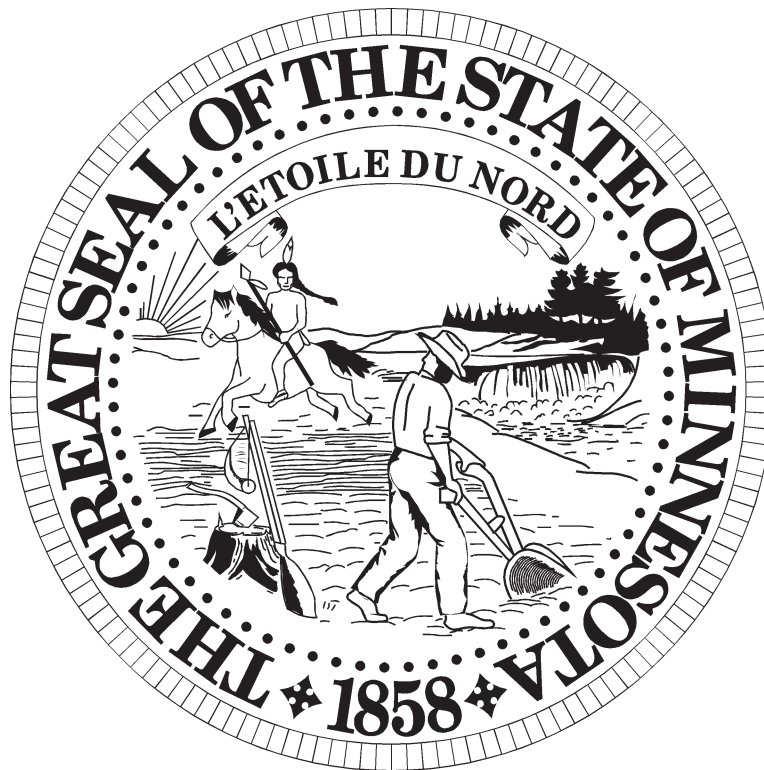


State of Minnesota

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)

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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- Withdrawn Rules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. 37 Issue Number	PUBLISH DATE (BOLDFACE shows altered 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
# 15	Monday 8 October	Noon Tuesday 2 October	Noon Wednesday 26 September
# 16	Monday 15 October	Noon Tuesday 9 October	Noon Wednesday 3 October
# 17	Monday 22 October	Noon Tuesday 16 October	Noon Wednesday 10 October
# 18	Monday 29 October	Noon Tuesday 23 October	Noon Wednesday 17 October

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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. TTY relay service phone number: (800) 627-3529.

Minnesota Rules appearing in Volume 37, #14 Monday 1 October 2012

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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 Department of Employment and Economic Development

Division of State Services for the Blind

Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Amendment to Rules Governing Vending Stands and Business Enterprises, *Minnesota Rules*, 3321.0100 to 3321.1400. *Minnesota Rules*, parts 3321.0700, subpart 2; 3321.0900, subpart 2; and 3321.1400, are repealed

Introduction. The Department of Employment and Economic Development 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. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until November 1, 2012.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is: Chuk Hamilton at State Services for the Blind, 2200 University Avenue West #240, St. Paul, MN, 55114, (651) 649-5452, FAX (651) 649-5927, and email chuk.hamilton@state.mn.us. TTY users may call State Services for the Blind at (651) 642-0506 or (888) 665-3276.

Subject of Rules and Statutory Authority. The proposed rules are about Vending Stands and Business Enterprises *Minnesota Rules*, 3321.0100 to 3321.1400. *Minnesota Rules*, parts 3321.0700, subpart 2; 3321.0900, subpart 2; and 3321.1400, are repealed. The statutory authority to adopt the rules is *Minnesota Statutes*, section 248.07, subd. 14a. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Thursday, November 1, 2012, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the agency contact person must receive it by the due date. The Department encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

Proposed Rules

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on Thursday, November 1, 2012. Your written request for a public hearing must include your name and address. 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 Department will hold a public hearing unless a sufficient number 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. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Department may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness statement 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 it or obtain copies for the cost of reproduction by contacting the agency contact person.

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

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The agency will then 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 Department submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Mark R. Phillips, Commissioner
Department of Employment and Economic Development

VENDING STANDS AND BUSINESS FACILITIES-BUSINESS ENTERPRISES PROGRAM

3321.0100 STATUTORY AUTHORITY AND SCOPE OF RULES.

Pursuant to Minnesota Statutes, section 248.07, subdivision 14a, this chapter is issued by the commissioner of employment and economic development to govern all vending ~~stands and business enterprises~~ facilities, hereinafter referred to as business enterprise or business enterprises, established by the State Services for the Blind, Department of Employment and Economic Development, for which the department is responsible. Licenses to blind persons ~~will~~ must be issued according to this chapter and applicable statutes by the commissioner or a designee, hereinafter to be known as the state licensing agency. A licensed blind ~~person~~ vendor is an independent contractor to the state licensing agency and is not an employee of the state licensing agency or the state of Minnesota.

3321.0200 SELECTION OF STAND OPERATORS LICENSED BLIND VENDORS.

The selection of ~~stand operators~~ will licensed blind vendors must be made on an objective basis, including a thorough evaluation of the following: experience, training, former vocations, education, and other factors that relate to job requirements. Preference ~~will~~ must be given

Proposed Rules

to blind persons who are in need of employment. The following specific requirements ~~will~~ must also be adhered to in selecting licensed blind vendors. Blind persons selected as ~~operators~~ with licensed blind vendors must:

A. be determined, after examination by a physician skilled in diseases of the eye or by an optometrist, ~~whichever such person shall~~ whomever blind persons select, to have:

(1) not more than 20/200 central visual acuity in the better eye with correcting lenses; or

(2) an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its evident diameter subtends an angle of no greater than 20 degrees;

B. be citizens of the United States; and

C. be certified as qualified for the operation of a ~~vending stand business enterprise through objective evaluation and testing by the rehabilitation business enterprises program~~ staff of the ~~Services for the Blind, Department of Employment and Economic Development~~ state licensing agency.

3321.0300 PERIOD OF LICENSE.

Subpart 1. Indefinite period; termination for good cause. Each license will be issued upon execution of an ~~operator's individual's~~ first agreement pursuant to part 3321.0500, subpart 1, for an indefinite period but subject to termination by written notice for good cause shown, including but not limited to:

A. failure to operate according to:

(1) ~~parts 3321.0100 to 3321.1400, 3321.1300;~~

(2) ~~the terms of the agreement with the operator, licensed blind vendor; or~~

(3) ~~the terms and conditions of the licensing agency's permit to operate in the building or property;~~

B. improvement of vision so that the ~~operator licensed blind vendor~~ no longer meets the definition of blindness under part 3321.0200;

C. extended illness with medically documented diagnosis of prolonged incapacity of the ~~operator licensed blind vendor~~ to operate the ~~vending stand business enterprise~~ in a manner consistent with the needs of the location or other available locations in the program;

D. withdrawal of the ~~operator licensed blind vendor~~ from the program upon the ~~operator's licensed blind vendor's~~ written notification to the state licensing agency; and

~~E. failure to work as a licensed operator, relief operator, or take additional approved training related to the operation of an enterprise, a minimum of two weeks per year unless on an approved leave.~~

~~A license may be issued to a blind person to operate an enterprise, other than a vending machine enterprise, in the program without that person taking vending machine training. No licensee may be placed or transferred to a vending machine enterprise without first taking and satisfactorily completing vending machine training sufficient to operate the vending stand or business enterprise in question.~~

E. failure to take additional approved training related to the operation of a business enterprise or work 80 hours annually as:

(1) a licensed blind vendor; or

(2) an employee of a licensed blind vendor.

Subp. 2. Exception for medical leave. A licensed blind vendor is not subject to termination under subpart 1, item E, if on an approved medical leave. For the purposes of this part, a year begins the day a licensed blind vendor no longer has an agreement under part 3321.0500, or in the case of a medical leave of absence, the day a licensed blind vendor no longer has an approved absence.

Proposed Rules

Subp. 3. Referral to alternative vocations. If a licensed blind vendor's license is terminated for failure to comply with this part, the licensed blind vendor must immediately be referred to the vocational rehabilitation unit of the state licensing agency to be evaluated for eligibility for services that could lead to alternative vocational opportunities.

3321.0350 DETERMINATION OF VISUAL STATUS.

Subpart 1. **Testing; evidence of visual acuity.** In order to equitably determine ongoing compliance with visual requirements for ~~operators licensed blind vendors~~ under parts 3321.0200 and 3321.0300, ~~subpart 1, item B,~~ in years ending in zero and five all licensed ~~blind vendors~~ must provide current ophthalmological or optometric evidence documenting their visual status. "Current" means evidence of an examination no more than six months old from the date of submission. Evidence is sufficient if it allows the state ~~ophthalmological consultant licensing agency~~ to determine whether or not the ~~operator is legally licensed blind vendor meets the visual requirements contained in part 3321.0200, item A.~~ If the ~~ophthalmological consultant determines the operator to be legally blind state licensing agency determines the licensed blind vendor meets the visual requirements and the medical or optometric documentation~~ specifically states that the blindness is permanent, the ~~operator will not be licensed blind vendor is not~~ subject to future examinations under this part.

Subp. 2. **License termination; failure to prove visual acuity.** ~~Operators Licensed blind vendors~~ not providing ophthalmological or optometric evidence are presumed to ~~be not legally blind meet the visual requirements of part 3321.0200, item A,~~ and action must be taken under part 3321.0300 to terminate their license.

~~Operators Licensed blind vendors~~ found to ~~be not legally blind meet the visual requirements~~ on the basis of the submitted evidence shall have their licenses terminated under part 3321.0300. Their termination date is one year from the date of their notice of license termination. ~~The operator must immediately be referred to the vocational rehabilitation unit of State Services for the Blind to be evaluated for eligibility for services that would lead to alternative vocational opportunities.~~

Subp. 3. **Cost of examination.** ~~An operator A licensed blind vendor~~ may enter as an expense on their books submitted to the state licensing agency the cost of obtaining ophthalmological or optometric evidence required by this chapter part.

3321.0400 TERMINATION OF LICENSE.

The state licensing agency shall promptly notify by certified mail or personal service any ~~vending stand operator licensed blind vendor~~ whose license is proposed to be revoked. This notification shall state the grounds for such action and shall inform the ~~operator licensed blind vendor~~ of the right to appeal the action. The ~~operator will licensed blind vendor must be~~ afforded an opportunity for a fair full evidentiary hearing before termination of the license as described in part 3321.1200.

3321.0500 ~~OPERATOR LICENSED BLIND VENDOR AGREEMENTS.~~

Subpart 1. **Requirement.** Each licensed ~~operator will blind vendor must~~ sign an agreement for the operation of an assigned ~~vending stand business enterprise,~~ and will sign a new agreement each time the ~~operator licensed blind vendor~~ moves or transfers to another ~~vending stand business enterprise.~~

Subp. 2. **Revocation or suspension of agreement.** The ~~operator's licensed blind vendor's~~ agreement to operate a ~~vending stand business enterprise~~ may be revoked or temporarily suspended in those instances where the operation, integrity, or reputation of the program may be damaged. The state licensing agency shall promptly notify by certified mail or personal service any ~~vending stand operator licensed blind vendor~~ whose agreement is ~~suspended or revoked or suspended.~~ The notification shall state the grounds for such action and shall inform the ~~operator licensed blind vendor~~ of the right to appeal the action, as described in part 3321.1200. The action to ~~suspend or revoke or suspend~~ an agreement does not automatically ~~mean the termination of terminate the operator's licensed blind vendor's license.~~ Notice of intent to terminate the ~~operator's licensed blind vendor's~~ license ~~shall require requires~~ a separate notice, as described in part 3321.0400.

Subp. 3. **Licensed blind vendor expectation.**

A. The state licensing agency rules, the agreement with the licensed blind vendor, and any applicable government or private restrictions of the authority having charge of the property on which the business enterprise is located must be read and explained to each licensed blind vendor and a copy of each must be provided to each licensed blind vendor.

B. The agreement between the state licensing agency and the licensed blind vendor must be consistent with this part, and must contain

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a signed statement by the licensed blind vendor attesting that the documents provided in item A have been read to the licensed blind vendor and that the licensed blind vendor agrees to abide by them.

3321.0600 FURNISHING EQUIPMENT AND INITIAL STOCKS.

The state licensing agency is responsible for furnishing each business enterprise with:

A. ~~for furnishing each vending stand or business enterprise with adequate,~~ adequate and suitable equipment ~~and,~~ replacement of ~~such~~ equipment, and assistance in maintenance and repair of equipment; and

B. ~~for furnishing each vending stand or business enterprise with adequate~~ initial stocks of merchandise and supplies. Subsequent purchase of merchandise and supplies shall be made by the operator licensed blind vendor out of current receipts. ~~If a business expands, the licensed blind vendor and the state licensing agency may mutually agree that any additional initial stocks related to this expansion be furnished by the state licensing agency.~~ Merchandise shall be replaced as sold and supplies replaced as needed, maintaining the inventory at the minimum of the original inventory unless mutually agreed otherwise by the state licensing agency and the operator licensed blind vendor.

3321.0700 ~~VENDING STAND BUSINESS ENTERPRISE EQUIPMENT AND INITIAL STOCKS; OWNERSHIP.~~

Subpart 1. **Inventories Ownership of equipment.** The right to, title to, and interest in the ~~vending stand~~ business enterprise equipment used in the program is vested in the state of Minnesota. ~~No fixtures or equipment may be added, altered, or removed from the business enterprise except at the direction of the state licensing agency. The licensed blind vendor must exercise all possible care in the use of fixtures and equipment, and must not make any alterations, changes, or additions.~~

Subp. 1a. Ownership of merchandise and supplies.

A. ~~Operators will be required to~~ Licensed blind vendors must acquire ownership of merchandise and supplies through reimbursing the state licensing agency for such expenditures by monthly payments extended over a three-year period. Upon approval of the state licensing agency, additional time may be granted in hardship cases, the purpose of which is to ~~assure~~ ensure that no individual be denied the opportunity to become ~~an operator a~~ licensed blind vendor because of the ~~operator's~~ licensed blind vendor's inability to purchase the initial ~~stock~~ merchandise and supplies.

B. Upon termination of ~~the operator's~~ a licensed blind vendor's license or when ~~operators withdraw~~ a licensed blind vendor withdraws from a specific ~~vending stand or~~ business enterprise location, the state licensing agency ~~will~~ must purchase for the new ~~operator licensed blind vendor,~~ operator licensed blind vendor, at cost, salable merchandise and, at an amortized price, supplies remaining in the ~~stand business enterprise,~~ stand business enterprise, assuming there is no amount owing in the departing ~~operator's~~ licensed blind vendor's accounts with the state licensing agency or other outstanding financial obligations that result from a signed agreement between the state licensing agency and a location on the licensed blind vendor's behalf authorizing the placement of the vending facility or vending machines. ~~No fixtures or equipment shall be added, altered, or removed from the stand except at the direction of the licensing agency. The operator will exercise all possible care in the use of fixtures and equipment, making no alterations, changes, or additions.~~

C. ~~When~~ If a licensed ~~operator~~ licensed blind vendor under contract dies, the state licensing agency must immediately take an inventory at the ~~stand in cooperation~~ business enterprise. If possible, the state licensing agency must conduct this inventory with a member of the ~~operator's~~ licensed blind vendor's family or a representative of the ~~operator's~~ licensed blind vendor's estate. The state licensing agency must then prepare a summary accounting of the deceased licensed ~~operator's~~ licensed blind vendor's accounts with the state licensing agency. If the balance is in favor of the state licensing agency, the estate must pay that balance. If the balance is in favor of the deceased licensed ~~operator~~ licensed blind vendor, the state licensing agency must pay the balance to the estate. The warrant ~~will~~ must be made payable to the "Estate of [licensed operator's blind vendor's name]."

D. A licensed blind vendor who begins to operate a business enterprise location shall determine what merchandise or supplies the licensed blind vendor will purchase from the departing licensed blind vendor. In the case of a licensed blind vendor disagreement over the purchase of supplies or merchandise, the departing licensed blind vendor may request that the state licensing agency intervene and make a final decision. The departing licensed blind vendor is responsible for disposing of all the merchandise or supply inventory not purchased by the new licensed blind vendor.

Subp. 2. [See repealer.] **3321.0800 ~~VENDING STAND BUSINESS ENTERPRISE PROCEEDS; FUNDS SET ASIDE.~~**

Proposed Rules

Subpart 1. **Amounts.** The state licensing agency ~~will~~ must set aside or cause to be set aside from the monthly net proceeds of the operation of vending stands business enterprises the following amounts:

- A. on the first \$100 or portion thereof, 2 percent;
- B. on the second \$100 or portion thereof, 4 percent;
- C. on the third \$100 or portion thereof, 6 percent;
- D. on the fourth \$100 or portion thereof, 8 percent;
- E. on the fifth \$100 or portion thereof, 10 percent;
- F. on the sixth \$100 or portion thereof, 12 percent;
- G. on the seventh \$100 or portion thereof, 14 percent; and
- H. any amounts over \$700, 16 percent.

“Net proceeds,” as used herein, means the monthly cash receipts including any vending machine or other income, less merchandise purchases, general expenses, and payroll, (excluding set-aside charges).

Subp. 2. **Other conditions of funds.** ~~This rate supersedes any previous rate heretofore established by any agreements or policies of the licensing agency.~~ The operator licensed blind vendor shall pay these set-aside funds monthly to the state licensing agency. These set-aside funds shall be used only to the extent necessary and may be used for the ~~sole purpose of:~~ purposes set forth in Minnesota Statutes, section 248.07, subdivision 8, paragraph (b).

- ~~A. maintenance and replacement of equipment;~~
- ~~B. the purchase of new equipment; and~~
- ~~C. the management services that are specified in state law.~~

Subp. 3. **Set-aside schedule.** The operator licensed blind vendor management committee, as defined in part 3321.1100, subpart 3, ~~will~~ must participate with the state licensing agency in the establishment of a set-aside schedule covering ~~each~~ of the purposes for which the set-aside funds are intended to be used, and ~~will~~ must be reviewed annually to determine the need for change based upon the previous year’s expenditures. The schedule shall be designed to prevent, so far as is practicable, a greater charge for any purpose than is reasonably required, with the allowances for the retention of reasonable reserves necessary to ~~assure ensure~~ that ~~each~~ such ~~purpose purposes~~ can be provided on a continuing basis. Changes, when necessary, shall be by amendment to parts 3321.0100 to ~~3321.1400~~ 3321.1300.

Subp. 4. **Due date.** Funds set aside from vending stand business enterprise proceeds are due at the offices of the state licensing agency by or on the 25th of the following month.

3321.0900 VENDING MACHINES ON FEDERAL PROPERTY; INCOME.

Subpart 1. **Income accrual to operator licensed blind vendor.** Vending machine income from vending machines on federal property which has been disbursed to the state licensing agency by a property managing department, agency, or instrumentality of the United States shall accrue to each licensed blind operator vendor operating a vending stand business enterprise on such federal property in an amount not to exceed the average net income of the total number of licensed blind operators vendors within the state program, as determined each fiscal year on the basis of each prior year’s operation, except that vending machine income shall not accrue to any licensed blind operator vendor in any amount exceeding the average net income of the total number of licensed blind operators vendors in the United States.

Subp. 2. [See repealer.]

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Subp. 3. **Combination of machines to make a stand facility.** No limitation shall be imposed on income from vending machines combined to create a ~~vending stand business enterprise~~ when such ~~stand business enterprise~~ is maintained, serviced, or operated by a licensed blind operator vendor. The state licensing agency ~~will~~ must retain vending machine income disbursed by a property managing department, agency, or instrumentality of the United States in excess of the amounts eligible to accrue to licensed blind operators vendors.

Subp. 4. **Quarterly disbursement.** The state licensing agency ~~will~~ must disburse vending machine income to licensed blind operators vendors on at least a quarterly basis.

Subp. 5. **Use of income retained by agency.** Vending machine income retained by the state licensing agency ~~will~~ must be used for the establishment and maintenance of retirement or pension plans, for health and dental insurance contributions, and for the provision of paid sick leave and vacation time for licensed blind operators vendors, if it is so determined by a majority vote of the licensed operators blind vendors, after each operator licensed blind vendor has been furnished information on all matters relevant to ~~such these~~ purposes. Any vending machine income not necessary for ~~such these~~ purposes shall be used for one or more of the following: maintenance and replacement of equipment; purchase of new equipment; or management services. Any set-aside charged to licensed blind operators vendors shall be reduced pro rata in an amount equal to the total of such remaining vending machine income.

3321.1000 OPERATORS; POLICIES AND DUTIES.

Subpart 1. **Net proceeds.** Each operator licensed blind vendor shall be entitled to the net proceeds of the operation of the ~~vending stand business enterprise~~ the individual operates, less the amount set aside by the state licensing agency.

Subp. 2. **Operator Licensed blind vendor duties.** Each operator licensed blind vendor shall agree to:

- A. perform faithfully and to the best of the ~~operator's licensed blind vendor's~~ ability the necessary duties in connection with the operation of a ~~vending stand business enterprise~~ according to the state licensing agency's rules, the terms of the state licensing agency's permit to operate in the building or property, and the agreement with the operator licensed blind vendor;
- B. cooperate with official and duly authorized representatives of the state licensing agency in connection with their official program responsibilities;
- C. operate the ~~vending stand business enterprise~~ according to all applicable health laws and regulations and any other applicable federal, state, or local law or regulation;
- D. furnish monthly reports ~~to at the offices of the state~~ licensing agency by or on the tenth of the following month, listing ~~daily~~ sales by type, other income, purchases, other expenditures, and personal withdrawals, and attaching all statements and invoices or copies thereof, properly receipted. Inventory of merchandise ~~will~~ must be included when requested;
- E. indemnify and hold harmless the state of Minnesota, its officers, or agents, for any acts or omissions of said operator licensed blind vendor that may result in the ~~operator's licensed blind vendor's~~ liability to third parties, and the state shall not be liable for negligence based on any theory of liability; ~~and~~
- F. provide the licensing agency at least 60 ~~days~~ days' notice of intent to ~~leave the program.~~ take a leave of absence;
- G. first make attempts to locate an individual with a disability before approving the employment of a nondisabled person when it has been determined that a relief operator or an assistant or assistants must be employed. The wages paid for any assistance employed, including bookkeeping, must be in reasonable proportion to work performed and must be approved by the state licensing agency;
- H. acquire liability insurance and, if necessary, workers' compensation insurance for the business enterprise;
- I. provide the state licensing agency at least a six-month notice of intent to retire from the program; and
- J. complete a product inventory no less than once annually.

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Subp. 3. Agency duties.

A. The state licensing agency assumes responsibility for providing to the vending stand operators such licensed blind vendors the supervision, assistance, and training as may be necessary to ensure the operation of each vending stand business enterprise in the most productive and efficient manner possible. This supervision, assistance, and training must be performed according to the following policies in addition to other provisions of parts 3321.0100 to ~~3321.1400~~ 3321.1300.

A. B. In entering agreements for new or vacated stands business enterprises, preference on the basis of seniority of experience of operating stands business enterprises under the control of the state licensing agency shall be given to capable operators licensed blind vendors who are deemed competent to handle the business enterprise under consideration. The application of such this preference will must not prohibit the state licensing agency from selecting an operator a licensed blind vendor from the community in which the stand business enterprise is located. No operator licensed blind vendor may transfer to another stand business enterprise and bid back into the stand business enterprise the operator licensed blind vendor just left in the same bidding sequence. Seniority must be determined on the basis of continuous service as a licensed blind vendor in the business enterprises program with the state licensing agency.

C. An operator The state licensing agency shall determine a licensed blind vendor is in default if either of the following is more than 30 days late arriving at the offices of the state licensing agency:

- (1) reports under subpart 2, item D; or
- (2) payment in full under part 3321.0800.

In case of any default, the operator will licensed blind vendor must be assessed a late fee of ~~\$20~~ \$25. The state licensing agency shall notify the operator licensed blind vendor of the default and penalty. An operator A licensed blind vendor who is in default for the same infraction the succeeding month must be assessed a \$50 late fee. This late fee charge continues to be \$50 per default until the licensed vendor has not been in default for at least one month. A licensed blind vendor who is in default twice within six months will not be permitted to transfer to new or vacated stands vending facilities, after notice of disqualification from the state licensing agency. The operator licensed blind vendor may regain eligibility to transfer if the operator licensed blind vendor has cured any prior default and has not been in default for six consecutive months after the prior defaults have been cured.

D. Seniority shall be determined on the basis of continuous service in the stand program with the licensing agency. A leave of absence for medical reasons, supported by a doctors statement, may be granted by the state licensing agency and operator management committee, and the operator licensed blind vendor shall continue to accrue seniority during the leave. A medical leave of absence for up to ~~three~~ six months, which may be later extended for an additional ~~three~~ months, may be granted under a plan in which the requesting operator licensed blind vendor retains responsibility for and general management of the current vending stand business enterprise. A medical leave up to one year may also be granted under a plan in which the operator licensed blind vendor permanently gives up all responsibility for and rights to the current vending stand business enterprise. A doctor's statement of ability to return to work is required before an operator's a licensed blind vendor's actual return to a stand business enterprise. Upon returning from a one-year medical leave of absence, the licensed blind vendor must comply with part 3321.0300, subpart 1, item E. Prior to entering into a new agreement with the licensed blind vendor who is returning from the one-year medical leave of absence, the state licensing agency must evaluate the licensed blind vendor to ensure continued compliance with part 3321.0200, item C. If necessary, the state licensing agency must provide additional training to a licensed blind vendor to meet this standard before entering into a new agreement.

E. A general leave of absence may be granted by the state licensing agency and operator management committee for a period up to two years during which time the operator licensed blind vendor shall not accrue seniority but may exercise seniority rights for new or vacated stands business enterprises. The operator licensed blind vendor shall retain seniority accrued up to the date of the leave. An operator A licensed blind vendor on general leave shall give up all rights to the vending stand or business enterprise which they are operating. Prior to entering into a new agreement with the licensed blind vendor who is returning from a general leave of absence, the state licensing agency must evaluate the licensed blind vendor to ensure continued compliance with part 3321.0200, item C. If necessary, the state licensing agency must provide additional training to a licensed blind vendor to meet this standard before entering into a new agreement.

B. F. When it has been determined that a relief operator or an assistant or assistants must be employed, the operator shall first make

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~~attempts to locate an individual with a disability before approving the employment of a nondisabled person. The wages paid by a licensed blind vendor for any help assistance employed, including bookkeeping, must be in reasonable proportion to work performed and must be approved by the state licensing agency.~~

~~E. G. The state licensing agency shall approve the items and the selling prices at which those items may be sold, which comprise the merchandise inventory at each vending stand business enterprise.~~

~~D. H. The operator will acquire liability and if necessary workers' compensation insurance for the vending stand. The state licensing agency will must purchase liability insurance for a vending stand business enterprise only when, in the opinion of the state licensing agency, it is deemed essential that the state licensing agency purchase this insurance.~~

~~E. I. The state licensing agency shall review all operator books licensed blind vendor monthly reports, statements and invoices, and other information with specific attention to expenses and take those steps necessary to ensure operator licensed blind vendor payment of those expenses.~~

3321.1100 OPERATOR LICENSED BLIND VENDOR MANAGEMENT COMMITTEE.

Subpart 1. **Annual election for representatives.** The state licensing agency and the elections subcommittee of the operator licensed blind vendor management committee will must conduct an annual election for representatives to the operator licensed blind vendor management committee, hereinafter referred to as the "management committee."

Subp. 2. **Representation, nominations, and terms.**

~~A. The management committee will must consist of one representative two representatives from each of the three program districts (at present six) and two representatives at large. These districts must be designated in the management committee bylaws and, to the extent possible, must be fully representative of all licensed blind vendors in the business enterprises program on the basis of geography and vending facility type with a goal of providing for proportional representation of blind vendors on federal property and blind vendors on other property.~~

~~A. B. Nominations will for two representatives must be solicited in each district for that district and statewide for at-large representatives starting with and only for the 2012 election for representatives taking office in 2013. After each district has elected two representatives, each representative must be assigned by flip of coin either seat A or B for their district. Seat A must serve a one-year term and seat B must serve a two-year term. Nominations for subsequent elections must be for one representative from each district each year. The intent is to ensure no more than one seat from each district be up for election each year.~~

~~B. C. Elections will must be by licensed operators blind vendors in each district for their district and statewide for at-large representatives.~~

~~C. D. Each term will, with the exception of the three representatives in the first election as described in item B must be two years, with a limit of two successive terms.~~

~~D. E. The management committee shall elect its own chair and other officers. The chair shall appoint subcommittees as necessary.~~

~~E. F. The full management committee will must meet a minimum of four times a year. Meetings may be called by notice of either the state licensing agency or the chair of the management committee. Subcommittees will may meet as necessary to carry on their functions.~~

~~F. G. The management committee shall establish bylaws for the to further rules, functioning, and guidance govern the functions of the management committee.~~

Subp. 3. **Purpose and function Duties of management committee.** The operator management committee's purpose and function is duties are to:

A. actively participate with the state licensing agency in major administrative decisions and policy and program development affecting the overall administration of all business enterprises;

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- B. receive and transmit grievances of ~~vending stand operators~~ licensed blind vendors to the state licensing agency and serve as their advocates;
- C. actively participate with the state licensing agency in the administration of the transfer and promotion system for ~~vending stand operators~~ licensed blind vendors;
- D. actively participate with the state licensing agency in developing training and retraining programs; and
- E. sponsor, with the assistance of the state licensing agency, meetings and instructional conferences for ~~vending stand operators~~ licensed blind vendors; and
- F. actively participate with the state licensing agency in the administration of licensed blind vendor leave requests.

3321.1200 REVIEW OF AGENCY DECISIONS.

Subpart 1. **Written notice.** ~~Operators~~ Licensed blind vendors shall be informed in writing at the time they are licensed of their right to and the procedures to be followed in for obtaining an informal administrative review or a fair full evidentiary hearing regarding an agency decision.

Subp. 2. **Informal administrative review procedures.** An opportunity for an informal administrative review will must be afforded to each operator licensed blind vendor dissatisfied with any action arising from the operation or administration of the vending stand business enterprise program. The following procedures will in items A to D must be followed in granting operators licensed blind vendors an informal administrative review:

- A. ~~An operator~~ A licensed blind vendor or the operator's licensed blind vendor's designee (who need not be an attorney) may request an informal administrative review. This request must be in writing; to the director of the state licensing agency within 15 working calendar days of the occurrence of the action, administrative review of the licensing agency action and must state the specific action with which the licensed blind vendor is dissatisfied. This informal administrative review will be made only by a member or members of the administrative must be conducted by supervisory staff of the state licensing agency who have not in any way participated in the state licensing agency action in question.
- B. The informal administrative review will must be held during regular agency working hours, at a district or local office location. An informal administrative review will must be conducted within 30 working calendar days of receipt by the state licensing agency of such a the written request.
- C. Documentation as to written requests for informal administrative review and actions and decisions resulting therefrom shall be maintained as part of the official record of the informal administrative review process.
- D. ~~When~~ If an informal administrative review does not resolve a dispute to the satisfaction of a licensed blind operator vendor, the licensed blind operator vendor may request that the state licensing agency provide a fair full evidentiary hearing.

Subp. 3. **Full evidentiary hearing procedures.** An opportunity for a fair full evidentiary hearing conducted pursuant to Minnesota Statutes, chapter 14, will must be afforded to each operator licensed blind vendor dissatisfied with any action arising from the operation or administration of the vending stand business enterprises program. The following procedures will in items A to F must be followed in granting operators licensed blind vendors a fair full evidentiary hearing.

- A. If an operator a licensed blind vendor requests a fair full evidentiary hearing, such a the request must be made either within 15 working calendar days after an adverse decision based on an informal administrative review or, in the absence of an informal administrative review, within 15 working calendar days of the occurrence of the state licensing agency action with which the operator licensed blind vendor is dissatisfied.
- B. ~~An operator~~ A licensed blind vendor or the operator's licensed blind vendor's designee must request a fair full evidentiary hearing in writing. This written request must be transmitted to the director of the state licensing agency personally or by certified mail, return receipt requested. The request must specify the action being appealed and state in detail the basis for the appeal.

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C. The full evidentiary hearing shall be held at a time and place convenient and accessible to the operator licensed blind vendor requesting a fair full evidentiary hearing. A full evidentiary hearing held during regular state licensing agency working hours and located at the state licensing agency central office will must be deemed among the convenient times and places. Upon receipt of the request, the state licensing agency shall immediately request a hearing date from the state Office of Administrative Hearings, whose designee shall serve as an impartial presiding officer the administrative law judge, and then notify the operator licensed blind vendor of the time and place for the full evidentiary hearing. The operator licensed blind vendor must be provided sufficient preparation time before the full evidentiary hearing. The operator licensed blind vendor shall be provided a copy of the hearing procedures and rules.

D. The operator licensed blind vendor has the right to be represented by counsel, and may present witnesses and cross-examine adverse witnesses.

E. A transcript of the proceeding must be available to the operator licensed blind vendor.

F. After receipt of the report of the administrative law judge, the director of the state licensing agency shall issue a final written decision within 15 calendar days.

Subp. 4. **Arbitration panel.** If ~~an operator~~ the licensed blind vendor is dissatisfied with the decision rendered after a full evidentiary hearing, the operator licensed blind vendor may request that an arbitration panel be convened by filing a complaint with the secretary of the Department of Education, as authorized by ~~federal regulations at~~ Code of Federal Regulations, title 34, section 395.13 (~~1981~~).

3321.1300 ACCESS TO PROGRAM AND FINANCIAL INFORMATION.

Each operator licensed blind vendor shall be provided access to all program and financial data of the state licensing agency relevant to the operation of the ~~vending stand business enterprises~~ program, including quarterly and annual financial reports, provided that the disclosure does not violate applicable federal or state laws pertaining to the disclosure of confidential information. Insofar as is practicable, the data shall be made available in braille ~~or recorded tape, audio, or electronic format~~. At the request of ~~an operator~~ a licensed blind vendor, the state licensing agency will must arrange a convenient time to assist in the interpretation of the data. The operator management committee organized under part 3321.1100 shall be provided all individual and program data necessary to carry out its purpose and function.

REPEALER. Minnesota Rules, parts 3321.0700, subpart 2; 3321.0900, subpart 2; and 3321.1400, are repealed.

Minnesota Pollution Control Agency Adopted Exempt Permanent Rule Relating to Local Standards for Subsurface Sewage Treatment Systems

7082.0050 GENERAL REQUIREMENTS FOR LOCAL ORDINANCES.

[For text of subs 1 to 4, see M.R.]

Subp. 5. **Requirements for alternative local standards.** Counties are authorized to adopt and enforce by ordinance alternative local standards for existing or new construction or replacement of SSTS as part of a conventional program. The alternative local standards must protect public health and the environment as stipulated in Minnesota Statutes, section 115.55, subdivision 7, paragraphs (a) and (b), and must comply with items A to F H.

A. Except as provided in items G and H, alternative local standards must not apply to systems in shoreland areas or wellhead protection areas or systems serving food, beverage, or lodging establishments.

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

G. A county may adopt alternative local standards for new or replacement residential systems with flow of 2,500 gallons per day or less for systems in shoreland areas regulated under Minnesota Statutes, sections 103F.201 to 103F.221, if the alternative standards

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are no less stringent than provisions of chapter 7080 that went into effect on April 3, 2006.

H. A county may adopt alternative local standards for new or replacement residential systems with flow of 2,500 gallons per day or less for systems used in connection with food, beverage, and lodging establishments regulated under Minnesota Statutes, chapter 157, if the alternative standards are no less stringent than provisions of chapter 7080 that went into effect on April 3, 2006, except that the waste strength must meet the standards established in part 7080.2150, subpart 3, item K. If additional treatment of waste is needed to meet the standard in part 7080.2150, subpart 3, item K, the treatment must be in accordance with part 7080.2150, subpart 3, item A.

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

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Minnesota Department of Commerce

Request for Comments on Possible Amendment to Rules Governing the Valuation of Life Insurance, *Minnesota Rules*, Chapter 2747

Subject of Rules. The Minnesota Department of Commerce requests comments on the possible amendment to rules governing the valuation of life insurance. The Department is considering proposed rule changes based on amendments to a model regulation adopted by the National Association of Insurance Commissioners ("NAIC") as a result of the 2008 financial crisis. The proposed modification to the rules is intended to address outdated valuation mortality resulting in redundant reserves.

Persons Affected. The amendments to the rules would likely affect the following persons: life insurance companies, life insurance company actuaries, and fraternal benefit societies.

Statutory Authority. Minnesota Statutes, sections 61A.25 and 45.023 authorize the Commissioner of Commerce to adopt rules to carry out the legislative intent of establishing minimum standards of valuation of life insurance policies, annuities, and pure endowment contracts.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further

notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments.

Rules Drafts. The Department has drafted the proposed rules, available from the contact below.

Agency Contact Person. Written comments or questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Susan Bergh, Rules Coordinator, Minnesota Department of Commerce, 85 7th Place East, Suite 500, St. Paul, MN 55101, Phone: (651) 296-8458, E-mail: susan.bergh@state.mn.us. TTY users may contact the Department through the Minnesota Relay Service at 711 or call 1-800-627-3529.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, Braille, or audio. 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.

Michael Rothman, Commissioner
Minnesota Department of Commerce

Minnesota Department of Human Services

Health Care Administration, Purchasing & Service Delivery Division

Notice of Request for Information (RFI) on Non-Emergency Transportation for Minnesota Health Care Programs

Overview

The Minnesota Department of Human Services (DHS) is seeking information about potential solutions for the management of nonemergency medical transportation (NEMT) services provided to recipients of the Minnesota Health Care Programs (MHCP)¹. Publication of this RFI is required by *Minnesota Session Laws 2012, Regular Session, Chapter 247, H.F. no. 2294, Article 1, section 24: Nonemergency Medical Transportation Services Request for Information*.

The Request for Information invites vendors² or any other interested party to submit responses that outline potential solutions for the management of NEMT services, specifically addressing the creation and implementation of a single administrative structure. The proposed structure may include a statewide or regionalized solution. *The Responses may be used to inform a Request for Proposals that DHS may issue to find contractors who would help implement a restructured NEMT system that addresses the issues that have been identified with the current system.*

Per the legislation, DHS will provide the proposed solutions obtained from this RFI to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and financing, by November 15, 2012.

Background

Overview. Minnesota's State Medicaid Plan entitles all MA recipients to NEMT to access their covered medical services. Currently, NEMT services are categorized as "access"³ (ATS) and "special"⁴ (STS). Fee-for-service recipients (i.e., recipients who are not enrolled in a managed care organization) currently obtain all ATS through their local county or tribal human services office or designated coordinator. The county, tribe, or designated coordinator determines the recipient's eligibility for NEMT, authorizes the trip, and schedules the service with a local provider. The county, provider, or designated coordinator then bills DHS for the trip costs. Recipients requiring STS must have their eligibility determined based on a level of need assessment by a private company under contract with the DHS. The client or their attendant, case worker, or nurse contacts the provider directly to request transport; the provider then delivers the service and directly bills

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DHS for reimbursement of the trip.

Since 2004, Minnesota has employed various methods of administering NEMT services, across the levels of government. Counties and tribes have administered NEMT using their own local methods, and groups of counties have banded together through joint powers agreements to co-administer the services through a private transportation coordinator. The two levels, STS and ATS, have been managed jointly, and they have been managed separately from one another. From 2004 to 2009, DHS contracted with a private coordinator for ATS and STS transports and reimbursement for 11 Metro counties. The contract was cancelled for STS in 2008 and for ATS in 2009 when legislation was passed that prohibits state contracts for NEMT service coordination. Subsequently, 10 of the counties jointly contracted with the same vendor to coordinate ATS services at the local level.

Issues. In 2010-2011, the Office of the Legislative Auditor (OLA) conducted a program evaluation of NEMT services. OLA issued the evaluation report⁵ in February 2011 which found the existing system to have “duplicative and confusing administrative structures” for both access and special NEMT services, and for the non-professionally managed areas of the program, lax record keeping and oversight, ad hoc administration of special transportation, and inconsistent performance data collection. The OLA found that these factors have resulted in confusion for recipients, providers and counties, and in lack of program accountability.

Additionally, the OLA report found that the STS eligibility criteria applied is narrower than criteria in state law; policy decisions, market forces and ambiguities in state law have created barriers to NEMT for a small number of MA recipients; little information about any mental impairments is gathered in assessment forms; and eligibility for STS is frequently limited to extremely short periods.

In 2011, the NEMT Advisory Council identified issues from the OLA report needing further work:

- Policy and funding source for no-load miles.
- Development of a policy manual.
- Identification of appropriate entities responsible for NEMT administrative duties.

Other areas of NEMT concern surfaced during a Federal pilot project that addressed the type of payments Minnesota uses for its NEMT services: The Centers for Medicare and Medicaid conducts periodic “Payment Error Rate Measurement (PERM)” audits on state Medicaid programs. PERM sampling and review methodology is designed around individual service-level claims. Payments that are not made at the individual- service level are called “aggregate” payments, one example of which was DHS’s payments to counties and tribes for ATS services. CMS finds that aggregate payments pose a challenge for states and CMS in these payments’ consistent and appropriate handling in the PERM audits.

In 2009-2010, CMS’s contractor, Lewin Group, conducted a pilot study with programs using aggregate payments in three targeted states. One program was the segment of Minnesota’s NEMT program that coordinates and delivers ATS in the state’s 79 non-metro counties.

The pilot test’s findings⁶, echoed one of the OLA’s key findings, noting that, “While the county is supposed to confirm that a beneficiary had a service on the day transportation was requested, there are no requirements imposed on the counties as to how to document this.”⁷ This prompted the study’s research question, “For a program that is managed at the county-level and where individual beneficiary-level records are not maintained, what is the most appropriate mechanism by which to collect, sample and review the payments?”⁸

DHS has since addressed this problem, instituting standardized billing and record keeping among the 79 counties. Counties now are responsible for individual client-specific, date-specific, service specific billing, and records must be maintained for 5 years.

Legislation. Legislation was passed in 2011 that reflects the key recommendations listed in the OLA report⁹. It directs DHS to develop a proposal to create a “single administrative structure” for providing nonemergency medical transportation to fee-for-service Medical Assistance (MA) recipients.” The proposal must, “consolidate access and special transportation into one administrative structure with the goal of standardizing eligibility determination processes, scheduling arrangements, billing procedures, data collection, and oversight mechanisms.” The goal is to “enhance coordination, improve accountability, and lessen confusion.”

Furthermore, the law directed DHS to convene a NEMT Advisory Council to assist in developing the single administrative structure. The law specified the membership of the council, which included representatives of transportation provider groups, county government,

client advocacy groups, legislators, the Minnesota Department of Transportation and DHS. DHS was directed to submit a proposal and draft legislation to the Legislature by January 15, 2012.

DHS convened the council as directed, beginning in September 2011. Nine meetings were held. DHS delivered a report¹⁰ to the legislature in January 2012 summarizing the work of the council and making legislative recommendations.

Legislation was passed¹¹ after the 2012 session, which:

- Extends the life of the Council (renamed as “Committee”) to December 1, 2014.
- Directs the Advisory Committee to advise and make recommendations to DHS on:
 - The development of, and periodic updates to, a policy manual for nonemergency medical transportation services;
 - Policies and a funding source for reimbursing no-load miles;
 - Policies to prevent waste, fraud, and abuse, and to improve the efficiency of the nonemergency medical transportation system;
 - Other issues identified in the 2011 evaluation report by the Office of the Legislative Auditor on medical nonemergency transportation;
 - Other aspects of the nonemergency medical transportation system, as requested by the commissioner.
- Directs the Committee to coordinate its activities with the Minnesota Council on Transportation Access whose purpose is to “study, evaluate, oversee, and make recommendations to improve the coordination, availability, accessibility, efficiency, cost-effectiveness, and safety of transportation services provided to the transit public.”¹²
- Establishes the membership of the Committee:
 - Two voting members who represent counties, at least one of whom must represent a county or counties other than Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, or Wright;
 - Four voting members who represent Medical Assistance recipients, including persons with physical and developmental disabilities, persons with mental illness, seniors, children, and low-income individuals;
 - Four voting members who represent providers that deliver nonemergency medical transportation services to medical assistance enrollees;
 - Two voting members of the House of Representatives, one from the majority party and one from the minority party, appointed by the Speaker of the House, and two voting members from the Senate, one from the majority party and one from the minority party, appointed by the Subcommittee on Committees of the Committee on Rules and Administration;
 - One voting member who represents a health maintenance organization, community integrated service network, or accountable provider network authorized and operating under Minnesota Statutes, chapter 62D, 62N, or 62T, that participates in the prepaid medical assistance demonstration project according to criteria, standards, methods, and other requirements established for the project and approved by the commissioner. For purposes of this section, a county board, or group of county boards operating under a joint powers agreement, is considered a demonstration provider if the county or group of county boards meets the requirements of section 256B.692.
 - One voting member who represents an organization that contracts with state or local governments to coordinate transportation services for medical assistance enrollees; and
 - The Commissioner of Transportation or the Commissioner’s designee shall serve as a voting member.
- Prohibits membership in the Committee by DHS employees.

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- Directs DHS to, in consultation with the Committee, implement a single administrative structure and delivery system for NEMT, beginning July 1, 2013. The single administrative structure and delivery system must:
 - eliminate the distinction between ATS and STS;
 - enable all Medical Assistance recipients to follow the same process to obtain NEMT, regardless of their level of need;
 - provide a single oversight framework for all NEMT providers; and
 - provide flexibility in service delivery, recognizing that clients fall along a continuum of needs and resources.
- Directs DHS to, in consultation with the Committee, present to the legislature by January 15, 2013, any draft legislation necessary to implement the single administrative structure and delivery system for NEMT.
- Directs DHS to work with the Committee to develop and implement, by July 1, 2013, a comprehensive, statewide, standard assessment process for Medical Assistance enrollees seeking NEMT services. The assessment process must identify a client's level of needs, abilities, and resources, and match the client with the mode of transportation in the client's service area that best meets those needs. The assessment process must:
 - Address mental health diagnoses when determining the most appropriate mode of transportation;
 - Base decisions on clearly defined criteria that are available to clients, providers, and counties;
 - Be standardized across the state and be aligned with other similar existing processes;
 - Allow for extended periods of eligibility for certain types of nonemergency transportation, when a client's condition is unlikely to change;
 - Increase the use of public transportation when appropriate and cost-effective, including offering monthly bus passes to clients.
- Directs DHS to work with the Committee to establish performance measures to assess the cost-effectiveness and quality of NEMT.
 - At a minimum, performance measures should include the number of unique participants served by type of transportation provider, number of trips provided by type of transportation provider, and cost per trip by type of transportation provider.
 - Consider the measures identified in the January 2012 Department of Human Services report to the legislature¹³.
- Directs DHS to collect, audit, and analyze performance data on NEMT annually and report this information on the agency's Web site, beginning in calendar year 2013, and periodically supplement this information with the results of consumer surveys of the quality of services, making those survey findings available to the public on the agency Web site.
- Requires DHS to post this RFI, seeking input from vendors and any other interested party on the above aspects.

The goal of the Legislation is to revamp the NEMT system in a way that is consistent with the direction from the legislature and addresses the concerns raised by the OLA report.

Responses

DHS anticipates that it may issue a Request for Proposals (RFP) to contract for improvements to the NEMT system. These improvements will address the issues the OLA reported, and will be made in coordination with the Legislature. To inform this RFP, the responses obtained under this RFI will be considered.

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In preparing responses, vendors and any other interested party are advised to review the aforementioned OLA report, legislative requirements, and DHS report to the legislature. All responses should respond to these documents. Respondents should propose solutions in detail, addressing the specific issues with realistic, practical solutions. Responses should correspond to one or more of the following aspects:

- A. Administration of the NEMT program within a single administrative structure that may include a statewide or regionalized solution. Administration of a transportation structure could be broad in scope and flexible enough to respond to the differences in geography, demographics and governance structures that exist in the state. *If a regional solution is proposed, please address how DHS would maintain consistency and accountability among all regions of the state.*
- B. Oversight of transportation services. *Please address how requests for services will be coordinated, how enforcement of the closest available provider will be achieved, how billing will occur, and how transparency and accountability necessary to monitor the work, and monitor for fraud and abuse will be maintained.*
- C. A process for assessing an individual's level of need for NEMT services. *This process must encompass the need for any type of NEMT service, not just STS "level of need." The process also must be responsive to those clients who experience a changing level of need.*
- D. Methods that promote the appropriate use of public transportation. *DHS must assure that NEMT services are provided in the most cost-effective way. Where and when public transportation is available and accessible, it must be considered when a recipient's need for NEMT is assessed.*
- E. An electronic system that assists providers in managing services to clients and is consistent with the recommendations in the 2011 OLA evaluation report, related to the use of data to inform decision-making and reduce waste and fraud.
- F. Minimum qualifications for a vendor to respond to a potential RFP.

DHS will accept responses until 4:30 p.m., **November 1, 2012**. *All responses must be in writing*. Please submit responses to:

Bob Ries
Benefits Policy
Minnesota Department of Human Services
Health Care Administration, Purchasing and Service Delivery Division
P.O. Box 64984
St. Paul, MN 55164-0984
e-mail: bob.ries@state.mn.us
fax: (651) 431-7420

DHS will forward all responses to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services policy and financing, per the requirements of the Law.

Footnotes

- 1 MHCP includes the Medical Assistance program and the MinnesotaCare program.
- 2 "Vendors" include any persons or entities which provide or manage NEMT services for MHCP recipients.
- 3 Access transportation pays mileage when recipients drive to and from medical appointments or when friends, family or volunteers drive them, or when the recipient takes public transportation, or when needed, for taxi-style vehicles where the drivers provide limited assistance to the recipient.
- 4 Special transportation is approved only for recipients who have a physical or mental impairment that prevents them from safely using access transportation.
- 5 Medical Nonemergency Transportation, Office of the Legislative Auditor, State of Minnesota, February 2011. <http://www.auditor.leg.state.mn.us/ped/2011/mnet.htm>
- 6 Payment Error Rate Measurement Aggregate Payments Framework Pilot Test Findings," The Lewin Group, September 7, 2010.
- 7 Ibid., p. 8.
- 8 Ibid., p. 10.
- 9 Minnesota Session Laws – 2011, 1st Special Session, Chapter 9, Article 3, Section 6.
- 10 *Non-Emergency Medical Transportation Report*, Health Care Administration, Minnesota Department of Human Services, January 2012.
- 11 Minnesota Session Laws – 2012, Chapter 247, Article 1, Sections 3 - 7, and 24
- 12 Minnesota Statutes, Section 174.285.
- 13 Non-Emergency Medical Transportation Report, Health Care Administration, Minnesota Department of Human Services, January 2012.

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Minnesota Department of Human Services

Provider and Enrollment Division

Notice of Availability of the Minnesota Health Care Programs Provider Participation List

(Minnesota Rules, Parts 9505.5200 to 9505.5240, also known as DHS Rule 101-provider compliance list)

Notice is hereby given that the Minnesota Health Care Programs provider participation list for **September 2012** is now available. The provider participation list is a compilation of health care providers who are in compliance with DHS Rule 101 (Minnesota Rules, Parts 9505.5200 to 9505.5240). If a provider name is not on the list, the Department considers the provider non-compliant. The list of providers is separated by provider type, each section is in alphabetical order by provider name, and there is no additional information on the list other than the provider's name. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce. To obtain the list, contact Julie Hervas, Rule 101 Specialist, at 651-431-2704 or toll-free at 1-800-366-5411. You may fax your request to 651-431-7462 or mail to the Department of Human Services, PO Box 64987, St. Paul, MN 55164-0987.

Lucinda Jesson, Commissioner
Department of Human Services

Minnesota Department of Labor and Industry

Labor Standards Unit

Notice of Prevailing Wage Determinations for Residential Projects

On October 01, 2012, the commissioner determined and certified prevailing wage rates for Residential construction projects subject to Laws of Minnesota, 2009, Chapter 138, Article 3, Section 8 in each of 87 Counties statewide.

Copies 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 at \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Ken B. Peterson, Commissioner

Minnesota Department of Management & Budget

Budget Services Division

Notice of Rate for Provider Tax Research Credit

NOTICE IS HEREBY GIVEN that pursuant to *Minnesota Statutes* 295.53, Subdivision 4a and 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 2013.

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

Jim Schowalter, Commissioner

**Minnesota Department of Natural Resources
Notice of State Land Sale**

Notice is hereby given that state lands located in Beltrami, Cook, Dakota, Hubbard, Itasca, Lake, Roseau, and St. Louis County, as described below, are hereby offered for sale by the Commissioner of Natural Resources. The lands will be sold at public auction as required by Minn. Stat. Ch. 92 and 94.

Bidders are advised to obtain property data sheets and be familiar with the properties, prices, and terms and conditions of sale prior to attending the auction. To obtain a property data sheet, call (651) 259-5432, (888) MINNDNR or e-mail landsale@dnr.state.mn.us. Please specify the property #. Also available online at http://www.dnr.state.mn.us/lands_minerals/landsale/index.html.

Public Land Auction on Wednesday, November 7, 2012 at 11:00 a.m.: Registration begins at 10:30 a.m., followed by the auction at 11:00 a.m. at the MN DNR Central Office 6th Floor North/South Conference Room, 500 Lafayette Road, St. Paul, MN. Land to be sold at this event is as follows:

Property #16134: NWNE, Section 33, Township 63, Range 3 East, in Cook County, Minnesota.

Property #19002: The Northwest Quarter of the Northwest Quarter (NWNW), Section 2, Township 114, Range 17, in Dakota County.

Property #19003: Southwest Quarter of the Northwest Quarter (SWNW), Section 2, Township 114, Range 17., in Dakota County.

Property #31386: NENE, Section 34, Township 60, Range 24, with easement across property to Itasca County, in Itasca County.

Property #38097: SESE, Section 16, Township 54, Range 10, in Lake County.

Property #69440: NWSW, Section 28, Township 52, Range 17, in St. Louis County.

Property #69444: SESW, Section 16, Township 53, Range 19, in St. Louis County.

Property #69530: NWSW, Section 2, Township 57, Range 18, in St. Louis County.

Property #69535: NESE, Section 18, Township 61, Range 19, in St. Louis County.

Property #69536: SENW, Section 6, Township 61, Range 20, in St. Louis County.

Property #69543: NWSW, Section 20, Township 62, Range 21, in St. Louis County.

Property #69557: NENE, Section 22, Township 52, Range 17, in St. Louis County.

Property #69564: Part of NENW, Section 16, Township 57, Range 17, in St. Louis County.

Property #69567: SWSW, Section 32, Township 52, Range 17 in St. Louis County.

Public Land Auction on Friday, November 9, 2012 at 1:00 p.m.: Registration begins at 12:30 p.m., followed by the auction at 1:00 p.m. at the Roseau County Courthouse Board Room, 606 5th Avenue SW, Roseau, MN. Land to be sold at this event is as follows:

Property #04145: NWSW, Section 24, Township 147, Range 35, in Beltrami County, Minnesota.

Property #29104: Part of S1/2 of SW lying S of TH71, Section 16, Township 143, Range 34, in Hubbard County.

Property #68059: Part of the NW 1/4-NW 1/4, Section 21, Township 160 North, Range 40 West, in Roseau County.

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Property #68060: E1/2 of SW, Section 16, Township 159, Range 42, in Roseau County.

Property #68061: NWSW, Section 28, Township 162, Range 44, in Roseau County.

Property #68062: NENW, Section 7 Township 161, Range 40, in Roseau County.

Property #68063: Part of SWSE, Section 27, Township 163, Range 37, lying N of R/R in Roseau County.

Property #68064: SWNE, Section 36, Township 159, Range 43, in Roseau County.

Property #68065: Part of SWSE, Section 27, Township 163, Range 37, except for part lying N of R/R, in Roseau County.

Property #68066: W1/2 of SE, Section 16, Township 159, Range 42, in Roseau County.

General Statement of Terms of Sale: The following is a summary of terms: the property data sheet details the comprehensive terms and conditions of sale. Bidding for each parcel will start at the minimum bid, which is the appraised value plus sale costs. The successful bidder must pay 10% of the bid amount at the time of the auction. The balance of the purchase price must be paid within 90 days from the date of the auction. Bidders are advised to obtain a property data sheet prior to attending the auction.

Minnesota Pollution Control Agency Environmental Analysis and Outcomes Division Request For Comments on Planned Amendments to Rules Governing Water Quality Variances, *Minnesota Rules* Chapters 7050 and 7053

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned amendments to water quality rules, *Minnesota Rules* chapters 7050 (Waters of the State) and 7053 (State Waters Discharge Restrictions). The MPCA is planning amendments to the identified rule chapters. Comments on the amendments are requested from affected or interested parties. Comments should be submitted in writing in accordance with the provisions of this notice under the **Public Comment** section below.

Plain English Summary: This Request for Comments is the MPCA's legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the **Subject of Rules** section below. If you have other ideas related to this rulemaking that we need to consider, please submit them in writing. For example, we recognize that costs to regulated parties can be a concern with rulemaking; if you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information. Submitting your ideas and information to us at this early stage in rulemaking allows us more time to address issues that may come up, and helps to ensure informed decision-making on our part.

Where to Get More Information: A website has been established for this rulemaking where additional information will be posted as it becomes available: <http://www.pca.state.mn.us/zihy1479>. Also, if you are interested in being notified when a draft of the rules is available and of other activities related to this rulemaking, please register for GovDelivery at: <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>. The Water Quality Variance Rule is located under the Public Notices and Rulemaking topic.

Subject of Rules: The MPCA is planning amendments to eliminate inconsistencies in the rules governing the issuance of water quality variances. Variance provisions currently exist in several different water quality rules and the procedures under which a variance may be granted are different in each rule. The MPCA may grant variances to the water quality standards in *Minnesota Rules* chapters 7050 and 7052, and the effluent discharge restrictions in 7053. The inconsistencies between the variance rules are confusing to the regulated community, and complicate the MPCA's ability to maintain consistency and comply with federal restrictions on the issuance of variances. The United States Environmental Protection Agency (EPA) has final approval of water quality variances proposed by the MPCA.

The MPCA is considering amending the different variance procedures in 7050 and 7053 to be consistent with the variance procedures currently in 7052. The 7052 rules were adopted to satisfy the requirements of the EPA's Great Lakes Initiative, a comprehensive plan to

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restore the health of the Great Lakes. The 7052 procedures are based on the EPA's procedures in 40 *Code of Federal Regulations* § 132, and apply to variance requests from water quality standards in the Lake Superior Basin. The criteria to approve a variance in Part 132 are consistent with the EPA's rules for removal of a designated use (40 *Code of Federal Regulations* § 131.10(g)). That is, the conditions used for the removal of a designated use of a water body, are the same conditions that the EPA uses for approving a temporary change to a designated use through a variance.

The federal Part 131 and 132 rules, and 7052 rules for variance procedures all use the term "or" and not the more inclusive term "and" to identify the variance conditions that must be met. The 7050 and 7053 variance procedures that apply to the rest of the state are different than the federal requirements for a variance.

Due to new and modified water quality standards, the MPCA expects an increase in the number of variance requests. Currently, as the rules are written, variances outside of the Lake Superior Basin are unlikely to be granted because meeting all the criteria in the current rules is unclear, appears to be overly burdensome, and not consistent with the federal criteria.

Persons Affected: The planned amendments to the rules will affect the owners and operators of all facilities that may seek a variance from the water quality standards or effluent discharge restrictions. These facilities include Publicly Owned Treatment Works (i.e. municipal wastewater treatment facilities) and industrial dischargers authorized to discharge under a National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permit.

Statutory Authority: *Minnesota Statutes*, section 115.03(1)(e) authorizes the Agency to adopt, issue, reissue, modify, deny, or revoke permits, variances, standards, and rule.

Public Comment: Interested persons or groups may submit written comments or information on these planned rule amendments from October 1, 2012, until 4:30 p.m. on October 31, 2012. Comments or information should be submitted to Mary H. Lynn at the address below. The MPCA will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The MPCA does not plan to appoint an advisory committee to comment on the rule amendments.

The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, section 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

Rules Draft: The MPCA has not yet drafted the rule amendments. Persons interested in being notified when a draft of the rules is available and of other activities relating to this (or other MPCA rulemakings) are encouraged to register at: <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

MPCA Contact Persons: Written comments, requests to receive a draft of the rules when it is available, and requests for more information on these planned rule amendments should be directed to:

Mary H. Lynn
Minnesota Pollution Control Agency
520 Lafayette Road North, St. Paul MN 55155-4194
Telephone: 651-757-2439 or **Toll-free:** 1-800-657-3864
TTY: 651-282-5332
E-mail: mary.lynn@state.mn.us

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Technical questions on these planned rule amendments should be directed to:

Elise Doucette

Telephone: 651-757-2316 or **Toll-free:** 1-800-657-3864

E-mail: elise.doucette@state.mn.us

Alternative Format: Upon request, this information can be made available in an alternative format, such as large print, Braille, or audio. To make such a request, please contact the rule process contact person at the telephone number or address listed above.

Note: Written 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 MPCA is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submit written 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.

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

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 (“MnDOT”) has ordered that the following vendors be suspended for a period of sixty (60) days, effective August 7, 2012 until October 6, 2012:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) 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

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

Minnesota Statute 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 to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller's or transfer's debarment.

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.

On-going State Contracts

The state spends \$2-3 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 it's cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 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**
- **E-mailed to you, on Friday**
- **LINKS, LINKS, LINKS**
- **"Contracts & Grants" Open for Bid**
- **Easy Access to *State Register* Archives**

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.

Minnesota Department of Agriculture

Pesticide and Fertilizer Management Division

Notice of Availability of Request for Proposals for Agricultural Fertilizer Research and Education Projects

The Minnesota Legislature established the *Minnesota Agricultural Fertilizer Research and Education Program* for the purpose of directing fertilizer research and outreach programs. The enabling legislation establishing the governing Agricultural Fertilizer Research and Education Council (AFREC) is MN Statute 18C.70 and 18C.71. The Minnesota Legislature also established the funding mechanism for the program. This year, \$800,000 (the upper annual limit set by the legislature) is available for this Request for Proposals (RFP) and was

State Contracts

generated by fertilizer sales from July 1, 2010 to June 30, 2011.

The Council will release a single RFP in order to issue \$800,000 during this funding cycle.

Project Priorities

The graphic provides a simple approximation on how the Council would prefer to allocate financial resources for Fiscal Year 13 (July 1, 2012-June 30, 2013). These percentages are provided merely to help RFP respondents in planning out the proposals. Actual amounts spent in each category will vary upon the quantity, quality and project costs. Please note that all projects are required to include an education/outreach component.

The four broad priorities (A-D) listed below are not ranked in any particular order.

A. Soil Fertility Research Programs (new)

Listed by Priority

- Comprehensive Statewide Approach for Addressing Site Specific Fertilizer Management (emphasis on nitrogen management)
- Plant Sensing/Tissue Analysis/Foliar Feeding Research and Technology Development (includes both micro and macro nutrients)
- Nutrient leaching losses specific to nitrogen, phosphorus, sulfur, and potassium and associated crop response with emphasis on coarse-textured soils
- Slow/Controlled Release Nitrogen Fertilizer Research (timing, placement, management, blends, fall application etc.)
- Validation of fertilizer recommendations on the less productive/poorer soils

B. Continuation of Current Partially Funded Projects

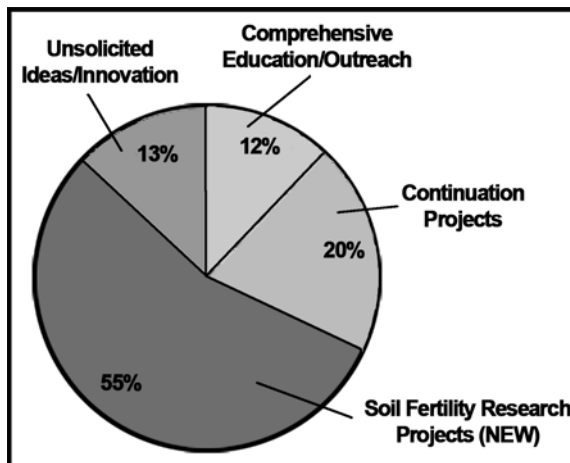
Projects Listed Below Are Not Ranked

- R2012-20 “Enhanced Efficiency Nitrogen as Nitrogen Source for Sugar Beet Production”;
- R2012-12 “Potassium Fertilizer Requirements for Intensively Managed Alfalfa Varieties”;
- R2012-02 “Minnesota Long Term Phosphorus Management Trials: Phase 1, the Build Period”;
- R2012-16 “Improving Predictability and Adoption of Alfalfa N Credits for Corn”.

C. Comprehensive Education/Outreach (Note that this category is for specific educational programs over and above the required education/outreach required for every research project)

Projects Listed Below Are Not Ranked

- Develop guidance to assist progressive producers that need technical support, data management, and experimental design assistance in conducting on-farm research
- Data handling/processing/useful outputs from spatial soil fertility-yield-landscape interactions



D. Unsolicited Ideas/Innovation & Creative Leveraging & Partnerships

Projects Listed Below Are Not Ranked

- Joint multi-state soil fertility research with applicability to Minnesota cropping conditions (no specific topic areas)
- Partnerships & leveraging with foundations and other external water quality funding opportunities for promoting improved fertilizer use efficiency activities in problematic agricultural areas
- Private-public soil testing lab partnerships for advancing soil sampling, soil extraction techniques and improved fertilizer application methods
- Industry partnerships for validation of new technology development for variable rate applications, decision making, and managing field variability
- Soil fertility research for small acreage crops (less than 100,000 acres across the state) by providing “seed money” to match other funding contributions from associated commodity groups

Eligible Projects: Eligible project activities include research that addresses one or more of the activities as defined by Minnesota Statutes, section 18C.71. These activities include research, education, and technology transfer related to the production and application of fertilizer, soil amendments, and other plant amendments.

Contact Information: Applications must be submitted using the format prescribed in the proposal instructions. To request the RFP packet (instructions and the application form), please contact the MDA representative listed below by either mail, e-mail or telephone. Materials will be sent free of charge.

Minnesota Department of Agriculture
Bruce Montgomery, Section Manager
Fertilizer Non-Point Section
625 Robert Street North
St. Paul, MN 55155
Bruce.Montgomery@state.mn.us
Phone: 651-201-6178

No other personnel or representatives are authorized to discuss this RFP with responders before the proposal submission deadline. Contact regarding this RFP with any other MDA personnel not listed above could result in disqualification.

Submission Deadline: Project proposals must be received not later than 3:00 p.m. Central Time, December 7, 2012. Late responses will not be considered. Fax and e-mail responses will not be considered

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

- A total of \$800,000 in funds can be awarded.
- Any organization, research entity, or individual may apply for these funds.
- The Council’s goal is to have projects selected and contracts executed prior to the 2013 cropping season.

Completed and Current AFREC funded Project: For a list of AFREC funded projects please see the following web link: <http://www.mda.state.mn.us/afrec>

State Contracts

Minnesota Department of Agriculture

Notice of Availability of Contract for Intermediary Lender; Pilot RFA Agricultural Microloan Program

The Minnesota Department of Agriculture, in cooperation with the Rural Finance Authority (RFA), is requesting proposals for the purpose of agricultural lenders or community development fund groups to serve as Intermediary Lenders for the newly developed Pilot Agricultural Microloan Program. Intermediary Lenders will serve as service lender/loan underwriter and facilitator of technical assistance to Minnesota farmers producing specialty crops or eligible livestock. Borrowers must also be identified as members of a Protected Group (minority, woman, disabled) or Qualified Non-citizen (immigrant, refugee, asylum, etc.) under Minnesota statute. Lending capital of qualified loans, up to \$10,000, is provided in full by RFA.

Work is proposed to start after November 1, 2012.

A Request for Proposals will be available by mail from this office through October 8, 2012. **A written request (by direct mail, email, or fax) is required to receive the Request for Proposal. Include name of entity, business address, primary contract person, contact email, and contact phone number with request.** After October 8, 2012, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Kevin Plante
MN Dept. of Agriculture
625 Robert St N
St. Paul, MN 55155-2538
Kevin.plante@state.mn.us
Fax: 651-201-6109

Minnesota Department of Commerce

Division of Energy Resources

Request for Proposals to Develop a Plan and Conduct Training Using the Curriculum and Training Materials Developed for Project Management for the Minnesota Weatherization Assistance Program

The Minnesota Department of Commerce (Commerce), Division of Energy Resources requests proposals from qualified contractors to develop a plan and conduct trainings using the curriculum and training materials developed for Project Management for the Minnesota Weatherization Assistance Program (WAP). Two, one-day classroom training courses will be conducted; one each in the north/central and south/central part of the state, for approximately 20 participants in each location. Funding is partially provided by the American Recovery and Reinvestment Act of 2009 (ARRA).

It is anticipated that Commerce will enter into one (1) contract with a qualified vendor.

Work is proposed to start no later than November 1, 2012.

An Informal Solicitation will be available for download on the Department's website (<http://www.commerce.state.mn.us>) through Monday, October 15, 2012. Potential responders may also request a hard copy of the Informal Solicitation by mail from this office. Requests for hard copies must be received by the Division of Energy Resources no later than noon on Monday, October 15, 2012.

The Informal Solicitation can be obtained from:

Preferred Method: <http://www.energy.mn.gov>
U.S. Postal Service: Ann Zechbauer
Minnesota Department of Commerce
Division of Energy Resources
85 7th Place East, Suite 500
St. Paul, MN 55101

Proposals submitted in response to this Informal Solicitation must be received no later than Monday October 15, 2012, by 4:00pm CT. **Late proposals will not be considered.** Instructions for submitting proposals are detailed in the Informal Solicitation.

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

Minnesota Department of Commerce Division of Energy Resources Request for Proposals to Develop a Plan and Conduct Training Using the Curriculum and Training Materials Developed for Program Management for the Minnesota Weatherization Assistance Program

The Minnesota Department of Commerce (Commerce), Division of Energy Resources requests proposals from qualified contractors to develop a plan and conduct trainings using the curriculum and training materials developed for Program Management for the Minnesota Weatherization Assistance Program (WAP). Two, one-day classroom training courses will be conducted; one each in the north/central and south/central part of the state, for approximately 20 participants in each location. Funding is partially provided by the American Recovery and Reinvestment Act of 2009 (ARRA).

It is anticipated that Commerce will enter into one (1) contract with a qualified vendor.

Work is proposed to start no later than November 1, 2012.

An Informal Solicitation will be available for download on the Department's website (<http://www.commerce.state.mn.us>) through Monday, October 15, 2012. Potential responders may also request a hard copy of the Informal Solicitation by mail from this office. Requests for hard copies must be received by the Division of Energy Resources no later than noon on Monday, October 15, 2012.

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U.S. Postal Service: Ann Zechbauer
Minnesota Department of Commerce
Division of Energy Resources
85 7th Place East, Suite 500
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Proposals submitted in response to this Informal Solicitation must be received no later than Monday October 15, 2012, by 4:00pm CT. **Late proposals will not be considered.** Instructions for submitting proposals are detailed in the Informal Solicitation.

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

Minnesota Department of Commerce

Division of Energy Resources

Request for Proposals to Plan and Conduct Training Using the Curriculum and Training Materials Developed for Client Education for the Minnesota Weatherization Assistance Program

The Minnesota Department of Commerce (Commerce), Division of Energy Resources requests proposals from qualified contractors to develop a plan and conduct training using the curriculum and training materials developed for client education for the Minnesota Weatherization Assistance Program (WAP). Two, one-day classroom training courses will be conducted; one each in the north/central and south/central part of the state, for approximately 20 participants in each location. Funding is partially provided by the American Recovery and Reinvestment Act of 2009 (ARRA).

It is anticipated that Commerce will enter into one (1) contract with a qualified vendor.

Work is proposed to start no later than November 1, 2012.

An Informal Solicitation will be available for download on the Department's website (<http://www.commerce.state.mn.us>) through Monday, October 15, 2012. Potential responders may also request a hard copy of the Informal Solicitation by mail from this office. Requests for hard copies must be received by the Division of Energy Resources no later than noon on Monday, October 15, 2012.

The Informal Solicitation can be obtained from:

Preferred Method: <http://www.energy.mn.gov>
U.S. Postal Service: Ann Zechbauer
Minnesota Department of Commerce
Division of Energy Resources
85 7th Place East, Suite 500
St. Paul, MN 55101

Proposals submitted in response to this Informal Solicitation must be received no later than Monday October 15, 2012, by 4:00pm CT. **Late proposals will not be considered.** Instructions for submitting proposals are detailed in the Informal Solicitation.

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

Minnesota Department of Commerce

Division of Energy Resources

Request for Proposals to Plan and Conduct Training Using the Curriculum and Training Materials Developed for Business and Fiscal Management for the Minnesota Weatherization Assistance Program

The Minnesota Department of Commerce (Commerce), Division of Energy Resources requests proposals from qualified contractors to develop a plan and conduct training using the curriculum and training materials developed for client education for the Minnesota Weatherization Assistance Program (WAP). Two, one-day classroom training courses will be conducted; one each in the north/central and south/central part of the state, for approximately 20 participants in each location. Funding is partially provided by the American Recovery and Reinvestment Act of 2009 (ARRA).

It is anticipated that Commerce will enter into one (1) contract with a qualified vendor.

Work is proposed to start no later than November 1, 2012.

An Informal Solicitation will be available for download on the Department's website (<http://www.commerce.state.mn.us>) through Monday, October 15, 2012. Potential responders may also request a hard copy of the Informal Solicitation by mail from this office. Requests for hard copies must be received by the Division of Energy Resources no later than noon on Monday, October 15, 2012.

The Informal Solicitation can be obtained from:

Preferred Method: <http://www.energy.mn.gov>
U.S. Postal Service: Ann Zechbauer
Minnesota Department of Commerce
Division of Energy Resources
85 7th Place East, Suite 500
St. Paul, MN 55101

Proposals submitted in response to this Informal Solicitation must be received no later than Monday October 15, 2012, by 4:00pm CT. **Late proposals will not be considered.** Instructions for submitting proposals are detailed in the Informal Solicitation.

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 Human Services Health Care Administration Purchasing and Service Delivery Division Request for Proposals from Qualified Contractors to Evaluate the Value of Managed Care for State Public Health Care Programs

The Minnesota Department of Human Services Health Care Administration, Purchasing and Service Delivery Division, (DHS) is seeking Proposals for solutions from qualified Responders to evaluate the value of managed care for the state public health care programs, Medical Assistance (Medicaid) and MinnesotaCare. The evaluation must also examine whether Minnesota's statutory requirement for health maintenance organizations to participate in these programs as a condition of state licensure continues to be necessary to assure the continued stability and access to services for these programs' enrollees. A "qualified responder" is a vendor with demonstrated expertise in evaluating Medicaid managed care programs.

This purpose of this procurement is to enable DHS to fulfill the statutory requirements of Minnesota Session Laws – 2012, Regular Session, Chapter 247—H.F.No. 2294, Article 1, Health Care. The maximum term of the resulting Contract is approximately seven months, with a termination date of June 30, 2013.

The RFP document is available at the DHS website, www.dhs.state.mn.us, or by contacting:

Minnesota Department of Human Services
Health Care Administration
Purchasing and Service Delivery Division
Attention: Tom Fields
P.O. Box 64984
St. Paul, MN 55164-0984
tom.fields@state.mn.us
651.431.2487

Proposals are due at 4:00 p.m. Central Time October 29, 2012.

State Contracts

Iron Range Resources and Rehabilitation Board Notice of Availability of Contract for Advertising and Marketing Assistance

The Minnesota Department of Iron Range Resources and Rehabilitation Board is requesting proposals for the purpose of a Master Contractor for Advertising and Marketing Assistance.

Work is proposed to start after November 15, 2012.

A Request for Proposals will be available by mail from this office through Friday, October 26, 2012. **A written request (by direct mail, e-mail or fax) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Leah Wilhelmy
Iron Range Resources and Rehabilitation Board
4261 Highway 53 South
PO Box 441
Eveleth, MN 55734
218-735-3048
Leah.wilhelmy@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must

be received at the address above no later than 2:00 p.m., Central Time, Friday, October 26, 2012. **Late proposals will not be considered.** No time extensions will be granted.

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

Minnesota Judicial Branch Request for Information on eSignature Services

Introduction

The Minnesota Judicial Branch (MJB) is interested in electronic signature (eSignature) services. As a first step in identifying an eSignature tool, along with an integrated service for eSignature, the MJB is issuing this Request for Information (RFI) on available commercial software, dynamic hosting service, licensing, authentication and support for such a tool. This RFI will not result in a contract but the information obtained from responders may provide a basis for further contractual considerations and/or procurement. All interested parties must provide information and a demonstration to the RFI as a qualification to make a bid on a future Request for Proposal (RFP) concerning an eSignature tool. There is no guarantee that any such further contract or procurement process will be issued.

The DEADLINE for submissions is October 10, 2012.

The MJB is not obligated to respond to any submission, nor is it legally bound in any manner whatsoever by the submission of a response. The MJB shall not have any liability to any responder for any costs or expenses incurred in connections with this RFI or otherwise. Any amendments to this RFI will be posted on the MJB website (www.mncourts.gov).

Questions

Responders may submit questions to Kim Larson at kimberly.larson@courts.state.mn.us. Responses will be posted in the Public Notices section of the Minnesota State Court web site (<http://www.mncourts.gov>) as soon as possible after the question is received.

A complete RFI can be found on the Court's website at <http://www.mncourts.gov>

Minnesota Department of Revenue

Notice of Availability of Contract for the Support of Scanning and Imaging Captiva/ Input Accel and Dispatcher and Other Technologies

The Department of Revenue is seeking services to support the department's scanning and imaging environment. The requested services are:

- New program design and development
- Program maintenance and reengineering
- Level 2 and Level 3 technical support
- Performance tuning
- Technical training of staff
- Assistance in upgrading the products
- Assistance in InputAccel administration

These services are to be provided through a combination of on-site and remote connections.

Sealed proposals labeled "Support of Scanning and Imaging" must be received no later than 1:00 p.m., October 22, 2012. **Late proposals will not be considered.**

Minnesota State Lottery

Request for Proposals for Sponsorship Agreements

Description of Opportunity

The Minnesota State Lottery develops sponsorship agreements throughout the year with organizations, events, and sports teams to create excitement for lottery players, to interest new players and increase the visibility of lottery games. The Lottery encourages and continually seeks new sponsorship agreements to help achieve current Lottery marketing goals.

Proposal Content

A sponsorship proposal presented to the Lottery should meet the following three criteria:

- 1. Maximize Lottery Visibility** – the event, sports or tie-in proposal should draw a large number of desired participants (typically 50,000 or more) whose demographics match the Lottery player profile. The Lottery is interested in effectively delivering its message of fun and entertainment to Minnesota adults whose demographics skew primarily towards those aged 25-64, with a household income of \$35,000-\$75,000, and having an educational background of some college or higher. The Lottery does not market to those under the age of 18, and family events with high levels of children present are generally not accepted. Attendance, on-site signage visibility and paid media exposure will be critical components that will be evaluated.
- 2. Enhance Lottery Image-** – the event, sports or tie-in proposal should inherently project the attitude that the Lottery is a fun and socially acceptable part of the community. The Lottery's presence should fit well within the lineup of other sponsors. The Lottery is interested in creating opportunities whereby the sponsorship can translate into sales revenue, either via on-site sales from a Lottery booth, from sales-generating promotions with Lottery retailers or from joint programs with the sponsor's media partners.
- 3. Provide Promotional Extensions** – the event, sports or tie-in proposal should offer exciting, value-added ways to interact with our players and have opportunities to motivate attendees, listeners and viewers to participate in and purchase Lottery games. The proposal must include proper staffing availability or other considerations to help the Lottery implement any appropriate promotional extension ideas.

Proposals should address all pertinent elements of the sponsorship and how the Lottery criteria as stated above and on the Evaluation Form are to be met. To view or print copies of the Request for Proposal go to: <http://www.mnlottery.com/vendorops.html>

State Contracts

This Solicitation does not obligate the state to award a contract or pursue a proposed sponsorship opportunity, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Questions

Questions concerning this Solicitation should be directed to:

John Mellein, Marketing Director
Minnesota State Lottery
2645 Long Lake Road
Roseville, MN 55113
Telephone: (651) 635-8230
Toll-free: (888) 568-8379 ext. 230
Fax: (651) 297-7496
TTY: (651) 635-8268
E-mail: johnm@mnlottery.com

Other personnel are not authorized to answer questions regarding this Solicitation.

Response Delivery

All responses must be in writing and delivered to the contact noted above. Proposals will be accepted on an ongoing basis.

Minnesota Department of Transportation Metro District Request for Proposals for Marketing and Communication Services for Two Construction Projects

The Minnesota Department of Transportation (MnDOT) requests proposals for a range of marketing and communication services for two MnDOT construction projects located in Ramsey County on the I-35E corridor; specifically Cayuga Bridge reconstruction (<http://www.dot.state.mn.us/metro/projects/cayuga/>) project and the I-35E MnPASS Express Lane Project (<http://www.dot.state.mn.us/cayugamnpass/index.html>).

Work is proposed to begin January 2013.

The request for proposal (RFP) may be requested by e-mail from the Contract Administrator at mark.hagen@state.mn.us or obtained from MnDOT Consultant Services website at: <http://www.dot.state.mn.us/consult/files/notices/notices.html> under “notices open to all consultants”.

Proposals submitted in response to this RFP must be received no later than 1:00 p.m. Central Daylight Time on **Thursday, November 1, 2012**. *Late proposals will not be considered, no time extensions will be granted.*

Note that any questions regarding this RFP must be received by the Contract Administrator no later than **Wednesday, October 17, 2012, 2:00 p.m.** Central Daylight Time. See the RFP for more information.

This request does not obligate the State of Minnesota, MnDOT to complete the work contemplated in this notice, and MnDOT reserves the right to cancel this solicitation. All expenses incurred in responding to this notice will be borne by the responder.

Minnesota Department of Transportation 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

Minnesota Department of Transportation 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 Public 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.

Vendors Needed for These Projects

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).

Metropolitan Airports Commission (MAC)

Notice of Call for Bids on Concourse G Fire Protection Phase 3 – Ground Level

Airport Location: Minneapolis-Saint Paul International Airport

MAC Contract No.: 106-4-111

Bids Close At: 2:00 p.m. October 16, 2012

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, MN, 55450, until the date and hour indicated. The work includes Concourse G Ground Level code compliant Fire Protection Systems.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 3%.

Bid Security: Each bid shall be accompanied by a “Bid Security” in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Architectural Alliance; at the Minneapolis and Saint Paul Builders Exchanges; McGraw-Hill Construction/Dodge and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; PH: 763-503-3401; FX: 763-503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on September 24, 2012, at MAC’s web address of <http://www.metroairports.org/business/solicitations> (construction bids).

Minnehaha Creek Restoration District

Request for Bids on Minnehaha Creek Restoration -- Reach 20

Base Bid Schedule: Floodplain & Channel Restoration, Canoe Landing, Stormwater BMP Ponds and Trail Grading

Alternate Bid Schedule: Trails, Boardwalk and Pedestrian Bridge

Owner: Minnehaha Creek Watershed District

Class of Work: Excavation, Bio-Engineered Bank Stabilization, Fish Habitat Enhancement, RCP Storm Sewer

Non-State Public Bids, Contracts & Grants

Project Location: Hennepin County, Minnesota

Mandatory Pre-Bid Meeting: 1:00 PM, October 10, 2012

Bids Close At: 1:00 PM, October 31, 2012

1.1 NOTICE TO CONTRACTORS

Sealed Bid Proposals for the furnishing of all labor, materials and all other items necessary to complete the work described herewith, will be received by Minnehaha Creek Watershed District at its office located at 18202 Minnetonka Blvd., Deephaven, MN, until 1:00 PM, October 31, 2012, at which time such bids will be opened and read aloud. The work, in accordance with drawings and specifications prepared by Inter-Fluve, Inc., consists of the following major items of work:

Base Bid Schedule

- Stream Channel Excavation
- Stormwater BMP Pond Excavation
- Bio-Engineered Soil Stream Banks
- Fish Habitat Enhancement
- Clearing and Invasive Control
- RCP Storm Sewer Construction
- Stone Work
- Canoe Landings
- Trail Grading

Alternate Bid Schedule

- Bituminous Trails
- Elevated Boardwalks
- Boulder and CMU Retaining Wall
- Pedestrian Bridge and Abutments

Contractors are requested to Bid on both the Base Bid Schedule and the Alternate Bid Schedule listed in the Bid Form. **The lowest responsive and responsible bid will be determined by the sum of the Base Bid and Alternate Bid Schedules received from qualified contractors.** It is the intent to award a contract for the Base Bid Schedule within sixty (60) days. A contract may or may not be awarded for the Alternate Bid Schedule and is contingent upon development by Minnehaha Creek Watershed District of an approved funding agreement. The award of the Alternate Bid Schedule, if any, may not be made within the traditional sixty (60) days and may require up to six (6) months. Therefore, Contractors are requested to supply two bid sureties with their Bids. One bid surety shall be for the Base Bid Schedule and the other bid surety shall be for the Alternate Bid Schedule.

Contractors desiring a copy of the bid package, plans, specifications and proposal forms may obtain them from the offices of Minnehaha Creek Watershed District, the payment of a \$65.00 **non-refundable** fee for each bid package. Bid packages are also available for examination at the District office. All communications relative to this project should be addressed to the OWNER Attn: Renae Clark RClark@minnehahacreek.org, (952) 641-4510 prior to opening of the Bid.

Bid Proposals shall be submitted on forms furnished for that purpose.

Bid securities are required 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. The deposits on the Base Bid Schedule will be retained until the contract has been awarded and executed but not longer than sixty (60) days. The OWNER will retain the deposit for the Alternate Bid Schedule, received from the successful bidder on the Base Bid Schedule, for a maximum of one hundred eighty (180) days. All other deposits for the Alternate Bid Schedule will be held until an award has been made, but not longer than 180 days. No bid may be withdrawn for the Base Bid Schedule for a period of sixty (60) days following the bid opening. Likewise, the successful Bidder may not withdraw his/her bid for the Alternate Bid Schedule for a period of one hundred eighty (180) days following the bid opening.

Non-State Public Bids, Contracts & Grants

A mandatory PRE-BID meeting will be held at the Minnehaha Creek Watershed District office at 1:00 PM, October 10, 2012. Plan holders must be represented at this meeting to be eligible to bid on the Work.

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, place a contingency upon the award of any Alternate Bid Schedules, 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.

Primewest Health Request for Proposals for Professional Audit Services

General Information

PrimeWest Health requests a proposal from qualified certified public accounting firms (Audit Firms) to audit its annual financial statements for PrimeWest Health's year ending December 31, 2012.

To be considered, a proposal must be emailed by 12:00 p.m. noon CST on October 31, 2012 to: Kathy Hungness, Director of Administrative Services, PrimeWest Health, at k.hungness@primewest.org. Please state "Financial Audit Proposal" in the email's subject line. Do not contact others in the PrimeWest Health organization regarding the Audit Request for Proposal.

Any Audit Firm interested in submitting an audit proposal is requested to submit a Letter of Interest via email to Kathy Hungness at k.hungness@primewest.org by or before 12:00 p.m. noon October 15, 2012. Please state "Financial Audit RFP Letter of Interest" in the email's subject memo line.

Issuance of this request for proposal and receipt of proposals does not commit PrimeWest Health to award a contract. PrimeWest Health reserves the right to postpone the award for its own convenience, to accept or reject any or all proposals received in response to this request for proposal, to negotiate with more than one responder simultaneously, or to cancel all or any part of this request for proposal. PrimeWest Health expressly reserves the right to amend this request for proposal at any time. This request for proposal simply represents a description of specific requirements. It is not an offer to contract, nor does it create any obligation to contract in the future. Only the execution of a written contract will obligate PrimeWest Health in accordance with the terms and conditions of such contract. Submitted proposals will be reviewed and evaluated by a PrimeWest Health Selection Committee. During the evaluation, PrimeWest Health reserves the right to request additional information or clarifications from proposers, or to allow corrections of errors or omissions. Audit Firms may be requested to make oral presentations to the Selection Committee as part of the final evaluation.

Upon receipt, all submissions provided in response to this proposal become the property of PrimeWest Health and will not be returned. PrimeWest Health has the right to use any of the information contained in a response to the request for proposal, regardless of whether the Audit Firm's audit proposal ultimately leads to a formal contract with PrimeWest Health. PrimeWest Health shall not incur any liability to any Audit Firm with respect to its use of a response to the request for proposal. Submitting a proposal indicates an Audit Firm's acceptance of the conditions contained in this request for proposal.

PrimeWest Health anticipates that the Selection Committee will complete its recommendation of an Audit Firm by November 27, 2012, and that PrimeWest Health's Joint Powers Board of Directors will select an Audit Firm at its December 6, 2012 board meeting. Following the notification of the selected Audit Firm, PrimeWest Health anticipates executing a contract between PrimeWest Health and the Audit Firm within one to two weeks.

Non-State Public Bids, Contracts & Grants

Rice Creek Watershed District

Notice of Request for Bids for Lower Hardwood Creek Restoration and Stabilization

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Rice Creek Watershed District (RCWD), with offices located at 4325 Pheasant Ridge Drive, NE, #611, Blaine, MN 55449 until 10:00 AM on October 8, 2012 at which time they will be publicly opened and read aloud for the furnishing of all labor and materials and all else necessary for the following:

Lower Hardwood Creek Restoration and Stabilization

Approximate major quantities are as follows. This is not an exhaustive list but represents the major materials and construction only. It is the responsibility of the Contractor to verify quantities for the Lump Sum estimate per the Proposal Form.

Quantity	Unit	Description
5	AC	CLEARING AND GRUBBING
5723	CY	COMMON CHANNEL EXCAVATION
807	CY	TOPSOIL SALVAGE AND PLACEMENT
609	CY	STREAMBED MATERIAL, FURNISH AND INSTALL
270	LF	FABRIC ENCAPSULATED SOIL CONSTRUCTION
550	SY	SURFACE FABRIC
45	CY	GRADE CONTROL STONE, FURNISH AND INTALL
410	EACH	TREE, FURNISH AND INSTALL
1740	EACH	SHRUB, FURNISH AND INSTALL
115	LBS	VARIOUS RIPARIAN, WET PRAIRIE, MESIC PRAIRIE SEED MIX
50	EACH	LARGE WOOD DEBRIS, FURNISH AND INSTALL

Plans and specifications, proposal forms and contract documents may be seen at the office of the RCWD and at the office of SRF Consulting Group, Inc., One Carlson Parkway North, Suite 150, Minneapolis, Minnesota 55447, or on the Quest CDN website.

A list of Plan Holders can be viewed on line at Quest CDN website: <http://www.questcdn.com/questcdn/>

No bids will be considered unless sealed and accompanied by a bidder's bond naming the Rice Creek Watershed District (hereinafter referred to as the "Owner") as obligee, certified check payable to the Owner or a cash deposit equal to at least five percent (5%) of the total amount of the bid, which shall be forfeited to the Owner in the event that the bidder fails to enter into a contract.

The Owner reserves the right to retain the deposits of the three lowest bidders for a period not to exceed sixty (60) days after the date and time set for the opening of bids. No bids will be withdrawn for a period of sixty (60) days after the date and time set for the opening bids. Payment for the work will be by cash or check.

Contractors desiring a printed copy of the plans, specifications and proposal forms may purchase them from the office of SRF Consulting Group, Inc. (hereinafter referred to as the "Engineer"), One Carlson Parkway North, Suite 150, Minneapolis, Minnesota 55447, upon payment of \$50.00, which is nonrefundable.

The Owner may make investigation as they deem necessary to determine the ability of the Bidder to perform the work. The Bidder shall furnish the Owner all such information and data for this purpose as the Owner may request. A Responsible Bidder Evaluation form is included in the accompanying documents that may be used as part of such investigations.

The RCWD Board of Managers reserves the right to reject any and all bids, to waive irregularities and informalities therein and further reserves the right to award the contract(s) to the best interests of the Board.

Non-State Public Bids, Contracts & Grants

University of Minnesota

Notice of Availability of Request for Proposal (RFP) for Designer Selection for University of Minnesota – Tate Hall Rehabilitation - SDSB Project No. 12-12

The State of Minnesota, acting through its Board of Regents for the University of Minnesota, 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 Proposals is available on the University of Minnesota Capital Planning and Project Management website http://www.uservices.umn.edu/purchasing/ae_services.html, click on “Twin Cities Campus Advertisements” and then “Tate Hall Rehabilitation.”

A mandatory informational meeting is scheduled for **October 11, 2012 at 1:00 p.m., CST, Tate Hall Room 150, (116 Church Street SE Minneapolis, MN 55455)**. All firms interested in this project must attend this meeting. Project questions will also be taken at this meeting.

Proposals must be delivered to Kathy Grochowski, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services Administration Building, Room 309, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2389) no later than **12:00 Noon, CST on October 22, 2012**. Late responses will not be considered.

The University of Minnesota 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.

A complete RFP can be requested from:

Mary Ann Novotny
Financial Management Division
Minnesota Department of Revenue
Mail Station 4220
St. Paul, MN 55146-4220
Or at: dor.rfp@state.mn.us

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

Washington County

Request for Proposals for Red Rock Corridor Alternatives Analysis Update

NOTICE IS HEREBY GIVEN that Washington County Public Works, as the lead agency on behalf of the Red Rock Corridor Commission, is seeking qualified firms for the completion of an Alternatives Analysis Update for the Red Rock Corridor. Qualified firms will have experience in the development and completion of transit alternatives analyses that are in conformance with the guidelines and policies of the Federal Transit Administration.

The project work will commence immediately upon selection of the consultant. The consultant will prepare a project schedule based on a start date of December 13, 2012.

The full Request for Proposal can be obtained from the Washington County website:

http://www.co.washington.mn.us/info_for_business/bidsrequests_for_proposals/

Non-State Public Bids, Contracts & Grants

Proposals Due: October 12th, 2012 at 2:00 p.m. at Washington County Public Works North Shop:

Washington County Public Works Department
11660 Myeron Road North
Stillwater, MN 55082
(651) 430-4300

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<i>Minnesota's Capitol: A Centennial Story</i>	Stock Number 908	\$24.00

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<i>Recipes of Our Ancestors</i>	Stock Number 13963	\$37.50
<i>Minnesota Homegrown Cookbook</i>	Stock Number 13716	\$29.95
<i>Baking with the St. Paul Bread Club:</i>	Stock Number 1027	\$24.95
<i>Recipes, Tips & Stories</i>		
<i>Cooking with Wild Berries & Fruit</i>	Stock Number 13712	\$12.95
<i>Hot Dish Heaven: Classic Casseroles</i>	Stock Number 1034	\$16.95
<i>From Midwest Kitchens</i>		
<i>Potluck Paradise</i>	Stock Number 767	\$16.95
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