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**State
Register**

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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, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 20 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	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
# 42	Monday 15 April	Monday 1 April	Monday 8 April
# 43	Monday 22 April	Monday 8 April	Monday 15 April
# 44	Monday 29 April	Monday 15 April	Monday 22 April
# 45	Monday 6 May	Monday 22 April	Monday 29 April

Arne H. Carlson, Governor 612/296-3391	Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Growe, Secretary of State 612/296-2079
Joanne E. Benson, Lt. Governor 612/296-3391	Judi Dutcher, State Auditor 612/297-3670	Michael A McGrath, State Treasurer 612/296-7091
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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

Minnesota Rules: Amendments & Additions

Vol. 20, issue #40-42 2244

Proposed Rules

Pollution Control Agency

Wastewater and storm assistance..... 2245 ✓

Adopted Rules

Agriculture Department

RFA seller-sponsored loans 2251

RFA programs..... 2251

RFA beginning farmer loans..... 2251

Housing Finance Agency

Home ownership assistance fund..... 2252

Natural Resources Department

Designated experimental waters 2252

Pollution Control Agency

Hot mix asphalt plants 2253 ✓

Air quality; incorporation of Federal National emission standards for hazardous air pollutants..... 2254 ✓

Trade and Economic Development Department

Business and community development grants..... 2254

Adopted Emergency Rules

Natural Resources Department

Expedited emergency game and fish rules; bear quotas 2255

Official Notices

Agriculture Department

ACRRA Board meeting location change..... 2256

Chiropractic Examiners, Dentistry, Medical Practice, Nursing, and Podiatric Medicine Boards

Opinions sought on rule for infection control standards..... 2256

Labor and Industry Department

Prevailing wage certifications for commercial construction... 2257

Minnesota Comprehensive Health Association

Nominating committee meeting..... 2258

Minnesota Health Data Institute,

Minnesota Center for Healthcare Electronic Data Interchange, and

Department of Health

Revised notice of opinions sought on implementation guide for the ANSI ASC X12 "835" Remittance Advice Transaction..... 2258

Private Detectives and Protective Agents Board

Opinions sought on rule for training for private detectives and protective agents..... 2260

Psychology Board

Opinions sought on rule for special fees..... 2260

Teachers Retirement Association

Regular meeting notice 2261

State Grants

Economic Security Department

Funds available for youth intervention programs 2261

Professional, Technical, and Consulting Contracts

Administration Department

Proposals sought for a State Designer Selection Board project for a vehicle and field maintenance addition in Golden Valley..... 2262

Investment Board

Letters of interest sought from financial investment management firms..... 2264

Natural Resources Department

Proposals sought for geochemical analyses of rock, core, sediment and soil..... 2265

Northeast Metro Technical College

Proposals sought for lumber and materials used in creating finished furniture and cabinetry at the carpentry instructional program at Stillwater Correctional facility ... 2265

Pollution Control Agency

Proposals sought for medical surveillance program 2269 ✓

Public Service Department

Proposals sought for energy efficiency construction study ... 2272

Transportation Department

Proposals sought for highway related technical activity..... 2272

Non-State Public Bids, Contracts & Grants

Lower Rum River Watershed Management Organization

Proposals sought for legal consultant and engineering consultant..... 2274

Minnehaha Creek Watershed District

Proposals sought for consulting engineering services 2274

The *Professional-Technical-Consulting Contract Award Reports* is published monthly.

The *State Register Contracts Supplement* with commodities and price contracts advertised by the state is published every Tuesday, Wednesday and Friday. Award results are currently only available from the Materials Management Helpline.

Individual copies and subscriptions for both publications are available through Minnesota's Bookstore, (612) 297-3000 or 1-800-657-3757.

Vendors interested in responding to the commodity and price contracts advertised in the Contracts Supplement should contact the Department of Administration **Materials Management Division Helpline** 612/296-2600.

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 75 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. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

Vol. 20 issue 40-42

Agriculture Department

1650.0010; .0020; .0020; .0040; .0045; .0055; .0065; .0067; .0070 (repealed)	2251
1650.0021; .0031; .0041; .0046; .0056; .0066; .0068; .0071 (adopted)	2251
1650.0500; .0510; .0520; .0530; .0540; .0550; .0560; .0570 (repealed)	2251
1650.0501; .0511; .0521; .0531; .0541; .0551; .0561; .0571 (adopted)	2251
1650.0600; .0610; .0620; .0630; .0640; .0650; .0660 (repealed)	2427
1650.0601; .0611; .0621; .0661 (adopted)	2427
1651.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100 (repealed)	2251
1651.0011; .0021.0031; .0041; .0051; .0061; .0071; .0081; .0091; .0101 (adopted)	2251
1653.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110 (repealed)	2427
1653.0011; .0021; .0031; .0041; .0051; .0061; .0071; .0081; .0091; .0101; .0111 (adopted)	2427
1655.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100 (repealed)	2427
1655.0011; .0021; .0031; .0041; .0051; .0061; .0071; .0081; .0091; .0101 (adopted)	2427

Trade and Economic Development Department

4300.0100; .1200; .1901; .2000; .3100 (adopted)	2254
4300.0100, s.18,23 (repealed)	2254
4300.0100, s.2a renumbered as s.3a	2254

Health Department

4651.0100; .0110; .0120; .0150 (adopted)	2405
4651.0100, s.13,17; .0110, s.1 (repealed)	2405

Housing Finance Agency

4900.1315, s.7,10; .1345, s.1(repealed)	2252
4900.1331; .1345 (adopted)	2252

Labor and Industry Department

5210.0005; .0020; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0210; .0300; .0310; .0320; .0330; .0340; .0410; .0420; .0450; .0460; .0470; .0480; .0490; .0500; .0510; .0520; .0530; .0533; .0536; .0539; .0542; .0548; .0551; .0554; .0557; .0561; .0564; .0567; .0570; .0573; .0576; .0579; .0583; .0589; .0595; .0596; .0597; .0650; .0800; .0810; .0820; .0830; .0835; .0850; .0860; .0870; (adopted)	2428
--	------

5210.0010; .0030; .0100 s.4; .0200; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0310 s. 3,4; .0340 s. 1; .0400; .0430; .0440; .0470 s. 3,4,6; .0540; .0550; .0560; .0820 s.2,3,5,6; .0830 s. 2,4,5; .0840 (repealed)	2428
5215.0100; .0200; .0500; .0600; .0700; .0900; .1000; .1100; .1400; .1500; .1600; .2100; .5000; .5050; .5200; .5210; .5350; .5500; .5600; .5700; .5800; .5900; .6100 (adopted)	2428
5215.0200 s. 3,4,7,14; .0700 s. 5,6,7; .0711; .0721; .0730; .0800; .1200; .1700; .1800; .1900; .2000; .2011; .2200; .2300; .2400; .2500; .2650; .4900; .5000 s. 5; .5200 s. 3; .5240; .5300; .5400; .6000 (repealed)	2428

Natural Resources Department

6232.3000; .3055 (adopted expedited emergency)	2255
6264.0300 (adopted)	2252

Nursing Board

6301.0810; 6305.0500; 6310.3600 (adopted)	2429
---	------

Pollution Control Agency

7005.0100; .7040; .7060; .7080; .7100; .7120; .7140; .7160; .7180; .7200; .7220; .7240; .7260; .7280; .7300; .7320; 7017.1010; .2010; .2015; 7019.0100 (adopted)	2253
7007.1110; .1130; 7011.0900; .0903; .0905; .0925; .0911; .0913; .0917; .0920; .0922 (adopted)	2254
7011.0925 renumbered as 7011.0909 (adopted)	2253
7077.0100; 0105; .0115; .0277; .0278; .0280; .0287; .0288; .0290 (proposed)	2245
7077.0500; .0505; .0510; .0515; .0520; .0525; .0530; .0535; .0540; .0545; .0550; .0555; .0560; .0600; .0610; .0615; .0620; .0625; .0640; .0650 (proposed repealer)	2245

Revenue Department

8100.0100; .0200; .0300; .0400 (proposed)	2399
8100.0100, s.17; .0300, s.7(proposed repealer)	2399

Teaching Board

8700.0600 (proposed)	2403
----------------------------	------

Human Services Department

9505.0500; .0520; .0521; .0522; .0540; .5005; .5035; .5041; .5045; .5046; .5075; .5076; .5077; .5078; .5079; .5080; .5082; .5085; .5105 (adopted)	2405
9505.0500, s. 4a,19a,28; .5005, s. 18b; .5040; .5050; .5055; .5065; .5070; .5080, s. 2,3; .5090; .5096; .5100 (repealed)	2405
9505.5060 is renumbered as 9505.5091	
9550.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0091; .0092; .0093 (adopted)	2427

Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

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*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Pollution Control Agency

Proposed Permanent Rules Relating to Wastewater and Storm Assistance

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to amend a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* section 14.22 to 14.28. Persons interested in commenting on the rule have 30 days to submit written comments on the proposed rule. Interested persons may submit a written request that a public hearing be held on the rule, and may also submit a written request to appear before the MPCA Citizens' Board (Board) to comment on the proposed rule. Hearing requests must be submitted within the 30-day comment period described in this notice.

MPCA Contact Person(s). Written comments on this particular rule must be received by the MPCA and should be submitted to the MPCA contact person(s) as follows. If interested persons wish to receive a copy of the proposed rule, have comments and questions on this particular rule, or wish to submit written requests for a public hearing, contact:

Peter Skwira, State Revolving Fund Program Coordinator
(612) 296-8617

For further information on the rulemaking process including public hearings, contact:

Julie MacKenzie, Administrative Rulemaking Coordinator
(612) 296-9207

All public comments and written requests must be received by the:

Minnesota Pollution Control Agency
Water Quality Division
520 Lafayette Road
Saint Paul, MN 55155
1-800-657-3843 (MN Toll Free)
Facsimile: (612) 297-8683

Subject of Rule and Statutory Authority. The proposed rule concerns administrative procedures for the State Revolving Fund. The statutory authority to adopt proposed rule amendments is contained in *Minnesota Statute* § 446A.07. Existing *Minnesota Rule* ch. 7077 governs financial assistance programs for wastewater treatment projects. The proposed amendment will allow storm water treatment projects to be eligible under the state revolving fund. A copy of the proposed rule is published immediately after this notice.

Comments. Persons interested in submitting comment(s) on proposed rule amendments have until 4:30 P.M. (CST) on May 15, 1996, to submit written comments in support of, or in opposition to, the proposed rule and any part or subpart of the rule. All comments must be in writing and received by the contact person(s) listed in the Notice by the due date. Comment is encouraged. All

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change being proposed. In addition, interested persons may request an opportunity to appear before the MPCA Board to comment on the rule. All requests must be in writing and must be received by the listed contact person(s) no later than 4:30 P.M. (CST) on May 15, 1996. Persons must submit comments on the legality of the rule during the 30 day comment period described in this notice.

Request for a Hearing. In addition to submitting comments and/or a request to appear before the MPCA Board, interested persons may also request that a hearing be held on the rule. All requests for a public hearing must be in writing and must be received by the listed contact person(s) above by 4:30 P.M. (CST) on May 15, 1996. Any person submitting a written request for a public hearing must include their name and address in the request. Any person requesting a public hearing must identify the portion of the proposed rule which is objectionable and caused the hearing request, or a statement that the requester objects to the entire rule. Any person requesting a public hearing must identify the reason for the request, and any changes the requester wants made to the proposed rule. A request that does not provide this information is invalid and will not count when determining whether a public hearing must be held. Any person requesting a public hearing is encouraged to propose changes to the rule.

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

Modifications. This proposed rule may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA and the adopted rule may not result in a substantial change in the proposed rule as printed immediately after this notice. If a person believes that the proposed rule affects them in any way, the MPCA encourages the public to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness (SONAR) is now available from the MPCA contact person(s) listed above in this notice. The SONAR contains a summary of the justification for the proposed rule, identifies the data and information relied upon to support the proposed rule, contains information regarding who will be affected by the proposed rule, an estimate of the probable cost of the proposed rule, and how to obtain a copy of the SONAR from the MPCA.

Small Business Considerations. *Minnesota Statute* § 14.115, subdivision 4, requires that this notice of rulemaking include a statement regarding the impact of this proposed rule on small business. Municipalities which are impacted by the proposed rule may beneficially contract with small businesses, but there should be little or no adverse effect on small businesses. Since the rule allows funding for optional activities for municipalities it would be feasible that the proposed rule would create need for planning, design and construction contracts, thus, giving small businesses opportunities to bid on contracts.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statute* § 14.11, subd. 1, requires the MPCA to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. Participation in the State Revolving Loan Program for wastewater and storm water projects by local public bodies is not mandatory. Adoption of the proposed amendments will not require the expenditure of public monies by local public bodies unless a body elects to participate in State Revolving Loan Program.

Impact on Agricultural Lands. *Minnesota Statute* § 14.11, subd. 2, requires that if the rule would have a direct and substantial adverse impact upon agricultural lands in the state, that the MPCA shall comply with specified additional requirements. The proposed rule amendments will not have a direct adverse impact on agricultural land or farming operations in the state.

Economic Factors. *Minnesota Statute* § 116.07, subd. 6, requires the MPCA to give due consideration to economic factors in exercising its powers. In developing the proposed rule amendments, the MPCA has considered economic factors and determined that the proposed rule amendments have a positive economic impact on participating local units of government and associated businesses. A more detailed discussion of economic factors can be found in the Statement of Need and Reasonableness which is available to the public.

Adoption and Review of Rule. If no hearing is required, and after the end of the comment period, the MPCA may adopt the rule. The rule and supporting documents will then be submitted to the Office of Administrative Hearings (Office) for review as to legality and form to the extent form relates to legality. Interested persons may request to be notified of the date the rule is submitted to the Office, or be notified of the decision of the Office on the rule. If interested persons wish to be so notified, or wish to receive a copy of the adopted rule, or wish to register with the MPCA to receive notice of future rule proceedings, persons must make this request to the MPCA contact person(s) listed in this notice.

Dated: 1 April 1996

Charles W. Williams
Commissioner

Rules as Proposed**WASTEWATER AND STORM WATER TREATMENT ASSISTANCE****7077.0100 PURPOSE.**

This chapter provides for the Minnesota Pollution Control Agency's administration of financial assistance programs for the construction of municipal wastewater treatment systems. The programs in this chapter are:

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

B. the combined sewer overflow program for grants awarded on or after July 1, 1990, under *Minnesota Statutes*, section 116.162; and

C. the ~~corrective action grants program for grants awarded on or after July 1, 1990, according to *Minnesota Statutes*, section 116.181;~~

~~D. the capital cost component grants program for grants awarded on or after July 1, 1990, under *Minnesota Statutes*, section 116.18, subdivision 3b; and~~

E. the individual sewage treatment systems grants program for grants awarded on or after July 1, 1990, under *Minnesota Statutes*, section 116.18, subdivision 3c.

Parts 7077.0111 to 7077.0292 apply to the financial assistance program.

Parts 7077.0300 to 7077.0330 apply to the combined sewer overflow program.

~~Parts 7077.0500 to 7077.0560 apply to the corrective action grants program.~~

~~Parts 7077.0600 to 7077.0660 apply to the capital cost component grants program.~~

Parts 7077.0700 to 7077.0765 apply to the individual sewage treatment systems grants program.

7077.0105 DEFINITIONS.

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

Subp. 8a. Best management practices. "Best management practices" has the meaning given it in *Minnesota Statutes*, section 103F.711, subdivision 3.

[For text of subs 9 to 18, see M.R.]

Subp. 18a. **Initiation of operation.** "Initiation of operation" means the date on which all components of the storm water treatment system or the wastewater treatment system and all individual sewage treatment systems within a project service area are complete and functioning and the project begins operating for the purposes for which it was planned, designed, and built.

Subp. 19. **Intended use plan.** "Intended use plan" means the document prepared annually by the agency according to the requirements in Title VI of the act and submitted to the United States Environmental Protection Agency. The plan shall identify the intended uses of the amounts available to the water pollution control revolving fund, including a list of wastewater treatment projects, storm water treatment projects, and other eligible activities proposed to be funded during the fiscal year. Projects will be listed on the intended use plan in the order of their priority ranking on the project priority list.

[For text of subs 19a to 22a, see M.R.]

Subp. 24. **Municipality.** "Municipality" means any county, city, town, the Metropolitan Waste Control Commission established in *Minnesota Statutes*, chapter ~~473~~ Council Environmental Services, the Metropolitan Council when acting under that chapter ~~473~~, an Indian tribe or an authorized Indian tribal organization, or any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state.

Subp. 25. **Need.** "Need" means a new or upgraded wastewater treatment system is necessary for a municipality to comply with chapter 7040, 7050, 7060, or 7080. "Need" also means that treatment and disposal systems are necessary to improve water quality and reduce pollution caused by storm water runoff as determined by a local water plan, an area-wide assessment, NPDES permit requirements, or other water quality based reason defined by a need assessment produced by the applicant.

[For text of subs 25a to 30, see M.R.]

Subp. 31. **Performance certification.** "Performance certification" means a certification made by a municipality one year after initiation of operation that states its newly constructed wastewater or storm water treatment system is meeting performance standards, as specified under parts ~~7077.0255, 7077.0288 and 7077.0325; and 7077.0440.~~

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Proposed Rules

[For text of subps 32 and 32a, see M.R.]

Subp. 33a. **Project priority list.** "Project priority list" means the priority list prepared by the commissioner under parts 7077.0115 to ~~7077.0145~~ 7077.0197.

Subp. 33b. **Project service area.** "Project service area" means that area of the state served by the proposed project and identified by clearly defined boundaries in the facilities plan or storm water project plan.

[For text of subps 35a to 41a, see M.R.]

Subp. 41b. Storm water. "Storm water" means precipitation runoff, storm water runoff, snow melt off, and any other surface runoff and drainage.

Subp. 41c. Storm water project plan. "Storm water project plan" means the plans, studies, and reports necessary to determine storm water treatment needs of a project service area, to systematically evaluate storm water treatment alternatives that shall result in water quality improvement, and to identify the best management practices to be implemented.

Subp. 41d. Storm water treatment system. "Storm water treatment system" means a device, method, system or systems designed to reduce, store, treat, separate, stabilize, or dispose of storm water for purposes of preventing or abating pollution or maintaining or improving water quality.

[For text of subps 43 to 50, see M.R.]

7077.0115 PROJECT PRIORITY LIST.

Subpart 1. **Requirement.** The commissioner shall develop and maintain a project priority list of projects for municipalities that have a need for a new or upgraded wastewater treatment system or a storm water treatment system.

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

Subp. 3. **Request for placement on list.** A municipality may submit a written request to the commissioner for placement of a project on the project priority list. The request must include a description of the need for the new or upgraded wastewater or storm water treatment system. If known, the request shall also include a description of the proposed project and its costs. The municipality must submit any information that is necessary for the project to receive accurate review under subpart 4. Unless a municipality requests that its wastewater treatment project be placed on the list with total points equal to one, information must be submitted according to items A to C.

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

Subp. 4. **Review.** The commissioner shall review each request and take the action specified in ~~item~~ items A, B, or C to D.

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

C. Storm water treatment system projects shall be assigned total points equal to one on the project priority list if:

(1) the project addresses water quality needs; ponds for water quality may have associated flood control benefits;

(2) the project consists of permanent storm water treatment structures; and

(3) the project is based on acceptable engineering practices. Determination as to acceptability will be based on reasonable assurance of providing water quality benefits.

D. Projects that do not meet the criteria in item A or B, or C as applicable, shall not be added to the list and the commissioner shall notify the municipality of the reasons for the determination.

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

7077.0277 STORM WATER PROJECT PLAN.

Subpart 1. In general. The storm water project plan must be prepared and signed by a professional engineer registered in the state of Minnesota.

Subp. 2. Contents. A storm water project plan must address items A to E in the amount of detail that is appropriate to describe the project accurately.

A. A complete description of the storm water collection system, storm water treatment system if existent, and the identified need in the project service area.

B. A complete description of the project service area including the number of acres served, the estimated flow and a description of the watershed.

C. A complete description of the project including location, best management practices to be implemented for the use of storm water treatment, estimated construction, annual operation and maintenance, and equipment replacement costs.

D. A description of the long-term maintenance plan.

E. An estimate of the reduction in pollutants.

Subp. 3. Storm water project plan supplement. The following items must be submitted to the commissioner with the storm water project plan under subpart 2:

A. a complete list of addresses used for public notice purposes and listed on a form provided by the agency;

B. a summary of the information presented and public comments received at a public hearing, required under subpart 4, and the action taken to address those comments;

C. a formal resolution of the municipality's governing body adopting the storm water project plan;

D. a list of ordinances and intermunicipal agreements necessary for the successful implementation and administration of the project;

E. a completed environmental worksheet; and

F. a certification from the appropriate county or watershed management organization assuring that the storm water project plan is consistent with the comprehensive local water plan.

Subp. 4. Public hearing. Before adopting the storm water project plan, the municipality must hold at least one public hearing to discuss the proposed project. The storm water project plan must be made available for review by interested persons before the date of the hearing. At the public hearing, information must be presented on the various treatment alternatives considered, the reasons for choosing the selected alternative, and the location of the proposed project site.

7077.0278 INTENDED USE PLAN.

[For text of subps 1 and 2, see M.R.]

Subp. 3. Requirements. To be eligible for placement on the intended use plan, the conditions in items A to C must be met.

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

C. For a construction loan, a municipality must first receive the commissioner's approval of its facilities plan, as required under part 7077.0272, or its storm water project plan, as required under part 7077.0277, before it will be placed on the intended use plan. If the municipality is proposing to change the selected treatment method or any other major element of a previously approved facilities plan or storm water project plan, the municipality must receive the commissioner's approval of a facilities plan addendum.

[For text of subp 4, see M.R.]

7077.0280 CERTIFICATION SUBMITTAL REQUIREMENTS.

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

Subp. 2. Planning projects. Municipalities seeking certification for planning projects shall submit:

A. a description of the scope of work and estimated costs that will lead to an approved facilities plan or storm water project plan;

B. a schedule for completion of the facilities plan or the storm water project plan on a form provided by the agency; and

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

Subp. 3. Design projects. Municipalities seeking certification for design projects shall submit:

A. for wastewater and storm water treatment projects, a schedule for completion of plans and specifications; and

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

Subp. 4. Construction projects. Municipalities seeking certification for construction projects shall submit:

A. for wastewater treatment systems, plans and specifications as required under part 7077.0274 for the commissioner's review and approval;

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

C. for wastewater treatment systems, a copy of the municipality's resolution adopting the sewer service charge system;

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Proposed Rules

D. for wastewater treatment systems, a certification that the municipality has enacted a sewer use ordinance, sewer rate ordinance, or combined sewer use and sewer rate ordinance that, at a minimum:

[For text of subitems (1) to (8), see M.R.]

E. for wastewater treatment systems, an affidavit of publication for the sewer use ordinance and the sewer rate ordinance;

F. for individual sewage treatment system projects, a certification that the municipality has enacted an ordinance that:

(1) adopts the requirements of chapter 7080;

(2) prohibits nonsewage discharges from nonresidential structures with wastewater flows or nonsewage discharges from residential structures with a water-using business to individual sewage treatment systems; and

(3) establishes a maintenance plan;

G. for wastewater treatment systems, a certification that the municipality is enforcing the ordinance under item F; and

H. for storm water treatment systems, the municipality must submit the following:

(1) a project schedule on a form provided by the agency; and

(2) if applicable, finalized and executed intermunicipal agreements necessary for the successful implementation and administration of the project.

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

7077.0287 COMPLETION OF CONSTRUCTION AND INITIATION OF OPERATION; STORM WATER TREATMENT SYSTEMS.

A. Within ten days following initiation of completion of construction, the municipality must notify the commissioner in writing of the initiation of operation date.

B. The date of initiation of operation is the first day of the one-year performance period.

7077.0288 PROJECT PERFORMANCE.

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

Subp. 2a. Performance certification for storm water treatment systems. One year after the initiation of operation of the storm water treatment project, the municipality shall submit to the commissioner the following items, as appropriate for the project:

A. a certification stating whether the project meets the following performance standards:

(1) the project has been completed according to the approved storm water project plan;

(2) state revolving fund loan money has only been used for work directly associated with storm water treatment activities as described in the storm water project plan;

(3) all pipe outlets have been provided with permanent energy dissipation where the pipe's outlet velocity exceeds the permanent cover's erosive velocity; and

(4) an operation and maintenance manual appropriate for the best management practices implemented during the project has been provided to the municipality by the project engineer; and

B. an evaluation report describing the performance of the project as it pertains to the problems in need of correction identified in the storm water project plan.

Subp. 3. **Corrective action report.** If the commissioner or the municipality determines that the wastewater treatment project does not meet the project performance standards under subpart 2, item A, the municipality shall:

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

7077.0290 COMMISSIONER'S NOTIFICATION OF PERFORMANCE.

The commissioner shall provide written notification about the satisfactory performance of a wastewater treatment project to the authority upon receipt and approval by the commissioner of the items listed in part 7077.0288, subpart 1, and after: 2, item A.

A. the commissioner concurs with the certification provided under part 7077.0288, subpart 1, item A; or

B. the commissioner approves the report provided under part 7077.0288, subpart 2, item A.

REPEALER. Minnesota Rules, parts 7077.0500; 7077.0505; 7077.0510; 7077.0515; 7077.0520; 7077.0525; 7077.0530; 7077.0535; 7077.0540; 7077.0545; 7077.0550; 7077.0555; 7077.0560; 7077.0600; 7077.0610; 7077.0615; 7077.0620; 7077.0625; 7077.0640; and 7077.0650, are repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Agriculture

Adopted Permanent Rules Relating to RFA Seller-Sponsored Loans

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1565-1570, December 26, 1995 (20 SR 1565), are adopted with the following modifications:

Rules as Adopted

1651.0041 BORROWER ELIGIBILITY.

Subp. 3. **Beginning farmer criteria.** In addition to the requirements of subpart 2, a beginning farmer applicant must:

D. ~~agree to file a visit the~~ soil and water conservation ~~plan approved by district office or the soil~~ natural resources conservation service in the county where the land is located to inquire about the soil and water conservation needs for the identified farm property; and

Department of Agriculture

Adopted Permanent Rules Relating to Rural Finance Agency Programs

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1553-1559, December 26, 1995 (20 SR 1553), are adopted with the following modifications:

Rules as Adopted

1650.0511 DEFINITIONS.

Subp. 11. **Eligible borrower.** "Eligible borrower" means a Minnesota resident or a Minnesota partnership consisting only of individuals who are Minnesota residents, who:

E. ~~will agree to file a visit the~~ soil and water conservation ~~plan approved by district office or the county soil~~ natural resources conservation service in the county where the land is located to inquire about the soil and water conservation needs for the identified farm property; and

Department of Agriculture

Adopted Permanent Rules Relating to RFA Beginning Farmer Loans

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1549-1553, December 26, 1995 (20 SR 1549), are adopted with the following modifications:

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Adopted Rules

Rules as Adopted

1650.0031 BORROWER ELIGIBILITY.

Subp. 3. **Beginning farmer criteria.** In addition to the requirements of subpart 2, a beginning farmer applicant must:

D. agree to file a soil and water conservation plan approved by visit the soil and water conservation district office or the soil natural resources conservation service in the county where the land is located to inquire about the soil and water conservation needs for the identified farm property; and

Housing Finance Agency

Adopted Permanent Rules Relating to Home Ownership Assistance Fund

The rules proposed and published at *State Register*, Volume 20, Number 22, pages 1234-1235, November 27, 1995 (20 SR 1234), are adopted as proposed.

Department of Natural Resources

Adopted Exempt Rules Relating to Designated Experimental Waters

Rules as Adopted

6264.0300 DESIGNATED EXPERIMENTAL WATERS.

[For text of subs 1 to 46, see M.R.]

Subp. 47. Sunfish possession limits. Effective May 11, 1996, while on or fishing in the following waters the daily and possession limit for sunfish is ten.

	<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
A.	<u>Carnelian</u>	<u>T.122, R.29, S.13, 14</u>	<u>Stearns</u>	<u>3/1/2002</u>
B.	<u>Ox Yoke</u>	<u>T.139, R.30, S.10, 15</u>	<u>Cass</u>	<u>3/1/2002</u>
C.	<u>Pleasant</u>	<u>T.123, R.29, S.1.2</u>	<u>Stearns</u>	<u>3/1/2002</u>
D.	<u>Sanburn</u>	<u>T.139, R.30, S.22, 26,27</u>	<u>Cass</u>	<u>3/1/2002</u>

Subp. 48. Sunfish possession limits and catch and release fishing for northern pike and largemouth bass. Effective May 11, 1996, while on or fishing in the following waters the daily and possession limit for sunfish is ten, and angling for northern pike and largemouth bass shall be limited to catch and release only, whereby any northern pike or largemouth bass caught must be immediately returned to the water. Catch and release angling for northern pike and largemouth bass shall be legal during the open season for these species in inland waters. It is unlawful for anyone to have in possession, regardless of where taken, any northern pike or largemouth bass while on or fishing in the following waters.

	<u>Name</u>	<u>Location</u>	<u>County</u>	<u>End Date</u>
A.	<u>Fladmark</u>	<u>T.135, R.42, S.13, 14,24</u>	<u>Otter Tail</u>	<u>3/1/2002</u>
B.	<u>Twenty One</u>	<u>T.135, R.42, S.16, 21</u>	<u>Otter Tail</u>	<u>3/1/2002</u>

Pollution Control Agency

Adopted Permanent Rules Relating to Hot Mix Asphalt Plants

The rules proposed and published at *State Register*, Volume 20, Number 24, pages 1375-1384, December 11, 1995 (20 SR 1375), are adopted with the following modifications:

Rules as Adopted

7011.0911 MAINTENANCE OF DRYER BURNER.

Subpart 1. **Annual tuning of dryer burner.** The owner or operator of a hot mix asphalt plant must tune the dryer burner for maximum combustion efficiency once each calendar year ~~according to the specifications provided by the manufacturer of the dryer burner.~~

Subp. 2. **Daily check of dryer burner.** The owner or operator of a hot mix asphalt plant must do the following while producing hot mix asphalt each day except when burning natural gas or propane:

B. check for a negative draft at the dryer burner inlet.

Subp. 3. **Records kept on dryer burner.** The owner or operator of a hot mix asphalt plant must maintain a record of:

B. the daily reading from the fuel pressure gauge on the dryer burner except when burning natural gas or propane;

C. whether there was a negative draft at the dryer burner inlet each day except when burning natural gas or propane; and

7011.0913 HOT MIX ASPHALT PLANT MATERIALS, FUELS, AND ADDITIVES OPERATING REQUIREMENTS.

Subpart 1. **Materials, fuels, and additives allowed.** Except as provided in subpart 3, the owner or operator of a hot mix asphalt plant is allowed to use only the materials, fuels, and additives designated in subpart 2 unless specifically disallowed in a part 70, state, or general permit.

Subp. 2. **List of authorized materials, fuels, and additives.**

A. The designated materials are clay, silt, sand, gravel, and crushed stone produced from naturally occurring geologic formations, ~~and~~ without additives; recycled asphalt ~~concrete~~ pavement; portland cement concrete; recycled sediments from asphalt plant scrubber operations; fines from asphalt plant fabric filter operations; asphalt cement; and hydrated lime.

Subp. 3. **Procedure for approval of additional materials, fuels, and additives.** The owner or operator may use materials, fuels, or additives not listed in subpart 2, if:

B. for hot mix asphalt plants with a registration permit, the commissioner has provided written approval of the use prior to its incorporation into asphalt or use as a fuel.

Requests under item B must be received by the commissioner at least 60 days before the materials, fuels, or additives are used. The requests must be on a form provided by the commissioner. The owner or operator shall conduct performance testing under parts 7017.2001 to 7017.2060 to determine actual emission rates from the use of the material, fuel, or additive. The actual emission rates shall be used to determine actual emissions under part 7007.1130, subpart 3, for hot mix asphalt plants that hold option D registration permits. The commissioner shall deny these requests if the commissioner determines that use of the material would endanger human health or the environment or would subject the hot mix asphalt plant to different applicable requirements or different requirements under chapter 7007. The performance testing required by this subpart may be waived by the commissioner when the nonlisted material is substantially similar in composition to a listed material, or when the material has already been the subject of performance tests at a similar hot mix asphalt plant.

7011.0917 ASPHALT PLANT CONTROL EQUIPMENT REQUIREMENTS.

Subpart 1. **Operation of asphalt plant control equipment.** The owner or operator of a hot mix asphalt plant shall operate in compliance with this part all asphalt plant control equipment located at the stationary source whenever operating the emission units controlled by the asphalt plant control equipment. Unless specifically allowed by a part 70, state, or general permit, each piece of asphalt plant control equipment shall at all times be operated such that the monitoring parameters listed in subpart 7 are in the range established by the control equipment manufacturer's specifications, or within the operating parameters set established by the commissioner as the result of the most recent performance test conducted to ~~determine control efficiency~~ under parts 7017.2001 to 7017.2060, if those are more restrictive.

The owner or operator applying for a registration permit may request an alternative range to the control equipment manufacturer's specifications, if the proposed range is based on two previous years of compliant monitoring data supplied with the request. For hot mix asphalt plants in operation on the effective date of this part, this request shall be made by the application deadline listed in part 7007.0350,

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Adopted Rules

subpart 1, item A. The proposed operating range shall be deemed acceptable unless notified otherwise in writing within 30 days of receipt by the commissioner. The commissioner shall deny a request for an alternative monitoring parameter range if the commissioner finds that:

Subp. 2. **Maintenance of asphalt plant control equipment.** The owner or operator of a hot mix asphalt plant shall maintain each piece of asphalt plant control equipment as designed to ensure compliance with applicable requirements, comply with source-specific maintenance requirements specified in a part 70, state, or general permit, and shall perform the following on each piece of asphalt plant control equipment unless otherwise specified in a part 70, state, or general permit:

E. for fabric filter control devices: check ~~outside~~ exterior cleaning system equipment and its operation daily; and check ~~inside~~ interior cleaning equipment and its operation, and the clean air side of bags for evidence of leaks at least monthly; and

F. for control devices using water such as spray towers, scrubbers, and wet cyclone separators: check sediment level in non-self-cleaning ponds daily so as not to exceed one-half the pond depth, ~~check suspended sediment in the water entering the control device~~, and check to ensure the pH of the water leaving the control device is between five and ten weekly; and check accessible dampers, spray bars, nozzles, and demister monthly for wear; ~~and~~

~~G. check stack exhaust daily for visible emissions after condensing plume has dissipated.~~

The owner or operator shall maintain a record of activities conducted in items A to ~~G~~ E, consisting of the activity completed, the date the activity was completed, and any corrective action taken; and the owner or operator shall maintain the records required by this subpart for a minimum of five years from the date the record was made.

7011.0922 OPERATIONAL REQUIREMENTS AND LIMITATIONS FROM PERFORMANCE TESTS.

Subp. 2. **Certain exceptions to throughput limit.** Except as provided in items A and B, if a hot mix asphalt plant demonstrated compliance for particulate matter and opacity during its most recent performance test and its tested emission rate (gr/dscf or lb/hr) was less than 80 percent of the applicable rule or permit emission limit, then the owner or operator may increase production throughput ten percent over that allowed under subpart 1.

Subp. 3. **Monitoring and recordkeeping required.** To determine compliance with subpart 1, the owner or operator of a hot mix asphalt plant must:

A. operate an accumulating hour meter on the ~~high fire mode of the~~ dryer burner at all times the dryer burner is in operation;

B. record each day the plant's hours of operation as determined by the hour meter and ~~production throughput total tons of hot mix asphalt produced~~; and

C. determine the ~~average tons produced per hour~~ production throughput by dividing the total tons of hot mix asphalt produced by the hours of operation for each calendar day of operation.

Pollution Control Agency

Adopted Permanent Rules Relating to Air Quality; Incorporation of Federal National Emission Standards for Hazardous Air Pollutants

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1790-1794, December 26, 1995 (20 SR 1790), are adopted as proposed.

Department of Trade and Economic Development

Adopted Permanent Rules Relating to Business and Community Development Grants

The rules proposed and published at *State Register*, Volume 20, Number 26, pages 1839-1842, December 26, 1995 (20 SR 1839), are adopted with the following modifications:

Rules as Adopted

4300.1200 APPLICATION PROCESS AND REQUIREMENTS.

Subp. 3. **Disqualification of applicants.** Applications from otherwise eligible applicants ~~may~~ shall be disqualified if it is determined by the division that any of the following conditions exist:

4300.1901 EVALUATION OF ECONOMIC DEVELOPMENT PROJECTS.

Subp. 4. **Funding recommendations.** Applications that attain at least 400 points ~~may~~ will be recommended to the commissioner for funding. Applications not recommended for funding may be revised and resubmitted.

Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. §§14.14-14.28 supercede emergency rules.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Bear Quotas

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97B.405 and 97B.411.

Dated: 8 April 1996

Rodney W. Sando
Commissioner of Natural Resources

By
Eugene Gere
Assistant Commissioner for Operations

Rules as Adopted

6232.3000 BEAR QUOTA AREAS.

[For text of subs 1 to 7, see M.R.]

Subp. 8. **Bear Quota Area 41.** Bear Quota Area 41 consists of that portion of the state lying within the following described boundary: Beginning at the junction of the northern boundary of the White Earth Indian Reservation and County State Aid Highway (CSAH) 6, Polk County; thence along CSAH 6 to CSAH 3, Polk County; thence along CSAH 3 to CSAH 2, Polk County; thence along CSAH 2 to the Clearwater River; thence along the south shore of said river to the western 7, Clearwater County; thence along CSAH 7 to CSAH 6, Clearwater County; thence along CSAH 6 to State Trunk Highway (STH) 92; thence along STH 92 to STH 223; thence along STH 223 to CSAH 14, Clearwater County; thence along CSAH 14 to CSAH 4, Clearwater County; thence along CSAH 4 to the west boundary of Clearwater County; thence along said boundary to the southern boundary of the Red Lake Indian Reservation; thence along the western, southern and eastern boundaries of said reservation to the southeasterly shore of Upper Red Lake; thence along said lakeshore to the Tamarac River; thence along the southerly shore of said river to State Trunk Highway (STH) 72; thence along STH 72 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 2; thence along U.S. Highway 2 to STH 92; thence along STH 92 to the northern boundary of the White Earth Indian Reservation; thence west along said reservation boundary to the point of beginning.

[For text of subs 9 to 10, see M.R.]

6232.3055 1996 BEAR QUOTAS.

The number of available licenses for quota areas for the 1996 bear hunting season is 12,030 and is divided as follows:

A. Bear Quota Area 12: 580;

B. Bear Quota Area 13: 480;

Official Notices

- C. Bear Quota Area 22: 270;
- D. Bear Quota Area 24: 1,090;
- E. Bear Quota Area 25: 1,450;
- F. Bear Quota Area 26: 970;
- G. Bear Quota Area 31: 1,580;
- H. Bear Quota Area 41: 320;
- I. Bear Quota Area 44: 1,640;
- J. Bear Quota Area 45: 920; and
- K. Bear Quota Area 51: 2,730.

SUNSET. Minnesota Rules, part 6232.3055, expires December 31, 1996.

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Department of Agriculture

Agronomy & Plant Protection Services Division

Notice of Location Change for the Minnesota Agricultural Chemical Response Compensation Board (ACRRA Board) Meeting Scheduled for April 17, 1996

The regularly scheduled ACRRA Board meeting will convene at 9:00 a.m., St. Paul Downtown/Holman Field Airport, 644 Bayfield, St. Paul, Minnesota, second floor conference room.

Should you require additional information, please call the ACRRA Program at (612) 297-3490.

Boards of Chiropractic Examiners, Dentistry, Medical Practice, Nursing, and Podiatric Medicine

Request for Comments on Planned Adoption of a Rule Governing Infection Control Standards, Minnesota Rules 6950.1000 - 6950.1090

Subject of the Rule. The Minnesota Boards of Chiropractic Examiners, Dentistry, Medical Practice, Nursing, and Podiatric Medicine (hereinafter Boards) request comments on the planned adoption of rules governing infection control standards. The Boards are considering a rule that would provide infection control precautions, procedures and standards.

Persons Affected. The rule would likely affect persons regulated by the Minnesota Boards of Chiropractic Examiners, Dentistry, Medical Practice, Nursing, and Podiatric Medicine and clients of these regulated persons. The Boards have appointed an advisory committee to comment on the planned rule.

Statutory Authority. *Minnesota Statutes*, section 214.24, subd. 4, authorizes the Boards to engage in joint rulemaking to adopt rules for setting standards for infection control procedures.

Resubmission of Rules. The HIV and HBV Prevention Program authorized under *Minnesota Statute*, sections 214.17 - 214.25, was established in 1992 for the purpose of preventing the transmission of HIV and HBV in professional practice settings. The Boards have been engaged in joint rulemaking since March 1993, a process that culminated in proposed rules in the Fall of 1995. The proposed rules were disapproved by the Attorney General's Office because of a procedural error (the failure of one Board to mail the Notice of Intent to adopt the proposed rules to persons on the board's mailing list).

The Boards are initiating joint rulemaking again in the belief the public is better served if the Boards have uniform infection control standards for the professions they regulate.

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on June 25, 1996. The Boards have prepared a draft of the planned rule. Written or oral comments, questions, and requests for more information on this planned rule should be addressed to:

Lois E. Mizuno, Chair
Infection Control Steering Committee
Board of Podiatric Medicine
Suite 40
2700 University Avenue West
St. Paul, MN 55114
(612) 642-0401
Speech/Hearing Relay: (612) 297-3353 or 1-800-627-3529

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started. However, comments made in response to this notice may be incorporated in the draft proposed rules.

Larry A. Spicer
Executive Director
Board of Chiropractic Examiners

Robert A Leach
Executive Director
Board of Medical Practice

Lois E. Mizuno
Executive Director
Board of Podiatric Medicine

Patricia H. Glasrud
Executive Director
Board of Dentistry

Joyce M. Schowalter
Executive Director
Board of Nursing

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective April 15, 1996 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Paint Interior of Blaine High Field House (Gym) 96-524-001-Blaine; Technology Outlets Anoka School District; Park Terrace, Westwood & Woodcrest Elementary Schools, Spring Lake Park ISD 16-Spring Lake Park; Remodeling Kenneth Hall Elementary School and Spring Lake Park Senior High School-Spring Lake Park.

Big Stone: Ortonville Public Library Accessibility Project-Ortonville.

Blue Earth: Asbestos Removal Armstrong Hall Phase 5 Mankato State Univ-Mankato.

Dakota: Hidden Valley Elementary Marion W Savage Elementary and Sky Oaks Elementary Renovations-Savage/Burnsville; Renovation to Cedar School-Eagan.

Fillmore: Meighen Barn Restoration-Preston.

Goodhue: Goodhue Public School 1996 Roof Retrofit-Goodhue.

Hennepin: MAC Revenue Control Building Sprinklers-Minneapolis; Renovations at Ericsson and Howe Elementary Schools-Minneapolis; U of M Northrop Auditorium Chilled Water Cluster; Technology Outlets-Brooklyn Park.

Lyon: Minneota School District-Minneota.

Olmsted: 1996 Reroofing Byron Sr High School-Byron.

Ramsey: Jefferson Open School Phase 2-St Paul.

St Louis: 1996 Waterproofing & Masonry Wall Repairs UMD Health Science Library and Engineering Building-Duluth.

Stevens: 1996 Reroofing at Independence Hall-Morris.

Official Notices

Winona: Winona State University Central Chilled Water Plant-Winona; Renovation for Winona Workforce Center at Winona Technical College-Winona.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

Minnesota Comprehensive Health Association

Notice of Nominating Committee Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Nominating Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 10:00 a.m. on Friday, April 26, 1996 at the Decathlon Club, 1700 E. 79th Street, Bloomington.

For additional information please call Lynn Gruber at (612) 593-9609.

Minnesota Health Data Institute, Minnesota Center for Healthcare Electronic Data Interchange, and Department of Health

Health Policy and Systems Compliance Division

Notice Of REVISED Solicitation Of Outside Information Or Opinions Regarding An Implementation Guide For The ANSI ASC X12 "835" Remittance Advice Transaction; Per Minnesota Statutes, section 62J.56, Subdivision 3

Introduction. Notice is hereby given that the Minnesota Health Data Institute (MHDI) and the Minnesota Department of Health (MDH) are seeking information or opinions from outside sources for an implementation guide reviewed by the Minnesota Center for Healthcare Electronic Data Interchange (MCHE) and its implementation guide work group.

The draft implementation guide is a description of the conventions of use for electronic commerce in the ANSI ASC X12 "835" remittance advice transaction, that has been developed by the X12N national work group. It has been reviewed by the Minnesota work group, and will be available for comment by interested parties.

This announcement *replaces* the announcements for the third and fourth in a series of draft implementation guides. These guides have already been announced:

- The first announcement in the *State Register* on October 23, 1995 was for the Minnesota version of the ANSI ASC X12 "837" claim transaction, for professional services;
- The second announcement in the *State Register* on December 18, 1995 was for the Minnesota version of the ANSI ASC X12 "837" claim transaction, for institutional services;
- The third announcement in the *State Register* on January 22, 1996 was for the Minnesota version of the ANSI ASC X12 "835" remittance advice transaction, for professional services;
- The fourth announcement in the *State Register* on February 26, 1996 was for the Minnesota version of the ANSI ASC X12 "835" remittance advice transaction, for institutional services.

The first and second announcements, for the ANSI ASC X12 "837" claim transaction, produced no substantive comments. This Minnesota version of the "837" claim transaction will be referred to the Commissioner of Health for formal recommendation leading to use of the ANSI X12 "837" claim transaction in Minnesota electronic health care commerce, per the first and second announcements.

The *third and fourth announcements are hereby replaced* by this announcement. The Minnesota work group has reviewed a newly available X12N draft version of the ANSI ASC X12 "835" remittance advice transaction for professional and institutional

services, and have replaced their previous draft implementation guides with the X12N draft implementation guide. The X12N ANSI ASC X12 "835" draft implementation guide is now available for public comment.

Additional guides will be available in the future, for the Workgroup for Healthcare EDI (WEDI) versions of the ANSI ASC X12 834 health care enrollment and the ANSI ASC X12 270/271 eligibility transaction sets as listed in *Minnesota Statutes* 62J.56. Each implementation guide will be announced as it is ready for public comment and review.

Contact Person. MHDI and MDH request information and opinions concerning the applicability and functionality of the implementation guide. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to Ed Stroot at MCHE, 910 Piper Jaffray Plaza, 444 Cedar Street, St. Paul, MN 55101, fax 612/222-4209, and Internet at Ed.Stroot@mhdi.com. Oral statements will be received during regular business hours over the telephone at 612/228-4381 and in person at the above address.

Summary Of Issues. *Minnesota Statutes* 62J outlines the advantages of uniform health care electronic data interchange standards, to participants in the health care system. Further, the statute requires participants in the health care system who use electronic billing, enrollment or eligibility transactions to support the ANSI ASC X12 standards. The statute requires MCHE to provide technical assistance in the development of implementation guides. MCHE has convened an implementation guide work group to develop these guides. The work group, consisting of representatives of payers, providers, software vendors and state agencies, has been meeting since April 1995. MCHE and MDH seek additional work group members, as well as opinions and information on the work products of the group. Please contact Ed Stroot at the above address for further information.

The statute also requires that the Commissioner of Health, with the advice of the Minnesota Administrative Uniformity Committee and MCHE, shall review and recommend the use of guides to implement the core transaction sets as listed in *Minnesota Statutes* 62J.56 subdivision 2, parts 1 through 5. Six months from the date the Commissioner of Health formally recommends the use of guides to implement core transaction sets, all category I and category II industry participants (defined in *Minnesota Statutes* 62J.51 subdivisions 4 and 5), except pharmacists, shall be able to accept or submit, as appropriate, the ANSI ASC X12 transaction sets listed. The statute does not require a group purchaser, health care provider or employer to use electronic data interchange or to have the capability to do so. This section applies only to the extent that a group purchaser, health care provider or employer chooses to use electronic data interchange.

At the time that the work group first convened, no national guides were available. As of January 1996, an X12N draft implementation guide for the ANSI ASC X12 "835" remittance advice transaction became available. In February 1996, WEDI versions of the ANSI ASC X12 "834" health care enrollment, the ANSI ASC X12 "270/271" eligibility transaction sets and the the ANSI ASC X12 "276/277" claims status transaction sets became available. In view of the statute that calls for use of national guides where available, the work group has decided to review and possibly amend these newly available national guides instead of developing Minnesota versions.

Public Review Process. MDH will provide copies of the draft implementation guides for each of the above transactions in paper, diskette or electronic http format to persons and organizations interested in reviewing them against their current data requirements. The draft implementation guide that will be available as of April 15, 1996, will be for the X12N version of the "835" remittance advice transaction, for professional and institutional services. Comments and suggestions for improvements on this document will be accepted at the above address until Friday, June 7, 1996. On or before July 1, 1996, persons or organizations commenting on the draft implementation guide will be invited to a meeting in downtown St. Paul, or a conference call if necessary, to address substantive issues raised. If a functional business requirement has been overlooked, the document may be amended to support that functional need. If no substantive comments are made, there will be no meeting. This amendment process will be repeated for each of the transaction implementation guides as they are developed by MCHE and the work group.

How To Obtain The Draft Implementation Guide Document. Persons who wish to obtain a paper copy or diskette should call Denine Casserly at MDH, 612/282-5651, or fax a request to 612/282-5628 or write at the address above. The diskette format will be in Adobe Acrobat portable data file format with an included reader. Persons requesting this format must specify whether they want a Windows, DOS or Unix reader. The document and the readers will also be available for downloading on the World Wide Web at <http://www.mhdi.com>.

Dated: 5 April 1996

Dale V. Shaller
Executive Director, MHDI

Anne M. Barry
Commissioner of Health

Board of Private Detectives and Protective Agents

Request for Comments on Rules Governing Training for Private Detectives and Protective Agents, *Minnesota Rules*, chapter 7506

Subject of the Rule. The Board of Private Detectives and Protective Agents Services requests comments on its planned adoption of rules governing training for private detectives and protective agents. The rule will establish standards for certification of training programs and instructors, minimum requirements for board certified training programs, requirements for preassignment and continuing education training.

Persons Affected. The amendment to the rule would affect all persons licensed by the Board, including both current and potential license holders; and technical schools, companies and individuals who may be interested in developing training programs and or providing instruction. The board has established an advisory committee which met monthly from September of 1995 through January of 1996, to comment on the planned rule. The advisory committee is comprised of the following individuals: Scott Andreason, Scott Investigations; Timothy Braatz, Atlas Investigations; Curtis Carr, Hannon Security Services; Steve Castillo, Empire Security; Chuck Donaldson, Minneapolis Police Department; Robert Drowns, The Police Institute, Anoka Police; Forrest Friberg, Forrest Friberg & Associates; Hope Jensen, Rules Coordinator, Department of Public Safety; James Jordan, Inpro Investigative Services & Consultants; Jerry Kelly, St. Mary's University; Craig Larson, Inpro Investigation Services & Consultants; Nicholas Luciano, Hannon Security Services; Lee Marcussen, Allied Security; John Neal, Jemini Investigation; Marie Ohman, Executive Director, Board of Private Detectives and Protective Agents Board; Ken Parsch, Minnesota Mutual Security; Lawrence Reedy, Northern Lights Security; David Sayre, St. Mary's University; Robert Schlichting, Midwest Patrol; Dean Stack, Integrity Claims Service; Charles Thibodeau, Pine Technical College, D.J. Spees & Associates; Scott Thorfinnson, A Dade Detective Agency; Mike Warner, St. Paul Police Department; and Steve Wohlman, Knight Security.

Statutory Authority. *Minnesota Statutes*, section 326.3361, subdivision 1, states: "The board shall, by rule, prescribe the requirements, duration, contents, and standards for successful completion of certified training programs for license holders, qualified representatives, Minnesota managers, partners, and employees . . ."

Public Comment. Interested persons or groups may submit comments or information on this planned rule in writing or orally until 4:30 p.m. on June 28, 1996. The board has prepared a draft of the planned rule. Written or oral comments, questions, requests to receive a copy of the draft rule, and requests for more information on this planned rule should be addressed to: Hope Jensen, Department of Public Safety, 445 Minnesota Street, NCL Tower, Suite 1000, St. Paul, Minnesota 55101-2156, 296-2906. Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Dated: 8 April 1996

Marie Ohman, Executive Director
Board of Private Detectives and Protective Agents

Board of Psychology

Request for Comments on Planned Amendment to Rule Governing Fees, *Minnesota Rules* part 7200.6100; Planned Repeal of Rules Governing Special Fees, *Minnesota Rules* parts 7200.6150 and 7200.6160; and Planned Adoption of New Rule Governing Special Fee

Subject of Rule. The Minnesota Board of Psychology requests comments on its planned amendment to a rule governing fees, repeal of rules governing special fees, and adoption of a new rule governing a special fee. The board is considering rule amendments that increase application and renewal fees, repeal obsolete special fees, and assess a new special fee.

Persons Affected. The amendments to the rules would affect licensed psychologists, licensed psychological practitioners, and applicants for examinations and licensure. The adoption of the special fee would affect licensed psychologists and licensed psychological practitioners.

Statutory Authority. *Minnesota Statutes*, section 148.905, subdivision 1 (7) requires the board to adopt rules which establish reasonable fees for the issuance and renewal of licenses and other services by the board.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until 4:30 p.m. on June 14, 1996. The board has not yet prepared a draft of the planned rule amendments. Written or oral com-

ments, questions, requests to receive a draft of the rules when they have been prepared, and requests for more information on these planned rules should be addressed to:

Deborah Sellin, Office Administrator
Minnesota Board of Psychology
2700 University Avenue West #101
St. Paul, MN 55114-1095
(612) 642-0587

Comments submitted in response to this notice will not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Pauline Walker-Singleton
Executive Director

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, May 9, 1996, at 9:30 a.m. in Suite 500, Gallery Building, 17 W. Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Economic Security

Youth Development Office

Request for Proposal Youth Intervention Programs

The Office of Youth Development of the Minnesota Department of Economic Security is pleased to announce the availability of a total of \$172,500 in funds authorized by the 1996 Minnesota Legislature for new Youth Intervention Programs (YIP) governed under *Minnesota Statutes* Chapter 268.30 Subdivisions 1 and 2. The 1996 legislation mandates that one-half of the funds be awarded to programs within the seven county metropolitan area and one-half be awarded to programs outside the seven county metropolitan area. The amount of YIP funding to be awarded to any individual applicant for one year will not exceed \$27,500.

Youth Intervention Programs must provide direct services to youth between the ages of 8 and 17 and their families including (but not limited to): advocacy, individual, family and group counseling services, victim/offender mediation services, restitution/community service supervision services, and other services identified in the Request For Proposal (RFP). All applicants must be able to demonstrate matching funds of at least two dollars of local funds for every dollar of state funds received.

To be considered for funding, an original and six (6) copies of the proposal must be delivered to the Minnesota Department of Economic Security, 390 North Robert Street, St. Paul, Minnesota 55101 no later than 5:00 p.m. Friday, August 30, 1996. Proposals submitted via facsimile WILL NOT be accepted under ANY circumstances.

For a copy of the Request For Proposals (RFP) and/or further information regarding the proposal process contact:

John Olson
Minnesota Department of Economic Security
Workforce Preparation Branch/Office of Youth Development
390 North Robert Street, Room 125
St. Paul, Minnesota 55101
Phone: (612) 282-2732
(800) 456-8519
Fax: (612) 296-5745

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Administration

State Designer Selection Board

Request for Proposal for a Department of Transportation Project

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a Minnesota Department of Transportation project. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., May 14, 1996, to:

Mary Closner, Executive Secretary
State Designer Selection Board
Department of Administration
50 Sherburne Avenue, Room G-10
St. Paul, Minnesota 55155-3000

The proposal must conform to the following:

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound. No more than 20 printed faces will be allowed (see the following bullet points for clarification).
 - Any letters directed to the Board should be bound into the proposal. It is not necessary to do a cover letter to Mary Closner.
 - Blank dividers with printed tab headings are not counted as faces.
 - Front and back covers of proposals are not counted as faces.
 - None of the statutory or mandatory information, except as required for the front cover, should appear on the front or back covers. The only information that should be listed on the front of your proposal is contact, firm name, address, and phone number.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number, and the name of the contact person.
- 4) Proposal Summary

All proposals shall begin with a summary which includes only the following items:

- a) Name of firm and its legal status;
- b) Names of the persons responsible for both the management and production of the work, including consultants, as well as Minnesota registration numbers for all.
- c) The proposal shall contain a statement indicating that the consultants listed have been contacted and have agreed to be a part of the design team.
- d) A commitment to enter the work promptly, if selected, by engaging the consultants and assigning the persons named in 4(b) above, along with adequate staff to meet the requirements of work.
- e) A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call Mary Closner for a copy of the acceptable format for providing this information.
- f) In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the

Professional, Technical & Consulting Contracts

previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted; therefore, the proposal shall include one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 2. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
 3. A statement certifying that the firm has not had more than 20 full-time employees at any time during the previous 12 months.
- 5) Additional Proposal Contents:
- a) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualifications for the work. The graphic material must be identified. It must be work in which the personnel listed in 4(b) above have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.
 - b) Expanded resumes showing qualification of individuals, listed in 4(b) above, administering or producing the major elements of the work, including consultants. Identify roles that such persons played in projects which are relevant to the project at hand.
 - c) A discussion of the firms understanding of and approach to the project.
 - d) A listing of relevant past projects.
- 6) Design firms wishing to have their proposals returned after the Board's review, must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
 - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statutes, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the project herein described or the fee format form may be referred to Mary Closner at (612) 296-4655.

7) PROJECT 3-96

**Minnesota Department of Transportation (Mn/DOT)
Vehicle and Field Maintenance Addition
Golden Valley Headquarters
Golden Valley, Minnesota**

1. PROJECT

The project will consist of an addition to the Golden Valley Headquarters to house the Vehicle Maintenance Shop, Field Maintenance, and Supply Operations. Some remodeling of the existing building will be included in the project.

The project is projected to cost \$7,000,000. This will include the cost of the addition, equipment, consultant fees for bidding and construction administration as well as reimbursable expenses.

Mn/DOT has completed a master plan and preliminary program for the Golden Valley Headquarters site, this will be used as a basis for the predesign work on the project.

2. REQUIRED CONSULTANT SERVICES

The scope of the work under this contract will be to provide complete design services from predesign through construction. The consultant fee will be based on 6.5% of the estimated construction cost. The funding for the design phases and the construction documents is part of Mn/DOT's 1996 Capital Building Request. The funding for building construction will be a part of Mn/DOT's 1998 Capital Building Request.

The selected design firm and their associated firms shall each demonstrate experience in successfully completing projects of a similar type, size, and complexity. The consultant will be required to provide architectural, structural, mechanical, and electrical services.

The construction documents shall be done using Computer Aided Design and Drafting (CADD) in a system compatible with Bentley Systems Microstation Version 5. The Mn/DOT Building Section will provide the consultant with a copy of their Consultant Procedures for Construction Projects to aid in completing their work.

Professional, Technical & Consulting Contracts

3. PROJECT SCHEDULE

The consultant will start the project as soon as the contract has been executed which will be by July 15, 1996, at the latest. The predesign and schematic design phases of the project should be completed by January of 1997. The design development phase of the project should be completed by June of 1997. The construction documents should be completed by March of 1998 for bidding May of 1998. Construction is expected to start in July of 1998 with occupancy in the spring of 1999.

4. PROJECT INFORMATION MEETING

There will be an on-site information meeting/building tour for all consultants who will be submitting RFP's for the project. This will be the only time the building will be available to the consultants. The meeting will be at 1:30-3:30 p.m. on Wednesday, May 8, 1996, at the Mn/DOT Golden Valley Headquarters Building, 2055 North Lilac Drive, Golden Valley, Conference Room #6.

5. DESIGNER BOARD SCHEDULE

Shortlist - Tuesday, May 28, 1996

Interviews & Award - Tuesday, June 11, 1996

Additional project information is available upon request. Questions concerning the project should be referred to:

Ronald Lagerquist, Architect
Minnesota Department of Transportation
Office of Maintenance - Building Section
Transportation Building MS 715
395 John Ireland Boulevard
St. Paul, MN 55155-1899
Phone: (612) 297-4742; Fax: (612) 282-9904

Douglas Wolfangle, P.E., Chair
State Designer Selection Board

State Board of Investment

Requests for Information Sought from Financial Investment Management Firms

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program
Minnesota State Board of Investment
Suite 105 MEA Building
55 Sherburne Avenue
St. Paul, MN 55155

Please refer to this notice in your written request.

Department of Natural Resources

Minerals Division

Request of Proposals for Geochemical Analyses of Rock, Core, Sediment, and Soil

Three geological agencies of the State of Minnesota, the Minnesota Geological Survey, the Natural Resources Research Institute, and the Minerals Division of the Department of Natural Resources, seek to establish a three-year, non-exclusive, contract with an analytical laboratory for the purpose of acquiring affordable, accurate, and precise geochemical analyses of rock, core, sediment, and soil samples.

Details are contained in a Request for Proposals which may be obtained by contacting:

Dennis Martin
Project Coordinator
DNR - Minerals
Box 45 Lafayette Road
St. Paul, MN 55155
612/296-4807 (Voice)
612/296-5939 (FAX)
e-mail: dennis.martin@dnr.state.mn.us

Northeast Metro Technical College

Request for Proposals for Supplying Lumber and Materials Used in Creating Finished Furniture and Cabinetry at the Carpentry Instructional Program, Stillwater Correctional Facility

Request for Proposals for Carpentry Instructional Program from the Stillwater Corrections Education site. This program is part of the combined Northeast Metro Technical and Lakewood Community Colleges.

PURPOSE

Northeast Metro Technical College (the College) is requesting proposals from qualified lumber resellers for supply of lumber and materials to be used in creating finished furniture and cabinetry in the Carpentry Instructional Program at the Stillwater Correctional Facility. The College wishes to select a vendor for supply of these lumber materials for the period of July 1, 1996, through June 30, 2001. The College seeks a single vendor for this commodity in order to streamline its materials purchasing process for instructional continuity and cost-effective delivery of training to prison inmates.

This request for proposals does not obligate the state to complete the proposed project and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

SCOPE

The Carpentry Instructional Program at Stillwater Prison has been delivering outstanding training to inmates for over 16 years. It has earned a fine reputation throughout the Midwest for the high quality of its graduates and the superior finished products it produces. Stillwater students and graduates create many of the cabinetry and furniture items for many parts of the Stillwater Correctional facility and for other local educational institutions such as School District 916.

Over the years, the instructor and his aide have purchased raw materials from many vendors with mixed results. The availability, variety, and quality of the vendor's cabinet-grade wood and related materials is critical to the success of the Stillwater Carpentry Instructional Program. Because of the transitory nature of prison students (they are being transferred in and out of the instructional program on a near-daily basis) and the individualized nature of the program's instructional approach, it is very difficult to plan ahead for the amounts of wood and related materials needed.

The specific materials/services requested are listed in APPENDIX A.

Responders may propose additional tasks or activities if they will substantially improve the results of the project. *If vendors choose to include additional tasks and activities, please entitle them "Additional Tasks and Activities" and include the list on a separate page in the response to this Request for Proposals.*

Professional, Technical & Consulting Contracts

COLLEGE CONTACT

Prospective responders who have any questions regarding this request for proposal may call or write:

Patrick T. Gerkey
Director of Corrections Education Programs
Northeast Metro Technical College
3300 Century Avenue North
White Bear Lake, MN 55110
(612) 779-7582

Other college personnel are NOT allowed to discuss the Request for Proposals with anyone, including responders, before the submission deadline.

SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

Northeast Metro Technical College
Customized Training Department
3300 Century Avenue North
White Bear Lake, MN 55110

Attn: Patrick T. Gerkey, Director of Corrections Education Programs

Proposals must be received not later than 2:00 p.m., May 16, 1996. Late proposals will not be accepted. Two copies must be submitted. Proposals are to be sent in sealed envelopes with the responder's name and address and the words "Carpentry RFP" clearly written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the company. Prices and terms of the proposal should be valid for the period of July 1, 1996 through September 30, 1996.

Bids will be opened and read in room 250 on the Northeast Metro Technical College campus at 2:00 p.m. on May 16, 1996. Vendors are invited to attend this bid opening.

PROPOSAL CONTENTS

The following are considered minimum contents of the proposal:

1. A statement demonstrating an understanding of the nature and scope of supplying the materials required.
2. An identification of the specific materials, prices, and services to be provided.
3. A description of the responder's background and ability to delivery the materials requested.

AFFIRMATIVE ACTION

Minnesota Statutes 363.073 and Minnesota Rules 5000.3400 to 5000.3600 will be incorporated into any contract based upon this specification or any modification of it. This statute requires that on contracts in excess of \$50,000, bidders with more than 20 full-time employees in Minnesota in any one time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights. Bidders should attach a copy of their certificate of compliance or indicate exemption from this requirement. Copies of the statute and rule are available upon request from the state or the Department of Human Rights.

EVALUATION

All proposals received by the deadline will be evaluated by representatives of the College using the following criteria:

(See APPENDIX A for a list of CONSTRUCTION MATERIALS/SERVICES SPECIFICATIONS)

- Evidence that the responder understands the nature and scope of supplying the commodities required.
- Evidence of the responder's responsiveness to the College's needs.
- Evidence that the responder has the resources to meet the College's needs.
- Evidence that the responder can fulfill the College needs in a timely manner.

In accordance with the *Minnesota Rules* Part 1230.1910, certified Targeted Group Business and individuals submitting proposals as prime vendors shall receive the equivalent of a six percent preference in the evaluation of this proposal, and certified Economically Disadvantaged Business and individuals submitting proposals as prime vendors shall receive the equivalent of four percent preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Helpline (612) 296-2600; TTD (612) 282-5799.

Cost will be the deciding factor only when competing proposals are judged equal on merit. The College reserves the right to award contracts to other than the lowest responder. The College reserves the right not to award the contract.

Professional, Technical & Consulting Contracts

College staff will select the vendor by June 13, 1996.

This request for proposals may be modified or withdrawn at the direction of the College.

FINANCIAL REQUIREMENTS

The state's contract language includes the following terms and conditions which you should be aware of in preparing your response:

- Compensation will be for ALL services performed and commodities delivered.
- Payment is made only after the submission of an authorized invoice to the College. The College must pay its invoices with 30 days of receipt, unless they are formally contested.

APPENDIX A

CONSTRUCTION MATERIALS/SERVICES SPECIFICATIONS

General

The College requires the following terms to comply with the specifications of this proposal:

- The vendor must have a wide range of inventory items of the highest quality of "cabinet grade" materials available including an extensive range of Nevamar laminates.
- Lumber and other materials phone-ordered by the Carpentry program must be delivered to the Stillwater Corrections Facility the next day after receipt of an order. Please list shipping/delivery charges, if any.
- The College requests the vendor's best quantity discount on orders, even if the number of items ordered does not meet the vendor's standard best quantity discount criteria.
- The College requests an additional discount if invoices are paid within a specific period of time. Please specify the "early payment" discount percentage you offer and the period of time for which the additional discount applies.
- Vendor must carry a variety of quality glues used for the construction of cabinets and other furniture.
- The College anticipates an approximate yearly order from this vendor of between \$20,000 and \$45,000.

Specific Products

The College requires that the vendor have the following materials available. Please specify your bid prices in the two spaces provided at the end of each row. Definitions of terms follow after the table.

ITEM	SIZE	GRADE	APPROX. YEARLY ORDER	BID BASE PRICE	BID QUANTITY PRICE
DOMESTIC HARDWOODS BID PER BOARD FOOT					
RED OAK	1"	SELECT & BETTER TS-KD-RGH	6,500 FEET		
RED OAK	1 1/2"	SELECT & BETTER KD-RGH	2,500 FEET		
SOFT MAPLE	1"	SELECT & BETTER KD-RGH	2,000 FEET		
HARDWOOD PLYWOOD BID PER SQ. FT.					
RED OAK	1/4" 4'x8'	RC A1 VC	100 SHEETS		
RED OAK	3/4" 4'x8'	RC A1 VC	250 SHEETS		
SOFTWOOD PLYWOOD BID PER SQ. FT.					
FIR PLYWOOD	1/4" 4'x8'	AC	50 SHEETS		
FIR PLYWOOD	3/4" 4'x8'	AC	70 SHEETS		

Professional, Technical & Consulting Contracts

PARTICLE BOARD	3/4" 49x97	45 LB Density	150 SHEETS
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MELAMINE DECORATIVE LAMINATE BID PER SQ. FT.

MDL 2-SIDE	3/4" 49x97	Thermofused Panel	75 SHEETS
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NEVAMAR LAMINATES BID PER SQ. FT.

WIDE VARIETY OF STYLES, COLORS, AND SIZES	500 FEET
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Definitions

Hardwoods

Hardwoods should meet or exceed the grading rules established by the National Hardwood Lumber Association (NHLA). More specifically:

- Grading - Select & Better (S/B) grade are boards that yield 85% clear cuttings on one face.
- Widths - Select & Better (S/B) grade are 4" and wider, with at least 70% being 6" and wider.
- Lengths - Select & Better (S/B) grade Tie Sides (TS) are 6' to 8' long. Lengths of 10' and longer should be available for special order.
- Drying - Kiln Dried stock (KD) to a moisture content of 6-8%.
- RGH = Rough Cut.

White Pine

- #1 Shop - knotty cutting grade rough (RGH).
- Dimensions - 4" and Wider and 6' and longer.
- Moisture Content - KD 8% to 10%.

Hardwood Plywood (Red Oak and Maple)

- Hardwood plywood should meet or exceed the voluntary standards established by the Hardwood Plywood and Veneer Association (HPVA).
- 3/4" with "K" graded Veneer Core (VC).
- RC = Rotary Cut.
- AC = #1 Interior Grade.
- A1 = #1 Top Grade.

Melamine Decorative Laminate (MDL)

This MDL should be a premium thermofused melamine panel with a western pine particle board core.

Particle Board

This particle board should be premium industrial 45 LB density.

Nevamar High Pressure Laminates

These laminates should meet the performance standards of the following:

- ANSI (American National Standards Institute/NEMA (National Electrical Manufactures Association) Publication LD3-1991
- Federal Specification LP 508H
- Mil. Spec. P-17171D (ships)
- NSF-35

Minnesota Pollution Control Agency

The Minnesota Pollution Control Agency Requests Proposals to Create and Assist in Implementing a Medical Surveillance Program

Goal

The goal of this project is to provide the Minnesota Pollution Control Agency (MPCA) staff a Medical Surveillance Program including initial baseline, periodic, surveillance and exit screening evaluations.

Objective

To create a medical database for MPCA staff for the purpose of identifying adverse medical effects which may be the result of occupational hazards they may be exposed to in the performance of their job duties.

Tasks

I. Initial Baseline Medical Screening Examination for New Employees

- A. The Contractor shall conduct an initial baseline medical examination of each new employee designated by the State's Authorized Agent (MPCA Safety and Health Officer or designee) as a participant in the MPCA Medical Surveillance Program. This screening shall consist of the following:
 1. Obtain and review the medical and occupational histories of each participant in the program. These histories shall be taken on a form supplied by the Contractor and approved by the State's Authorized Agent; and
 2. Perform a screening physical examination, titmus vision screen, basic blood and urine laboratory tests, chest X-ray, pulmonary function tests.
- B. At the discretion of the examining physician, employees presenting adverse medical conditions may be required to make follow-up visits for further evaluation or review of the initial screen. The Contractor shall notify the State's Authorized Agent when further evaluation is required.
- C. The Contractor shall charge for services according to the following:

BASELINE SCREENING EVALUATION:

Detailed health and work history reviewed by physician

Physical Examination

Vital Signs, Height, Weight

Titmus Vision Screen

Industrial Battery (complete blood count, chemistry profile, and urinalysis)

Pulmonary Function Test (Spirometry with interpretation)

Chest X-ray

Physician Letter to MPCA

II. Periodic Exit Screening Examination

- A. The Contractor shall conduct periodic medical screening examinations for those employees who are designated as being included in the Medical Surveillance Program and who have already received the baseline medical screening. The schedule for periodic screening of employees shall be determined by the State's Authorized Agent. The Contractor shall conduct exit medical screening examinations for those employees who are in the Medical Surveillance Program and who have already received the baseline medical screening and who are being separated from employment or being reassigned to an area where periodic medical screening is not required. The schedule for exit screening examination of employees shall be determined by the State's Authorized Agent.
- B. The Periodic and Exit Screening Examination, as provided by the Contractor, shall consist of:
 1. Obtain the medical and occupational histories of each participant in the program since the initial baseline examination. These histories shall be taken on a form supplied by the Contractor and approved by the State's Authorized Agent. The Authorized Agent shall provide the form to the participants prior to their re-examination; and
 2. The re-examination shall include all elements which are identified in the initial baseline medical screening (above) with the exception of the chest X-ray. A chest X-ray may be used as a diagnostic tool at the discretion of the examining physician if the results of the participant's history and physical examination or previous job activities or current exposure indicate its need.

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- C. The Contractor shall charge for services according to the following:

SURVEILLANCE AND EXIT SCREENING EVALUATION:

Detailed health and work history reviewed with physician

Physical Examination

Vital Signs, Height, Weight

Titmus Vision Screen

Industrial Battery (complete blood count, chemistry profile, and urinalysis)

Pulmonary Function Test (Spirometry with interpretation)

Industrial Chest Screen (one-view chest X-ray, every five years or as indicated)

Physician Letter to MPCA

Total with chest X-ray and without chest X-ray.

III. Additional Medical Services

In the event that the State's Authorized Agent finds that there may be a need for additional project or substance-specific medical monitoring services (such as physical examinations, laboratory studies, and/or other medical monitoring services) or medical consulting services, the Contractor shall consult with the State's Authorized Agent to evaluate the need for such services, and shall bill for the services based upon the following fee schedule:

DIAGNOSTIC TESTS:

Industrial Battery

Pulmonary Function Test

Industrial Chest Screen (one view X-ray)

Urine Heavy Metals

Hearing Conservation Screen (Audiogram)

Vision Screen (Titmus)

Cholinesterase

Methemoglobin

HIV Screen

Hepatitis B Vaccine (series of 3)

Hepatitis B Antigen Screen

Hepatitis B Antibody Screen

Physician Consulting

Copies of test results

IV. Medical Records

The Contractor shall retain the medical records obtained as a result of the medical surveillance program. Such records shall be retained for the duration of the participant's employment plus thirty (30) years. Except with the express written consent of the participant in the program who is the subject of the medical record, the Contractor shall not allow access to the medical records to any individual other than the State's Authorized Agent or to the program participant who is the subject of the given medical record.

V. Medical Evaluations for Employees who Participate in Hazardous Materials Training Courses

The Contractor shall conduct medical evaluations and complete the necessary medical clearance forms for employees participating in hazardous materials training courses or other courses requiring medical clearance. The medical clearance forms from the trainers shall be provided to the Contractor by MPCA employees.

The medical evaluation shall be conducted in accordance with the initial baseline medical examination or periodic screening examination as described in Paragraphs I and II.

The schedule for the medical evaluation and the completion of the necessary medical clearance forms of employees shall be determined by the State's Authorized Agent.

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The Contractor shall charge for services of completing the necessary medical clearance forms according to the following:

COMPLETION OF THE MEDICAL CLEARANCE FORMS:

Six to twelve months from the date of the latest medical evaluation

Within six months from the date of the latest medical evaluation

On the day of the medical evaluation or when the employees provide the medical clearance forms on the day of a the medical evaluation

Responders are encouraged to propose additional tasks or activities if they will substantially improve the results of the project.

The Contractor will work closely with the State's Authorized Agent and other department personnel.

The contract will begin immediately upon execution and will be completed by June 30, 1996, or within six months from the date of the official start of the contract. Intensive effort will be required immediately.

This request for proposal does not obligate the state to complete the project, and the state reserves the right to cancel the solicitation of it is considered to be in its best interest.

Prospective responders who have any questions regarding this request for proposal may call or write:

Jeff Bradt, Personnel Director
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612)296-7759

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

All proposals must be sent to:

Minnesota Pollution Control Agency
Jeff Bradt, Personnel Director
520 Lafayette Road North
St. Paul, Minnesota 55155

All proposals must be received no later than 4:00 p.m. May 6, 1996, as indicated by a notation made by the Receptionist, 6th floor, 520 Lafayette Road North.

Late proposals will not be accepted.

Submit three copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the firm. Process and terms of the proposal as stated must be valid for the length of any resulting contract.

In compliance with *Minnesota Statutes* 16B.167 the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

The following will be considered minimum contents of the proposal:

1. Statement of the objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the contract.
2. A description of the deliverables to be provided by the responder.
3. An outline of the responder's background and experience, with particular emphasis on local, state, and federal government work, and examples of similar work done by the responder and a list of personnel who will conduct the project, detailing their training, work experience, and hourly fees. No change in personnel assigned to the project will be permitted without the written approval of the state program manager.
4. A detailed cost and work plan that will identify the major tasks to be accomplished and be used as a scheduling and managing tool, as well as the basis for invoicing.
5. Identification of the level of the department's participation in the contract, as well as any other services to be provided by the department, and details of cost allowances for this participation.

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All responses received by the deadline will be evaluated by representatives of the Department of Regulatory Services. In some instances, an interview may be part of the evaluation process. A 100-point scale will be used to create the final evaluation recommendation. The factors and weighting on which proposals will be judged are:

- | | |
|--|-----|
| 1. Expressed understanding of project objectives | 10% |
| 2. Work plan | 40% |
| 3. Cost detail | 20% |
| 4. Qualifications/experience of company | 5% |
| 5. Qualifications/experience of personnel working on the project | 25% |

It is anticipated that the evaluation and selection will be completed by May 30, 1996.

The successful responder will be required to submit acceptable evidence of compliance with workers' compensation insurance coverage requirements prior to execution of the contract.

The state's contract language includes the following terms and conditions (summarized here) which you should be aware of in preparing your response.

- (1) Compensation will be for ALL services performed, unless a specific payment schedule is mutually agreed upon. The state DOES NOT make regular payments based on the passage of time, it only pays for services performed or work delivered AFTER it is accomplished.
- (2) Payment is only made after the submission of an authorized invoice to the state, and the state must pay its invoices within 30 days of receipt, unless they are formally contested.
- (3) Reimbursement for travel and subsistence expenses actually incurred in performance of a contract is limited to the current "Commissioner's Plan" promulgated by the commissioner of Employee Relations. Travel outside of Minnesota must have received PRIOR written approval of the agency contact BEFORE it takes place. You can contact the commissioner of employee relations to get a copy of this plan.
- (4) No more than 90 percent of the full amount due under a contract may be paid until the final product(s) of the contract have been reviewed by the agency head, and the agency head has determined that the contract has satisfactorily fulfilled all the terms of the contract.

Department of Public Service

Notice of Request for Proposals to Develop Study Documentation of Cold Climate Buildings

The Department of Public Service is seeking proposals from qualified firms and individuals to prepare case studies to compare and contrast the performance of buildings built with proper energy efficient construction with those which were not. The estimated total budget for this project is \$16,000. Deadline for receipt of proposals is May 7, 1996.

The contract is anticipated to extend from May, 1996 until March, 1997. Details concerning submission requirements are included in the Request for Proposals. A copy of the Request for Proposals is available by calling or writing Bruce Nelson, Department on Public Service, 121 7th Place E, Suite 200, St. Paul, MN 55101, telephone (612) 297-2313, or FAX (612) 297-1959.

Department of Transportation

Engineering Services Division

Notice of Availability of Contract for Highway Related Technical Activity

Responses to this advertisement become public information under the Freedom of Information Act.

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

The Minnesota Department of Transportation (Mn/DOT) is soliciting expressions of interest and statements of qualifications for Cultural Resource Investigations. This includes archaeological surveys of prehistoric and historic sites, historical research, and

Professional, Technical & Consulting Contracts

geomorphological studies. Surveys will assess properties known or suspected to be impacted by current and pending Trunk Highway and County/Municipal projects eligible for federal aid, in order to allow the determination of the most advantageous location of highways and associated facilities in the State of Minnesota. This will be a T-contract program which involves a master agreement under which project specific work may be assigned.

The proposed term of this program is from July 1, 1996 to September 30, 1999. This program is estimated at approximately three million dollars over the term of the program.

Those consultants who wish to be considered for this project, must furnish the following information, in the order listed:

1. Affirmative Action

Indicate if your firm is certified by the Department of Human Rights for affirmative Action as stated in *Minnesota Statute* 363.073. Any questions, call (612) 296-5683. Send:

- A copy of your firm's current Certificate of Compliance issued by the Commissioner of Human Rights or;
- A letter from Human Rights certifying that your firm has or has applied for a current Certification of Compliance or;
- A notarized letter certifying that your firm has not had more that twenty full-time employees at any time during the previous twelve months.

Note: Your proposal will not be considered if you have not met the affirmative action requirement at the time of this submittal.

2. For information purposes, please indicate if your firm is certified by the Department of Transportation as a Disadvantaged Business Enterprise (DBE). Any questions, call the EEO Contract Management at (612) 297-1376.

Indicate if your firm is certified by the Department of Administration as a Small Targeted Business, *Minnesota Statute* 16B.19. Any questions, call (612) 296-2600.

There will be a pre-proposal meeting to answer questions about this program scheduled on Thursday, April 25, 1996 from 9:00 A.M. until noon in the State Office Building, Room 300 South, 100 Constitution Avenue, St. Paul, MN 55155.

Request for Proposal (RFP) is available by mail or fax. Please submit, in writing, a request for the RFP. Requests must be received before May 2, 1996. Requests made after that date must be in person. Requests for the RFP may be mailed or faxed to:

Consultant Services Unit
Transportation Building
Seventh Floor, Mail Stop 680
395 John Ireland Boulevard
St. Paul, MN 55155
Fax: (612) 282-5127
Attn: Linda Moline

Note: Proposals will be due by 2:00 PM on Thursday, May 9, 1996.

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 *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 project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Lower Rum River Watershed Management Organization

Request for Interest Proposal for Professional Services

Pursuant to *Minnesota Statute Annotated* 103B.227, Subdivision 5, the Lower Rum River Watershed Management Organization hereby solicits interest proposals for legal consultant and engineering consultant services for the fiscal years 1996 and 1997.

Written proposals setting forth the experience of the individuals who would be interested in performing professional services for the Lower Rum River Watershed Management Organization should be sent to:

The Lower Rum River Watershed Management Organization
2015 First Avenue North
Anoka, MN 55303
Attention: Steve Jankowski, Chair

Proposals shall be submitted on or before May 3, 1996.

Please set forth in your written proposal the experience of the individual who proposes to perform services for this organization and the resumes of support staff who would assist the individual in providing the contractual services. The proposal should contain a statement on the firm's ability to provide the necessary insurance. The Board will review said proposals and reserves to itself the right to take such action as it deems in the best interest of the Lower Rum River Watershed Management Organization.

Minnehaha Creek Watershed District

Request for Proposal for Consulting Engineering Services

Minnesota Statutes Section 103B.277, Subdivision 5, requires the Minnehaha Creek Watershed District (MCWD), at least every two years, to solicit proposals to provide engineering services for the purpose of selecting a District Engineer. We are soliciting proposals from area firms known to be providing watershed district services. The current consulting engineering for the District is Wenck Associates, Maple Plain. The Minnehaha Creek Watershed District budget for 1996 is \$4,716,475.

If your firm is interested in providing services, please provide the following information:

1. Location and brief description of firm and type of engineering experience.
2. Number of technical/professional staff whose primary area of expertise is in: watershed engineering, limnology; stormwater quality; wetland, and general civil engineering.
3. Metropolitan watershed clients currently served include contact reference, telephone number, years served, and work performed.
4. Short resumes of key personnel and roles on project team.
5. Identify whether your firm is retained by any of the 29 communities within the District.

If so, list these relationships and discuss how conflicts of interest will be managed.

Please furnish the information request above. Two copies of the proposal should be submitted to: District Director, Eugene R. Strommen, Minnehaha Creek Watershed District, Gray Freshwater Center, Navarre, 2500 Shadywood Road, Suite 37, Excelsior, MN 55331, by 2:00 p.m. Friday, May 3, 1996. Questions may be directed to the District Director.

Wild About Birds

The DNR Bird Feeding Guide

ISBN 0-9647451-0-0

Carrol L. Henderson, Supervisor of the Non-Game Wildlife Program at Minnesota's Department of Natural Resources, shares his knowledge and appreciation for the natural habitats and traits of the wild birds who, with a little help from us, can thrive in spite of a rapidly changing landscape. Written in the same instructive manner as his popular books "Woodworking for Wildlife" and "Landscaping for Wildlife," **"Wild About Birds: The DNR Bird Feeding Guide"** provides techniques used by the author to double the number of species using his feeders. Includes woodshop basics for construction of 26 different feeders and tips on 44 types of food, plus detailed descriptions and photos of almost all the feeder-using species east of the Rocky Mountains - 69 in all. There's even a section on some of the unusual and unexpected wild visitors that may show up for a free meal. Over 425 color photographs, illustrations and diagrams make **"Wild About Birds"** a great reference manual, display book or gift. Ideal for the ornithologist, woodworker, or backyard birdwatcher. Spiral bound, 288 pages. **Stock Number 9-24 \$19.95**

Also by Henderson...

Landscaping for Wildlife

Revised, spiral-bound edition of our best-selling guide to landscaping your property to attract wildlife is now available! This book offers easy-to-follow, affordable landscape plans specifically geared for the Midwest climate. Attract everything from butterflies to hummingbirds, cardinals to wood ducks and deer. Features 185 color photos and numerous diagrams and charts. 138pp. plus index. (MN Dept. of Natural Resources, 1994) **Stock No. 9-15 \$10.95**

Woodworking for Wildlife

Revised and expanded in 1992. *Woodworking for Wildlife* is now full-color and spiral bound. Features numerous diagrams for building shelters for birds and mammals. Includes plans for the Peterson bluebird house, bat houses, platforms for the great horned owl, wood duck nest boxes, and more. Offers information on 50 species of birds and mammals. 111pp. (MN Dept. of Natural Resources, 1994) **Stock No. 9-14 \$9.95**



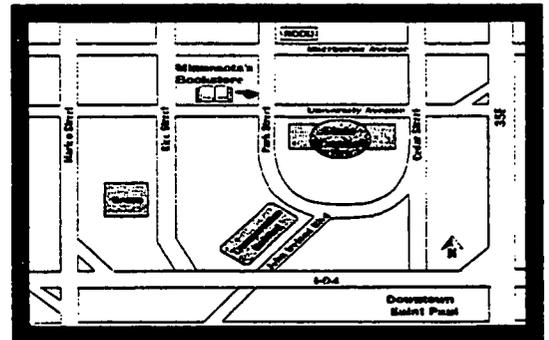
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