

State of Minnesota

State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;
Commissioners' Orders; Revenue Notices; Official Notices;
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**
Published every Monday (Tuesday when Monday is a holiday)

**Monday 20 December 2010
Volume 35, Number 25
Pages 907 - 930**

State Register

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

The *State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. 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- Withdrawn Rules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
- Non-state Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines									
Vol. 35		PUBLISH DATE		Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts				Deadline for Proposed, Adopted and Exempt RULES	
Issue Number		(BOLDFACE shows altered publish date)							
# 25	Monday	20	December	Noon Tuesday	14	December	Noon Wednesday	8	December
# 26	Monday	27	December	Noon Tuesday	21	December	Noon Wednesday	15	December
# 27	Monday	3	January 2011	Noon Tuesday	28	December	Noon Wednesday	22	December
# 28	Monday	10	January	Noon Tuesday	4	January 2011	Noon Wednesday	29	December

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USPS Publication Number: 326-630 (ISSN: 0146-7751)

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Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

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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. 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, but 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.

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 #40-52 inclusive, with final index (#1-52, or 53 in some years). 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, phone: (612) 297-3000, or toll-free 1-800-657-3757.

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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.

Department of Labor and Industry

Occupational Safety and Health Division

Proposed Exempt Permanent Rules Relating to Occupational Safety and Health; Crane Standards

Proposed Revisions to the Occupational Safety and Health Standards and Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* §182.655. This notice proposes the adoption by reference of amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA).

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* §182.655 and *Minnesota Rules* 5210.0020 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307.

Cynthia Valentine, Acting Commissioner
Department of Labor and Industry

SUMMARY OF CHANGES

The following is a brief summary of the proposed amendments. The federal standard proposed for adoption follows this summary. To review the complete *Federal Register* notices referenced below, visit www.osha.gov.

(A) **"Cranes and Derricks in Construction; Final rule."** On August 9, 2010, federal OSHA published in the *Federal Register*, the final rule for cranes and derricks in construction. The final cranes and derricks standard updates and specifies industry work

Exempt Rules

practices necessary to protect employees during the use of cranes and derricks in construction. The final standard also addresses advances in the designs of cranes and derricks, related hazards, and the qualifications of employees needed to operate them safely. The new rule is designed to prevent the leading causes of fatalities, including electrocution, crushed-by/struck-by hazards during assembly/disassembly, collapse and overturn. It also sets requirements for ground conditions and crane operator assessment. Additionally, the rule addresses tower crane hazards, addresses the use of synthetic slings for assembly/disassembly work, and clarifies the scope of the regulation by providing both a functional description and a list of examples for the equipment that is covered. Also addressed are requirements for employers to ensure that the equipment is in safe operating condition via required inspections, and that employees in the work zone are trained to recognize hazards associated with the use of the equipment and related duties that they are assigned to perform. This final rule became effective at the federal level November 8, 2010.

By this notice, Minnesota OSHA proposes to adopt this final rule, as published in the *Federal Register* on August 9, 2010.

Rules as Proposed

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the Federal Register on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

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

V. *Federal Register*, Volume 75:

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

(4) *Federal Register*, Vol. 75, No. 152, pages 47906-48177, dated August 9, 2010: “Cranes and Derricks in Construction; Final rule.”

[For text of subp 7, see M.R.]

Executive Orders

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

Office of the Governor

Emergency Executive Order #10-16: Providing for Assistance with Search and Rescue Efforts for Stranded Motorists

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and applicable laws, do hereby issue this executive order:

WHEREAS, on Saturday, December 11, 2010, a winter storm resulted in blowing and drifting snow across most of central and southern Minnesota, which necessitated road closures and threatened public safety in the county of Rock; and

WHEREAS, dangerous driving conditions resulted in multiple stranded vehicles and these conditions created an imminent danger to persons and property, presenting an immediate need to activate emergency resources to assist with the search and rescue of stranded motorists; and

WHEREAS, the resources of the affected local and county governments were inadequate to meet the demands generated by the winter conditions; and

WHEREAS, the Rock County Sheriff requested activation of the National Guard to support recovery of stranded motorists.

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about December 11, 2010, in the service of the State, such personnel and equipment of the military forces of the State as required to provide assistance in responding to the emergency and in preparing emergency relief services.
2. The Adjutant General is authorized to purchase, lease or contract goods and services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 2010, Sections 192.49, 192.52 and 192.54.

Pursuant to *Minnesota Statutes* 2010, Section 4.035, Subdivision 2, this emergency executive order shall be effective retroactive to December 11, 2010, and will remain in effect until the conclusion of the emergency.

IN TESTIMONY WHEREOF, I have set my hand this 13th day of December, 2010.

Signed: **TIM PAWLENTY**
Governor

Filed According to Law

Signed: **MARK RITCHIE**
Secretary of State

Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

KEY: Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

Department of Revenue

Revenue Notice # 10-06: Technical Corrections to Prior Revenue Notices 2006-12, 2006-07, 2005-09, 1999-08, 1998-10 and 1993-15

This Revenue Notice corrects obsolete statutory references. These corrections stem from statutory changes made since the original notices were issued. This notice is not intended to have any substantive effect, but instead is being published solely to assist readers of the notices.

The following table identifies the Revenue Notices that contain statutory citations or references that have changed. The left column of the chart lists the affected Revenue Notice. The middle column lists the statutory citation or cross reference included in the original Revenue Notice. The right column lists the citation to current law or other current reference as amended through the date of publication of this Revenue Notice.

Notice	Citation or Language in Original Notice	Substituted Current Citation or Language Modification as Shown
2006-12	“section 155A.03, subdivision 2”	“section 155A.23, subdivision 3”
	“section 155A.08, subdivision 1”	“section 155A.29, subdivision 1”
	“section 155A.14”	“section 155A.34”
2006-07	“section 501(c)(3) of the <i>Internal Revenue Code of 1986</i> ”	“section 501(c)(3) of the <i>Internal Revenue Code</i> as defined in section 289A.02, subdivision 7”
2005-09	“Clause (a)(5) of subdivision 23” [referring to <i>Minnesota Statutes</i> § 297A.71, subd. 23(a)(5)]	“Clause (a)(6) of subdivision 23”
1999-08	“ <i>Minnesota Statutes</i> , § 289A.60, subdivision 13(g)”	“ <i>Minnesota Statutes</i> , § 289A.60, subdivision 13(f)”
1998-10	“ <i>Minnesota Statutes</i> , § 295.53, subdivision 1(6)”	“ <i>Minnesota Statutes</i> , § 295.53, subdivision 1(a)(5)”
1993-15	“ <i>Minnesota Statutes</i> , section 295.53, subdivision 1(11)”	<i>Minnesota Statutes</i> , section 295.53, subdivision 1(a)(8)
	“sections 295.50 to 295.57”	“sections 295.50 to 295.59”

Publication Date: December 20, 2010

ELIZABETH KADOUN, Assistant Commissioner
for Tax Policy and External Relations
Department of Revenue

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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Department of Agriculture (DOA)

Agricultural Response and Reimbursement Account (ACRRA) Board Notice of ACRRA Board Meeting Schedule for 2011

Listed below is the ACRRA Board meeting schedule for the 2011 calendar year. The ACRRA Board will meet at 9:30 a.m. in Conference Room OLF-B555, Minnesota Department of Agriculture Building, 625 Robert St. N, Saint Paul, Minnesota.

Pursuant to *Minnesota Statutes* 18E.05 Subd. 3. “*The board must receive a completed application at least 30 days before a board meeting in order for a request for reimbursement or payment to be considered at that meeting.*” To help ensure your application is “complete”, submit it 30 days prior to deadline (60 days prior to the ACRRA Board meeting). Regular ACRRA Board meetings are usually held on the third Wednesday of every other month. A scheduled meeting may be canceled due to insufficient funds in the account or if there is insufficient business. Any changes to scheduled meetings will be announced in the *Minnesota State Register*. Web site:

http://www.comm.media.state.mn.us/bookstore/state_register.asp

If you would like to be placed on the ACRRA Board mailing/email lists please contact ACRRA Program Staff at (651) 201-6138.

ACRRA Board 2011 Meeting Schedule

ACRRA Board Meeting	Submittal Date for Staff Review
January 19, 2011	November 20, 2010
March 16, 2011	January 20, 2011
May 18, 2011	March 21, 2011
July 20, 2011	May 20, 2011
September 21, 2011	July 20, 2011
November 16, 2011	September 20, 2011

In accordance with the Americans with Disabilities Act, an alternative form of communication is available upon request. TDD: 1-800-627-3529

Official Notices

Minnesota Comprehensive Health Association (MCHA) Notice of Meeting of the Enrollee Appeal Committee December 28, 2010

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Enrollee Appeal Committee will be held at 9:00 a.m. on Tuesday, December 28, 2010, at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

This meeting may be closed to the public, if so requested by the appellant(s), pursuant to *Minnesota Statute* 62E.10, subd. 4. For additional information, please call Lynn Gruber at (952) 593-9609.

Department of Human Services (DHS) Health Care Purchasing and Delivery Systems Division Health Care Administration Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

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

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

The Department requires Medical Assistance pharmacy providers to submit their usual and customary costs. Pharmacy providers are reimbursed at the lower of: 1) the federal or state MAC, plus a dispensing fee; 2) the submitted usual and customary charge to the general public; or 3) a discount off of average wholesale price, plus a dispensing fee.

No earlier than December 21, 2010 the Department may add the following outpatient prescribed drugs to the state MAC list:

Drug Name

ZAFIRLUKAST
DONEPEZIL

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$25,000.00 for State Fiscal Year 2009 (July 1, 2010 through June 30, 2011).

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

Written comments and requests for information may be sent to Pharmacy Program Manager

Sara Drake R.Ph.
Health Services and Medical Management Division
Health Care Administration
Minnesota Department of Human Services
P.O. Box 64984
St. Paul, Minnesota 55164-0984.

**Department of Labor and Industry (DLI)
Labor Standards Unit
Notice of Correction to Highway Heavy Prevailing Wage Rates**

Corrections have been made to the Highway Heavy Prevailing Wage Rates certified 11/29/2010, for **Labor Code 101**, Laborer, Common in Region 4.

Labor Code 105, Watch Person, in Region 5.

Labor Code 109, Underground and Open Ditch Laborer, in Region 3.

Labor Code 727, Wiring System Technician, in Region 1, 9.

Labor Code 728, Wiring Systems Installer, in Region 1, 9.

Copies with the corrected certified wage rate for these Regions 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.dli.mn.gov. 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.

Cynthia Valentine, Acting Commissioner
Department of Labor and Industry

**Minnesota Management & Budget (MMB)
Budget Services Division
Notice of Rate for Provider Tax Research Credit**

NOTICE IS HEREBY GIVEN that pursuant to *Minnesota Statutes* 295.53, Subdivision 4a(e), the research tax credit for companies subject to the gross earnings tax under *Minnesota Statutes* 295.52 shall be 1.5 percent of revenues for patient services used to fund expenditures for qualifying research conducted by an allowable research program in calendar year 2011.

For additional information, please call Angela Vogt, Executive Budget Officer, at (651) 201-8036.

Tom Hanson, Commissioner
Minnesota Management & Budget

**Minnesota Board of Marriage and Family Therapy
REQUEST FOR COMMENTS on Possible Amendments to Rules Governing
Marriage and Family Therapists, *Minnesota Rules*, Chapter 5300**

Subject of Rules. The Minnesota Board of Marriage and Family Therapy requests comments on its possible amendment to rules governing marriage and family therapists in the State of Minnesota. The board is considering revisions to rules regarding educational requirements, supervision, continuing education and ethical conduct.

Persons Affected. The amendment to the rules would likely affect marriage and family therapists, and persons seeking licensure as marriage and family therapists in the State of Minnesota.

Official Notices

Statutory Authority. *Minnesota Statutes*, section 148B.31, authorizes the board to adopt rules necessary to administer and enforce sections 148B.29 to 148B.39.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the board intends to adopt or to withdraw the rules. The board does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The board has prepared a draft of the possible rules.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to:

Jennifer L. Mohlenhoff, Executive Director
Minnesota Board of Marriage and Family Therapy
2829 University Ave. S.E., Suite 330
Minneapolis, MN 55414
Phone: (612) 617-2220
TTY users may call the Department at 1-800-627-3529.

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

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

Dated: December 10, 2010

Jennifer L. Mohlenhoff
Executive Director
Minnesota Board of Marriage and Family Therapy

Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be suspended effective December 28, 2009, until final disposition of the hearing or hearing appeal:

Riley Bros. Companies Inc. and its affiliates, Morris MN
Riley Bros. Construction Inc. and its affiliates, Morris MN
Riley Bros. Properties, LLC, and its affiliates, Morris MN
Riley Bros. Utilities, Inc. dba/Chris Riley Utilities, Inc. and its affiliates, Morris MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be debarred for a period of three (3) years effective February 24, 2010 until February 24, 2013:

Joseph Edward Riley, Morris, MN
John Thomas Riley, Morris, MN

Minnesota Statutes, Section 161.315, prohibits the Commissioner, counties, towns or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred; including

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity which is sold or transferred by a debarred person remains ineligible during the period of the seller's or transfer's debarment.

Minnesota Department of Transportation (Mn/DOT)

State Aid for Local Transportation Division

Notice of Appointment and Meeting of a State Aid Variance Committee

This notice was submitted for publication in the Dec. 13, 2010 issue and inadvertently missed by the editor.

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Advisory Committee who will meet on Thursday, December 16, 2010 at 9:00 a.m. at the Mn/DOT Arden Hills Training Center, located at 1900 West County Road I, in Shoreview, Minnesota, 55126. This notice is given pursuant to *Minnesota Statute* 14.46. The purpose of this open meeting is to investigate and determine recommendations for variance requests from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820 adopted pursuant to *Minnesota Statutes* Chapters 161 and 162.

The agenda will include the following:

- 1. Petition of City of Brainerd** for a variance from *Minnesota Rules* 8820.2800, *Construction Requirements* as they apply to Kingwood Street (MSAS 138) so as to allow the approval of the final plans after the opening of bids in lieu of before the opening of bids as required by law.
- 2. Petition of City of Minneapolis** for a variance from *Minnesota Rules* 8820.9936, *Design Standards, Urban; New or Reconstruction Projects* as they apply to Riverside Avenue between Cedar Avenue and Franklin Avenue so as to allow 8 foot parking lanes in lieu of the 10 foot parking lanes as required by law.
- 3. Petition of City of Mound** for a variance from *Minnesota Rules* 8820.2500, *Minimum State Aid Standards* as they apply to MSAS 112 (Ridgewood Road/Idlewood Road/Highland Boulevard) so as to allow rights of way less than 60 feet in lieu of the 60 feet as required by law.
- 4. Petition of City of Mound** for a variance from *Minnesota Rules* 8820.9936, *Design Standards, Urban; New or Reconstruction* as they apply to MSAS 112 (Ridgewood Road/Idlewood Road/Highland Boulevard) so as to allow a 27 foot roadway width in lieu of the 32 foot roadway width as required by law.
- 5. Petition of City of Mound** for a variance from *Minnesota Rules* 8820.9936, *Design Standards, Urban; New or Reconstruction* as they apply to MSAS 112 (Ridgewood Road/Idlewood Road/Highland Boulevard) so as to allow horizontal curves less than 30 mph design in lieu of the 30 mph horizontal curves as required by law.
- 6. Petition of City of Mound** for a variance from *Minnesota Rules* 8820.9936, *Design Standards, Urban; New or Reconstruction* as they apply to MSAS 112 (Ridgewood Road/Idlewood Road/Highland Boulevard) so as to allow vertical curves less than 30 mph design in lieu of the 30 mph vertical curves required by law.
- 7. Petition of City of Rochester** for a variance from *Minnesota Rules* 8820.9936, *Design Standards, Urban; New or Reconstruction Projects* as they apply to the reconstruction of 30th Ave SE from 22nd Street SE to Marion Rd SE (CSAH 36) so as to allow two 20 mph horizontal design curves in lieu of the 30 mph horizontal curves as required by law.
- 8. Petition of City of Shoreview** for a variance from *Minnesota Rules* 8820.9936, *Design Standards, Urban; New or Reconstruction Projects* as they apply to the intersection of Hamline Avenue and Ramsey County Road I, so as to allow a 15 mph horizontal design curve in lieu of the 30 mph horizontal curve as required by law.

Official Notices

9. Petition of Chisago County for a variance from *Minnesota Rules* 8820.9936, *Design Standards, Urban; New or Reconstruction Projects* as they apply to CSAH 9 between 150 feet south and 130 feet east of North Main street, so as to allow a 25 mph horizontal design curve in lieu of the 30 mph horizontal curve as required by law.

10. Petition of Mower County for a variance from *Minnesota Rules* 8820.9936, *Design Standards, Urban; New or Reconstruction Projects* as they apply to CSAH 29 (4th street SE) 300 feet north and 300 feet south of Bridge No. 5368, so as to allow a 23 mph vertical design curve in lieu of the 30 mph vertical curve as required by law.

11. Petition of Winona County for a variance from *Minnesota Rules* 8820.9936, *Design Standards, Urban; New or Reconstruction Projects* as they apply to CSAH 17 from East Burns Valley Rd to the intersection with CSAH 15, so as to allow 11 foot lanes in lieu of 12 foot lanes as required by law.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, 395 John Ireland Boulevard, Mailstop 500, St. Paul, MN 55155. If a written objection is received within 7 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: December 3, 2010

Julie A. Skallman, State Aid Engineer
State Aid for Local Transportation
Minnesota Department of Transportation

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.

Additional Opportunities

The *State Register* is one of the best ways to advertise your grants - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of ALL the current rules, a growing INDEX, and previous years' indices. Subscribers also receive LINKS to the *State Register*. 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 Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or fax: (651) 297-8260, or e-mail: loretta.diaz@state.mn.us

Department of Administration (Admin) Governor's Council on Developmental Disabilities Notice of Cosponsorship Funds for Leadership Training Conferences

The Governor's Council on Developmental Disabilities (GCDD) is pleased to announce the availability of a total of \$20,000 in cosponsorship funds for training conferences held in Minnesota and supporting the participation of Minnesota residents. Conferences should focus on providing best practices information in the field of developmental disabilities and leadership skills training.

The primary audience for these conferences must be people with developmental disabilities and their families.

Conferences must be held no later than September 1, 2011. **Eligible applicants are** Minnesota associations/organizations that provide services to individuals with developmental disabilities and their families, advocates, providers, or professionals; Minnesota chapters of national organizations; or national organizations that are holding a conference in Minnesota. **Application deadline is Friday, January 14, 2011 at 3:00 p.m.** Please note: The GCDD reserves the right to award less than the maximum of \$2,000 to an applicant, refuse to cosponsor a conference, or withdraw the availability of funds with or without notice.

For additional information or to request an application form, please contact:

Mary Jo Nichols
Governor's Council on Developmental Disabilities
370 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Phone: (651) 282-2899
Toll free: (877) 348-0505
Minnesota Relay Service: (800) 627-3529 OR 711
E-mail: admin.dd@state.mn.us

The application is also available at www.mnddc.org OR www.mncdd.org. Go to "The Council" and then "RFPs and Grants."

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

Business Opportunities in Government

The state spends about \$2 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And its cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 each 1/10 of a page, you cannot go wrong.

Subscribers receive a list of **all current contracts and grants**, as well as LINKS to the *State Register*, Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. To view, open the *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

- **Word Search Capability**
- **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 Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** loretta.diaz@state.mn.us

Department of Administration (Admin)

State Designer Selection Board Project #10-11

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Minnesota Department of Transportation, New Truck Station in Little Falls, Minnesota

The State of Minnesota, Department of Administration is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Transportation website: www.dot.state.mn.us/consult click on "P/T Notices."

Proposals must be delivered to Sherry Van Horn, State Designer Selection Board, 309 Administration Building in Real Estate and Construction Services, 50 Sherburne Ave., St. Paul, MN 55155; phone: (651) 201-2376 not later than 12:00 noon C.T., Monday, January 10, 2011. Late responses will not be considered.

Minnesota Department of Transportation is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Administration (Admin)**State Designer Selection Board Project #10-12****Notice of Availability of Request for Proposal (RFP) for Designer Selection for:
Minnesota Department of Transportation, New Bridge Crew Building in
Maplewood, Minnesota**

The State of Minnesota, Department of Administration is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Transportation website: www.dot.state.mn.us/consult click on "P/T Notices".

Proposals must be delivered to Sherry Van Horn, State Designer Selection Board, 309 Administration Building in Real Estate and Construction Services, 50 Sherburne Ave., St. Paul, MN 55155, phone: (651) 201-2376 not later than 12:00 noon C.T., Monday, January 24, 2011. Late responses will not be considered.

Minnesota Department of Transportation is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Administration (Admin)**State Designer Selection Board Project #10-13****Notice of Availability of Request for Proposal (RFP) for Designer Selection for
Shantz Hall Building Preservation Project, St. Peter Regional Treatment Center,
St. Peter, MN - RECS# 55419SRX**

The Department of Administration, Real Estate and Construction Services ("State"), through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposal is available on the Department of Administration, Real Estate and Construction Services website:
www.admin.state.mn.us/recs

Click on "Construction Services" and then "Solicitations and Announcements". An informational meeting is scheduled for 10:00 a.m. C.T., January 4, 2011 at the Facilities Conference Room, Old Center, St. Peter Regional Treatment Center. Project questions shall be referred to the appropriate person(s) as listed in the Request for Proposal.

Proposals must be delivered to Sherry Van Horn, Executive Secretary, State Designer Selection Board, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, phone: (651) 201-2376, not later than 12:00 noon C.T., Monday, January 10, 2011. Late responses will not be considered.

The Department of Administration, Real Estate Construction Services Division is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

State Contracts

Minnesota State Colleges and Universities (MnSCU) Normandale Community College Request for Proposal on Banking/ID Card Services/Branch Bank

A full copy of the RFP Solicitation can be found on the Normandale website: <http://www.normandale.edu/rfp/Bankidservices/>
Vendors should check the website frequently and are expected to review information posted carefully before submitting a final proposal. Proposals must be submitted with the envelope plainly marked in the lower left corner: **"Banking /ID CARD SERVICE/CAMPUS BRANCH"**

Submission: Sealed proposals must be received at the following address not later than 2 P.M. January 24, 2011 To:

Chris Mikkelsen
Normandale Community College
C1103
9700 France Ave South
Bloomington MN55431

Minnesota State Colleges and Universities (MnSCU) St. Cloud State University Advertisement for Sealed Proposals for Marketing Services

Sealed proposals for items hereinafter described will be received by St. Cloud State University at the Business Office, St. Cloud State University, St. Cloud Minnesota until **3:00 P.M. on January 13, 2011** and will then be publicly opened and read aloud. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

Bids are requested for the **Marketing Services** as per plans and specifications available in the Business Office, St. Cloud State University.

For Further information contact:

Lisa Sparks
Director of Purchasing
St. Cloud State University
720 - 4th Ave. S.
St. Cloud, MN 56301-4498
Phone: (320) 308-4788

Department of Health (MDH) Notice of Availability of Contract for Relative Source Contribution Project

The Minnesota Department of Health (MDH or State) requests proposals from public or private organizations (responder) with the necessary experiences and resources to develop or evaluate models for quantifying dermal exposures (e.g., application of sunscreen, absorption during bathing), inhalation exposures (e.g., vapors from dishwashers and humidifiers, aerosols from showering), and non-water oral exposures (e.g., food, pharmaceuticals). The contractor will research potential models and data inputs for quantifying individual routes of exposure, and also for comparing the relative magnitude and duration of exposures from multiple pathways. This proposed project is the first phase of a long term effort proposed by MDH to assess the appropriateness of relative source contribution factors for contaminants.

The goals of this project include:

- Identify available exposure models;
- Conduct a thorough review of the models;
- Evaluate how data intensive these models are;
- Determine the skill set required to use the models; and
- Evaluate the feasibility of using these models to evaluate contaminants of emerging concern in Minnesota, including the feasibility of incorporating exposure parameters specific to Minnesota (e.g., housing characteristics used in indoor air models).

The Request for Proposal is available online at www.health.state.mn.us/divs/eh/risk/guidance/dwec/specproj.html. **A written request (by direct mail, e-mail, or fax) by December 29, 2010 is required to receive a hard copy of the Request for Proposal.** After December 29, 2010, the Request for Proposal will be emailed.

The Request for Proposal can be obtained from:

Michele Ross, CEC Program Coordinator
Health Risk Assessment
Minnesota Department of Health
625 North Robert Street
P.O. Box 64975
St. Paul, MN 55164-0975
E-mail: michele.ross@state.mn.us
Telephone: (651) 201-4927

Proposals submitted in response to the Request for Proposal in this advertisement must be received at the address above no later than 2:00 PM Central Standard Time on January 10, 2011. **Late proposals will NOT be considered.** Faxed or emailed proposals will **NOT** be considered.

Work is proposed to start on or before February 1, 2011 and must be completed by June 30, 2011. 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 General Organizational Related Activities

(This document is available in alternative formats for persons with disabilities by calling Melissa McGinnis at 651-366-4644; for persons who are hearing or speech impaired by calling the Minnesota Relay Service at 800-627-3529.)

Mn/DOT, in conjunction with the Department of Administration, have developed a streamlined approach for fast-tracking select general organization service projects. These general organizational projects may include, but are not limited to, work in the following categories: 1) Develop, implement and summarize internal and external surveys; 2) Recommend best practices in an organizational structure; 3) Assist with organizational health structure; 4) Provide marketing support; 5) Develop, implement and provide support of ad hoc forums; 6) Establish and facilitate collaborative groups, including cross-organization and public-private teams; 7) Provide project management for non-technical initiatives; and 8) Facilitate non-technical activities and events.

This streamlined approach includes developing an email list of firms that are interested in receiving direct notification of general organizational projects. Firms will be added on an on-going basis. Fast-tracked projects will have a shorter advertising period and turn-around time. Firms will be asked to submit responses within 5 business days and will be required to work diligently with Mn/DOT toward establishing a contract upon selection. All projects will be advertised to the public. Your firm will be directly notified that there is a project

State Contracts

posted on the Consultant Services Website (www.dot.state.mn.us/consult) that requires general organizational skills. Please note that this notice is not a solicitation or request for proposals of any kind. Being placed on the list does not guarantee work nor does it obligate Mn/DOT to provide any contracting opportunities under this program.

Interested firms should send the following information to the e-mail address below: Firm name, firm contact person, phone number, and email address.

Contact: Melissa McGinnis, Contract Administrator

E-mail: melissa.mcginis@state.mn.us

Telephone: (651) 366-4644

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 Kelly Arneson 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:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, MN 55155

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.

Other Contracts

The *State Register* offers one of the cheapest, yet far reaching methods, of notifying the public about your agency's bids, contracts and grants. It is available to any government, non-profit, or private agency. Space is charged at the current rate of \$13.60 per each 1/10th of a page used in the *State Register*. Agencies are only billed for the space used in the *State Register*.

Agencies wishing to take advantage of this offer should submit what you want printed in the *State Register* via e-mail to: robin.panlener@state.mn.us. Attach to your entry a short note indicating when you wish the notice to be published (one, or many dates), if you want a copy of the issue your notice appears in (a TEAR SHEET will be sent free with your bill), and whether you want an "Affidavit of Publication."

Bassett Creek Watershed Management Commission (BCWMC) Request for Letters of Interest Proposals—Professional Services for Legal, Engineering and Technical Consulting Services

NOTICE IS HEREBY GIVEN that pursuant to *Minnesota Statutes Annotated* 103B.227, Subd. 5, the Bassett Creek Watershed Management Commission (BCWMC) hereby solicits Letters of Interest Proposals for legal, engineering and technical consulting services for fiscal years 2011 and 2012. The BCWMC's 2011 operating budget is \$474,150 and its annual capital projects budget is around \$1,000,000.

Letters should include a brief description of the company and the experience of the individual(s) proposing to perform services for the Commission. Letters of interest proposals shall be in a sealed envelope clearly marked, "BCWMC – Letter of Interest Proposal." The Commission will review the letters and reserves to itself the right to take such action as it deems in its best interests. All Letters of Interest Proposals shall be submitted on or before January 19, 2010 to:

Chair Linda Loomis
ATTN: Sue Virnig
BCWMC – Letter of Interest Proposal
7800 Golden Valley Road
Golden Valley, MN 55427
(NO CALLS)

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.

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