independence Wetland, and Gideon Glen, in Hennepin County, MN. Work shall begin on or after June 5, 2009. Work shall be complete no later than Nov 30, 2013.

Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work including staging and access to the site will be received by Minnehaha Creek Watershed District at its office, 18202 Minnetonka Boulevard, Deephaven, MN until 1:00 PM May 21, 2009. Bid submittals must be clearly labeled "MCWD VEGETATION MAINTENANCE 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 Natalie White, [nwhite@minnehahacreek.org](mailto:nwhite@minnehahacreek.org) or phone (952) 471-0590.

Contractors desiring a copy of the instructions to bidders, plans, specifications and proposal forms must obtain them from the office of Minnehaha Creek Watershed District, upon the payment of a \$65.00 non-refundable fee for each bid package.

A **MANDATORY PRE-BID MEETING** will be held at the Minnehaha Creek Watershed District office at 1:00 PM on May 14, 2009.

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.

## 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](http://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.

