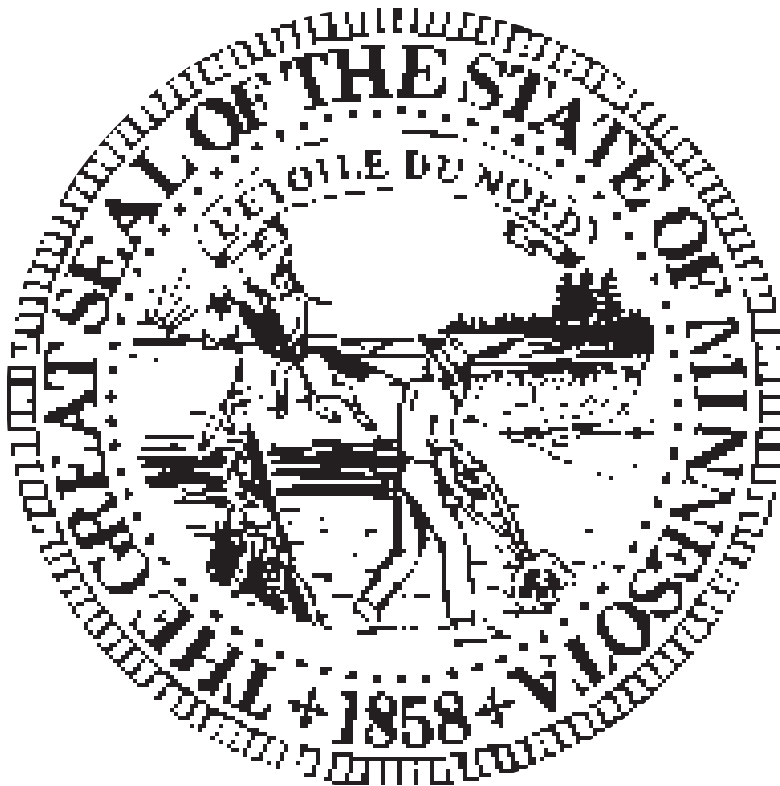


State of Minnesota

State Register

Rules and Official Notices Edition



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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, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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Vol. 24 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
#7	Monday 16 August	Noon Wednesday 4 August	Noon Tuesday 10 August
#8	Monday 23 August	Noon Wednesday 11 August	Noon Tuesday 17 August
#9	Monday 30 August	Noon Wednesday 18 August	Noon Tuesday 24 August
#10	Tuesday 7 September	Noon Wednesday 25 August	Noon Tuesday 31 August

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An "Affidavit of Publication" can be obtained at a cost of \$10.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

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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:

Contact: Senate Public Information Office (651) 296-0504 Room 231 State Capitol, St. Paul, MN 55155	Contact: House Information Office (651) 296-2146 Room 175 State Office Building, St. Paul, MN 55155
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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

Volume 24, Issues # 1-7

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Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

Exempt Rules

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Board of Accountancy

Adopted Permanent Rules Relating to Licensing and Other Matters

The rules proposed and published at *State Register*, Volume 23, Number 32, pages 1658-1672, February 8, 1999 (23 SR 1658), are adopted with the following modifications:

1100.0100 DEFINITIONS.

Subp. 4e. **Generally accepted accounting principles.** Generally accepted accounting principles is a technical accounting term that encompasses the conventions, rules, and procedures necessary to define accepted accounting ~~practice~~ principles at a particular time. It includes not only broad guidelines of general application, but also detailed practices and procedures. Those conventions, rules, and procedures provide a standard by which to measure financial presentations.

~~Subp. 10a. **Practice of public accounting in the state of Minnesota.** "Practice of public accounting in the state of Minnesota" means engaging in the acts described in subpart 10 for a client in Minnesota, whether or not the person engaging in the acts described in subpart 10 is physically located in Minnesota.~~

1100.0200 INTERPRETATION OF RULES.

Subp. 4. **Exceptions.** In the application of this chapter, the board may make exceptions for reasons of individual hardship including health, military service, foreign residency, or other good cause. The applicant, certificate holder, licensee, or licensed firm has the burden of proving such hardship.

1100.1750 ANNUAL REGISTRATION BY UNLICENSED CERTIFICATE HOLDERS.

Subp. 4. **Exceptions.** Persons electing Certificate holders who have previously been licensed and have elected to be exempt from licensing as permitted in part 1100.2110, subpart 3, are not required to comply with this part.

1100.1900 LICENSURE REQUIREMENT FOR CPAS AND LPAS.

Subp. 3. **Violations.** Failure to apply for the initial annual license within the 90 days specified in subpart 2, items A and B, ~~constitutes practicing without a license~~ is a violation of this chapter.

1100.2110 TYPES OF LICENSES; EXEMPTIONS.

Subp. 3. **Exemption from licensing.**

C. Persons electing to change from exempt status to active status shall report continuing professional education as described in subitems (1) to (3). Persons may not elect to change from exempt status to inactive status.

E. Certificate holders who have never been licensed may not elect to be exempt from licensing.

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.

Adopted Rules

Subp. 4. **Temporary license.** CPAs who are actively licensed and in good standing in another state, and who engage in the practice of public accounting and/or perform professional accounting services in Minnesota for engagements that will last 15 or more days in any 12-month period, shall maintain a temporary license. The temporary license expires at the end of 12 calendar months from the date it was granted. Any portion of a day constitutes a day for purposes of this subpart.

Subp. 5. **Exemption for incidental practice.** CPAs who are actively licensed in good standing in another state, who perform professional accounting services in Minnesota for less than 15 days in any 12-month period, need not apply for or maintain a temporary license. Any portion of a day constitutes a day for purposes of this subpart.

1100.4300 ACTS DISCREDITABLE.

Subp. 5. **Continuing professional education.** Failure to report continuing professional education, or falsely reporting continuing professional education required by part 1100.6500, is an act discreditable to the profession unless the applicant, certificate holder, or licensee demonstrates an individual hardship under part 1100.0200, subpart 4.

Subp. 6. **Practice monitoring.** Failure to report practice monitoring required by part 1100.9200, or seeking an exemption permitted by part 1100.9300 when one is not warranted, is an act discreditable to the profession unless the applicant, certificate holder, or licensee demonstrates an individual hardship under part 1100.0200, subpart 4.

Subp. 7. **Failure to file.** Failure to file an application, registration, renewal, or other document or form required to be filed with the board pursuant to this chapter, *Minnesota Statutes*, sections 326.165 to 326.229, or any other statute or rule is an act discreditable to the profession unless the applicant, certificate holder, or licensee demonstrates an individual hardship under part 1100.0200, subpart 4.

Department of Natural Resources

Adopted Permanent Rules Relating to Electronic Licensing

The rules proposed and published at *State Register*, Volume 23, Number 26, pages 1448-1452, December 28, 1998 (23 SR 1448), are adopted with the following modifications:

6213.0300 AGENT APPLICATION AND ELIGIBILITY.

Subpart 1. **Application.** A person interested in obtaining a contract to sell electronic licenses under the electronic license system must file an application to become an agent. The commissioner may prescribe the form of the application and specify the information relevant to agent qualification required on the application. The commissioner may request further information to determine whether the applicant will serve the public convenience and promote the sale of electronic licenses.

6213.0400 TERMS OF AGENT CONTRACT.

Subpart 1. **Required terms.** An agent contract between the commissioner and an agent must include the terms specified in this part and part 6213.0420, subparts 3 and 4.

Subp. 7. **Communication and electrical needs.** An agent must agree to ~~be responsible for all communication and electrical needs for hook up of point-of-sale equipment~~ provide access to a telephone line, either dedicated or nondedicated, and access to electrical outlets. The point-of-sale equipment will utilize a toll-free telephone number to the electronic license system.

Subp. 8. **Lost or missing materials and equipment.** Except for acts beyond their control, an agent must agree to be responsible for lost, stolen, missing, or destroyed electronic licenses and materials and point-of-sale equipment relating to electronic licenses. An agent, except for those agents who are appointed as a deputy registrar of motor vehicles by the commissioner of public safety under *Minnesota Statutes*, section 168.33, must provide a deposit not to exceed \$500. The deposit shall be held in a clearing account. The deposit shall be refunded at the time an agent terminates the agent's contract if all point-of-sale equipment and related materials are returned to the commissioner.

Subp. 12. **Liability.** An agent must agree that any contractual or tortious liability ~~incurred~~ caused by the agent in connection with the sale of electronic licenses is the agent's sole responsibility. The agent must agree to indemnify the commissioner for such liability to the extent permitted by law. This provision shall not be construed to bar any legal remedies the agent may have for the state's failure to fulfill its obligations pursuant to the contract.

6213.0420 FORFEITURE OR SUSPENSION OF CONTRACT.

Subpart 1. **Forfeiture of agent contract.** In addition to forfeiture under *Minnesota Statutes*, section 97A.311, subdivision 4, an agent contract is forfeited if the commissioner finds that an agent:

B. while performing their duty as an agent of the Department of Natural Resources, acted in a manner prejudicial to the public confidence in the integrity of the Department of Natural Resources.

Subp. 2. **Suspension of agent contract.** The commissioner shall suspend an agent contract until the agent returns to compliance if the commissioner finds that the agent:

D. committed an act that impairs the agent's reputation for honesty and integrity related to fulfilling the duties as an agent of the department of natural resources;

F. failed to have the financial stability or responsibility to act as an agent as evidenced by inadequate accounting records or a failure to maintain sufficient funds from the sale of electronic licenses in the appropriate bank account.

Subp. 3. **Notice.** If an agent contract is forfeited or suspended under subpart 1 or 2, the commissioner shall notify the agent in writing and give a brief statement of the reason for forfeiture or suspension. The commissioner shall notify the agent that the agent may, within 30 days from the day the notice was mailed, request that the commissioner reconsider the forfeiture or suspension.

Subp. 4. **Request for reconsideration.** A request for reconsideration must include a written statement setting forth the agent's legal, factual, or equitable arguments, along with any supporting documents. The commissioner may request that the agent submit additional facts or documents before making a final decision. The commissioner, after considering any additional facts or documents submitted by the agent, shall make a decision on whether or not to revoke the forfeiture or suspension of the agent's contract.

6213.0600 DEPOSIT AND TRANSFER OF FUNDS.

Subpart 1. **Bank account.**

A. An agent must maintain a bank account in ~~a~~ an FDIC insured banking association, savings association, trust company, or credit union organized under the authority of this state or the United States ~~with a place of business in Minnesota~~. The bank account must be able to accept electronic funds transfers. The agent must provide the commissioner with the following account information and must inform the commissioner if the account is changed:

6213.0700 INSPECTION OF PREMISES.

An agent must allow the commissioner to inspect the agent's business location at any time upon ~~request~~ notice to determine whether the agent is complying with the provisions of parts 6213.0100 to 6213.0800 and the agent contract. To determine whether the agent is complying with the provisions of parts 6213.0100 to 6213.0800 and the agent contract, the commissioner may inspect with or without notice to the agent during normal business hours.

<p>KEY: PROPOSED RULES SECTION — <u>Underlining</u> 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 — <u>Underlining</u> indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.</p>
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Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Designated Infested Waters

NOTICE IS HEREBY GIVEN that the above entitled rule has been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of this rule is *Minnesota Statutes*, section 84D.12, subdivision 3.

Dated: 4 August 1999

Allen Garber
Commissioner of Natural Resources

6216.0350 DESIGNATED INFESTED WATERS.

Subpart 1. **Listing of waters infested with Eurasian water milfoil.** The following water bodies are designated by the commissioner as infested with Eurasian water milfoil (*Myriophyllum spicatum*). Activities at these waters are subject to parts 6216.0100 to 6216.0600, *Minnesota Statutes*, section 84D.13, and other applicable laws.

Name	DNR Protected Waters Inventory Number
A. Anoka County	
(1) Cenaiko Lake	02-0654
(2) Centerville Lake	02-0006
(2) (3) Crooked Lake	02-0084
(3) (4) Lake George	02-0091
(4) (5) Otter Lake	02-0003
(5) (6) Unnamed lake in Springbrook Nature Center	02-0688
[For text of item B, see M.R.]	
[For text of item C, see 23 SR 2078 4/26/99]	
[For text of item D, see M.R.]	
[For text of item E, see 22 SR 2344, 6/29/98]	
[For text of item F, see M.R.]	
[For text of item G, see 23 SR 2078, 4/26/99]	
H. <u>Itasca County</u>	
(1) <u>McKinney Lake</u>	31-0370
H. I. Kanabec County	
(1) Knife Lake	33-0028
H. J. Mille Lacs County	
(1) Lake Mille Lacs	48-0002
(2) from the mouths of each tributary of Lake Mille Lacs upstream to the first public road	48-0000
H. K. Olmsted County	
(1) George Lake	55-0008

Expedited Emergency Rules

K. L. Pope County		
(1) Gilchrist Lake		61-0072
(2) Lake Minnewaska		61-0130
L. M. Ramsey County		
(1) Bald Eagle Lake		62-0002
(2) Lake Gervais		62-0007
(3) Island Lake		62-0075
(4) Keller Lake		62-0010
(5) Phalen Lake		62-0013
(6) Round Lake		62-0012
(7) Silver Lake		62-0001
(8) Spoon Creek, between Keller and Phalen lakes		62-0000
(9) Sucker Lake		62-0028
(10) Lake Vadnais		62-0038
(11) Lake Wabasso		62-0082
M. N. Scott County		
(1) Lower Prior Lake		70-0026
N. O. Stearns County		
(1) unnamed wetland along Clearwater River		73-0312
O. P. Todd County		
(1) Sauk Lake		77-0150
P. Q. Washington County		
(1) Powers Lake		82-0092
(2) White Bear Lake		82-0167
(3) St. Croix River		82-0001
Q. R. Wright County		
(1) Augusta Lake		86-0284
(2) Beebe Lake		86-0023
(3) Clearwater Lake		86-0252
(4) Clearwater River, downstream of Clearwater Lake		86-0000
(5) Lake Mary		86-0156
(6) Little Waverly Lake		86-0106
(7) Lake Pulaski		86-0053
(8) Rock Lake		86-0182
(9) Sugar Lake		86-0233
(10) Waverly Lake		86-0114
(11) Weigland Lake		86-0242
R. S. Multiple Counties		
(1) Mississippi River, downstream of St. Anthony Falls		

[For text of subs 2 to 6 , see M.R.]

EFFECT OF EMERGENCY AMENDMENT. After the emergency amendments to *Minnesota Rules*, part 6216.0350, expire, the permanent rule as it read prior to the amendments again takes effect, except as it may be amended by permanent rule.

Official Notices

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

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

Department of Economic Security

Rehabilitation Services

Notice of Meeting of the State Rehabilitation Council

The next meeting of the State Rehabilitation Council will be held:

Wednesday, August 25, 1999
9:00 a.m. - 2:00 p.m.
Veteran's Building
20 West 12th Street
5th Floor, Room B
Saint Paul, MN

Department of Health

Pollution Control Agency

REQUEST FOR COMMENTS on Planned Amendment to Rules Governing Water and Wastewater Treatment Operator Certification, *Minnesota Rules*, Chapter 9400

Subject of Rules. The Minnesota Department of Health and the Minnesota Pollution Control Agency (agencies) request comments on their planned amendment to rules governing Water and Wastewater Treatment Operator Certification. The agencies plan to amend their rules to conform to the United States Environmental Protection Agency's Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems. These guidelines were published in the February 5, 1999 edition of the *Federal Register*. The amendments may also include minor changes to the rules governing wastewater treatment operator certification.

Persons Affected. The amendment to the rules will likely affect owners and operators of nontransient noncommunity and community water supply systems. Examples of the places that may be affected are manufactured housing communities, municipal water systems, schools, daycare facilities, factories, apartment complexes, and office buildings. The agencies anticipate that none of the amendments to the rules governing wastewater treatment operator certification will be substantive.

Statutory Authority. *Minnesota Statutes*, section 115.72 requires the Department of Health and the Minnesota Pollution Control Agency to jointly adopt rules relating to the certification qualifications for each classification of water supply system operators

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until further notice is published in the *State Register* that the agencies intend to adopt or to withdraw the rules.

The agencies have also appointed an advisory committee that includes representatives of the affected systems. The Advisory Council on Water Supply Systems and Wastewater Treatment Facilities meets four times a year for a period of four hours. The meetings are regularly held at the St. Cloud Water Treatment Plant in St. Cloud, Minnesota and are open to the public. Council meetings are scheduled for August 12, 1999, October 7, 1999, January 13, 2000, and April 13, 2000. It is anticipated that the proposed rules will be an agenda item at each of these meetings.

Rules Drafts. The agencies have not yet prepared a draft of the planned rules amendments.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be directed to the agency contact person. The contact person for both the Department of Health and the Minnesota Pollution Control Agency for this rulemaking is:

Ms. Cindy Cook
Minnesota Department of Health
Division of Environmental Health
121 East Seventh Place, Suite 220
P.O. Box 64975
St. Paul, Minnesota 55164-0975
phone: 651-215-0751
FAX: 651-215-0775
email: cindy.cook@health.state.mn.us

TTY users may call the Minnesota Department of Health at 651-215-0707.

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

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 5 August 1999

Patricia A. Bloomgren, Director
Division of Environmental Health
Minnesota Department of Health

Dated: 9 August 1999

Tim Scherkenbach, Director
Policy and Planning Division
Minnesota Pollution Control Agency

Board of Examiners for Nursing Home Administrators

Request for Comments on Planned Amendment to Rules Governing Licensure of Nursing Home Administrators, *Minnesota Rules Chapter 6400*

Subject of Rules. The Minnesota Board of Examiners for Nursing Home Administrators requests comments on its planned amendment to rules governing licensure of nursing home administrators. The board is considering rule amendments that clarify the scope of the rules and the terms used in the rules, clarify requirements for practicum waiver or reductions, provide a new means of qualifying for reciprocity licensure, modify licensee responsibilities, revise requirements concerning acting administrators, modify fee schedules and eliminate obsolete rules.

Persons Affected. The amendments to the rules would likely affect current and prospective licensees of the board and applicants and prospective applicants for licenses or acting permits from the board.

Statutory Authority. *Minnesota Statutes*, section 144A.21 subd. 2 and 144A.24, require the board to adopt rules for processing license renewals, for developing and enforcing standards for nursing home administrator licensing, assuring that nursing home administrators comply with the board's standards, and for receiving and investigating complaints and taking appropriate action consistent with chapter 214 to discipline nursing home administrators who fail to comply with the board's law, rules, and standards.

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules.

Rules Drafts. The board has not yet prepared a draft of the planned rule amendments.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these planned rules should be addressed to: Julie Vikmanis, Executive Director, Board of Examiners for Nursing Home Administrators, 2829 University Ave. SE, Minneapolis, Minnesota, 55414, phone 612-617-2112. FAX 612-617-2119, TTY Relay 800-627-3529.

Professional, Technical & Consulting Contracts

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

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 6 August 1999

Julie Vikmanis, Executive Director
Board of Examiners for Nursing Home Administrators

Department of Transportation

Petition of Olmsted County for a Variance from State Aid Requirements for DESIGN SPEED

NOTICE IS HEREBY GIVEN that the Olmsted County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed bridge replacement project on Elmira Township Road No. 53 (190th Avenue Southeast), between 0.5 mile north of Trunk Highway No. 74 and 1.0 mile east of County Road No. 130 in Elmira Township, Olmsted County, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a vertical design speed less than the required 50 km/h design speed on the proposed bridge replacement project on Elmira Township Road No. 53 (190th Avenue Southeast), replacing Bridge No. L6170 with Bridge No. 55J13 in Olmsted County, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 9 August 1999

Julie A. Skallman
Division Director
State Aid for Local Transportation

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 (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

Department of Administration

External Review of Adverse Determinations

The Department of Administration, in cooperation the departments of Commerce and Health, will issue a request for proposal for a contract with an organization or business entity to provide independent external review of all adverse determinations submitted for external review under *Laws of Minnesota 1999*, Chapter 239, Section 39 (*Minnesota Statutes* Section 62Q.73). The contract shall ensure that the fees for services rendered in connection with the reviews be reasonable. Criteria may include requiring the entity to demonstrate:

- (1) no conflicts of interest in that it is not owned, a subsidiary of, or affiliated with a health plan company or utilization review organization;

- (2) an expertise in dispute resolution;
- (3) an expertise in health related law;
- (4) an ability to conduct reviews using a variety of alternative dispute resolution procedures depending upon the nature of the dispute;
- (5) an ability to provide data to the commissioners of health and commerce on reviews conducted;
- (6) an ability to ensure confidentiality of medical records and other enrollee information;
- (7) to demonstrate compliance with existing or proposed national accreditation standards that pertain to an external review entity; and
- (8) to demonstrate, as part of the external review process, how any aspect of an external review involving a medical determination must be performed by a health care professional with expertise in the medical issue being reviewed

It is anticipated that the formal Request for Proposal will be announced in the *State Register* no later than October 11, 1999.

If you would like a copy of the complete Request for Proposal when it is issued, please send a fax or an e-mail to Paul Stembler, assistant director, Materials Management Division FAX 651-297-3996 or e-mail: paul.stembler@state.mn.us indicating the name of the entity, the name and title of a direct contact within the entity, a direct mailing address, e-mail address and voice and fax numbers.

Department of Administration (Admin)

Request for Proposals for Construction Project Representative Services for the Minnesota State Retirement System, Public Employees Retirement Association, and Teacher's Retirement Association (Minnesota Retirement Systems)

Admin is undertaking the project to construct an office building to house the Minnesota Retirement Systems. Admin, on behalf of the Minnesota Retirement Systems, is soliciting proposals from registered professionals in good standing with the State of Minnesota to provide ongoing construction project management services, cost planning, critical path scheduling, define project milestones, establish project budgets, construction methods, construction manpower evaluation and other related construction activities.

This RFP does not obligate Admin to complete the proposed project and Admin reserves the right to cancel this solicitation if it is considered to be in its best interest.

To receive a full request for proposal write:

Thomas Ulness, A.I.A., Assistant Commissioner
Minnesota Department of Administration
50 Sherburne Avenue, Room 200
Saint Paul, MN 55155
FAX: 651-297-7909
E-Mail: Tom.Ulness@state.mn.us

Completed proposals are due by 3:00 p.m. Friday, September 3, 1999. Late proposals will NOT be considered.

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for Bids for Purchase and Construction of an Insulated Multi-purpose Storage Building

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for the purchase and construction of an insulated, multi-purpose storage building.

Bid specifications will be available August 16, 1999 from John Burros, Facilities Director, PO Box 5838, Physical Plant, Winona State University, Winona, MN 55987 or by calling 507-457-5052.

Sealed bids must be received by John Burros, PO Box 5838 or Physical Plant, Winona State University, Winona, MN 55987 by 3:00 p.m. August 23, 1999.

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

Professional, Technical & Consulting Contracts

Colleges and Universities, Minnesota State (MnSCU)

Winona State University

Request for Bids for the Purchase and Installation of Lighting at the Winona State University Football Field

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for the purchase and installation of lighting for their football field.

Bid specifications will be available August 16, 1999 from John Burros, Facilities Director, PO Box 5838, Physical Plant, Winona State University, Winona, MN 55987 or by calling 507-457-5052.

Sealed bids must be received by John Burros, PO Box 5838 or Physical Plant, Winona State University, Winona, MN 55987 by 2:00 p.m. August 23, 1999.

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

Minnesota Historical Society

Request for Proposals for Architecture, Landscape Architecture and Engineering Services at the Split Rock Lighthouse, Historic Site, Two Harbors, Minnesota

The Minnesota Historical Society (Society) is seeking proposals from qualified firms and individuals for architecture, landscape architecture and engineering services at the Split Rock Lighthouse Historic Site, located at 3713 Split Rock Lighthouse Road, Two Harbors, Minnesota 55616. The work to be proposed is the design of changes to the architecture and landscape as required for the construction of an addition to the Split Rock Lighthouse Visitor Center, ADA compliant visitor access to the historic site and improvements to parking and site circulation.

A PRE-PROPOSAL MEETING will be held at the Split Rock Lighthouse, at 1:00 P.M., Central Time, on Friday, August 20, 1999.

The Request for Proposals, including attachments, is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. Telephone is 651-297-5863 chris.bonnell@mnhs.org.

Bids must be submitted in the format that will be described in the Request for Proposals. Sealed bids must be received by Chris M. Bonnell, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 by **Friday, September 10, 1999 at 2:00 P.M. Central Time**. Late proposals will not be accepted.

Minnesota Historical Society

Request for Proposals for Direct Mailing Campaign

The Minnesota Historical Society is seeking bids from qualified individuals and firms to assist with mailing list research/selection/ordering portion of a membership acquisition direct mail campaign scheduled to run by October 1, 1999. This campaign is being done in conjunction with the opening of a new exhibit, *Tales of the Territory*.

All proposals must be received by Chris M. Bonnell, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102 or an authorized agent no later than 2:00 p.m. Central Time, Monday, August 30, 1999. Proposals must be submitted in a sealed envelope with the project name clearly written on the envelope. Late proposals will not be considered.

Authorized agents for receipt of proposals are the following: Chris M. Bonnell, Contracting Officer, Mary Green-Toussaint, Contracting and Procurement Technician or any Work Service Center staff member in the Finance and Administration Division on the 4th floor of the History Center. Bids may not be delivered to the information desk, to the guard or to any location or individual other than as specified above.

The Request for Proposal is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, MN 55102. Telephone is 612-297-5863 chris.bonnell@mnhs.org.

Complete specifications and details concerning submission requirements are included in the Request for Proposal.

Department of Human Services

Purchasing and Service Delivery Division

Notice of Request for Proposals to Provide Clinical Consulting Services

The Minnesota Department of Human Services ("the Department") is seeking proposals from qualified professionals interested in providing clinical practice expertise and issue-specific medical consultation to the Medicaid Director/Assistance Commissioner ("AC/Medicaid Director") and members of the Department's senior management team. The successful professional will be expected to provide clinical expertise and a physician's perspective as the Department develops new health care policies and service models that engage physicians and other health care providers. The Department also expects that the successful professional will evaluate and recommend new health care initiatives designed to better meet the needs of consumers enrolled in the Department's health care programs.

In compliance with *Minnesota Statutes* 16C.08, the availability of this contracting opportunity is being offered to state employees. We will evaluate the response of any state employee, along with other responses to this Request for Proposals.

This Request for Proposals (RFP) does not obligate the Minnesota Department of Human Services to complete this project, and DHS reserves the right to cancel the solicitation if it is considered to be in its best interest. All proposals for this project must be submitted by 4:00 p.m. on September 1, 1999.

For a copy of the complete Request for Proposals please contact:

Kimberly K. Halva
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, MN 55155-3854
Phone: 651-297-7968
FAX: 651-297-3230
E-mail: khalva@state.mn.us

Questions may be directed to Kimberly Halva at 651-297-7968. Mrs. Halva is the only staff person authorized by DHS to respond to inquiries regarding this request.

Persons interested in responding to this request may ask for a complete copy either on a 3.5 inch diskette in Microsoft Word format or in the traditional paper format. The complete Request for Proposal will be available to be mailed August 9, 1999.

The deadline for submitting proposals is September 1, 1999 at 4:00 p.m.

Department of Public Safety

Driver and Vehicle Services Division

Request for Information: Advertising in Driver and Vehicle Services Division Publications

The Minnesota Department of Public Safety, Driver and Vehicle Services division (DVS), requests information relating to the acceptance of paid advertising in publications of the division.

Statutory authority.

The Department of Public Safety is authorized to accept paid advertising to defray the costs of publications, media productions, or other informational materials. *Laws of Minnesota 1999*, Chapter 238, Article 2, Section 69 states:

The commissioner may accept paid advertising for departmental publications. Advertising revenues received are appropriated to the commissioner to be used to defray costs of publications, media productions, or other informational materials. The commissioner may not accept paid advertising from an elected official or candidate for elective office.

The publications.

DVS wants to accept advertising for three publications: the Minnesota driver's manual for a class D license to drive a passenger car or pick up truck; the motorcycle and motorized bicycle manual; and the Minnesota commercial driver's manual.

Annually about 350,000 copies of the class D manual, 40,000 copies of the motorcycle manual and 50,000 copies of the commercial driver's manual are produced and distributed to the public statewide. Printing costs for the publications have ranged from an annual average of \$46,000 for the class D manual, \$4,768 for the motorcycle manual, to \$13,145 for the commercial driver's manual.

Professional, Technical & Consulting Contracts

The availability and quantities of these publications has been limited by funding with more demand than the division could meet. The manuals are distributed at no charge to any interested party.

Distribution includes persons 15 years and older seeking their initial driving permit, persons enrolled in driver's education courses offered by public and commercial schools, senior citizens enrolled in driver improvement courses, those seeking a motorcycle or commercial endorsement on their driver's license, new residents to the state, immigrants, law enforcement officials, public libraries, and the courts.

Driver and Vehicle Services division and vendor responsibilities.

DVS is considering a two to five year project and contract cycle with a vendor.

DVS provides all editorial text and regulatory graphics and illustrations for each publication.

DVS is responsible for the distribution of the publications to end users and other public safety-related entities. The division will retain final approval of all advertising content and placement. Potential vendors may be responsible for one or more of the following tasks: advertising solicitation and sales, advertising design and production, total production and printing of one or more of the publications, and delivery of one or more of the publications to the division and various driver examination sites throughout the state.

DVS would like the publications, including advertising, produced electronically. Camera-ready advertising, however, will be considered.

Publication formats; distribution.

DVS wants to upgrade the quality of its driver's manuals to enhance reader appeal with better covers, paper stock, additional color, and improved binding. The division is revising the editorial content, enhancing and adding graphics and illustrations.

The class D driver's manual is currently 164 pages, measures 8 3/8 by 5 3/8 inches, is saddle-stitched and printed in one color on 30 pound newsprint. The motorcycle manual has the same format with 60 pages of editorial text.

The commercial driver's manual is 104 pages and measures 8 by 10 3/4 inches because of the current use of externally generated camera ready text. The Department will be working to obtain editorial text electronically to allow for more format flexibility with respect to this manual. This publication is saddle-stitched with a 50 pound Vellum offset, one color cover and newsprint text pages. Ring binding is being considered for this publication.

DVS anticipates a single annual production of each publication, however printing could be accomplished in phases provided an adequate supply is maintained statewide at distribution sites. Initial public distribution of the publications with advertising is planned for September 1, 2000.

Advertising amount and format.

DVS anticipates limiting the amount of advertising in each publication to 20 percent of the total number of pages in each manual. Space will be available on the inside front and back covers, centerfold and on designated pages. Advertising will be restricted to display ads. While full or 1/2 page ads are preferred, options that provide advertising access to the small entrepreneur, regional entities or specialized safety or motor vehicle interests will be considered. DVS reserves the authority to review and approve all advertising.

Advertising sales are projected to begin on or about January 1, 2000.

Information requested.

Written information and comment is requested on the following topics:

1. Expressions of and measurement of industry interest in advertising in the publications specified.
2. Identification of audience interest and measurement of interest in advertising in the publications specified.
3. Vendor interest in:
 - a) the sale of advertising on commission; or
 - b) the sale of advertising on commission as well as the production of and delivery of electronic or camera-ready advertising; or
 - c) the production of one or more of the specified manuals with advertising sales as the source of revenue for the vendor; or
 - d) contracting with the department for advertising sales and the production of one or more of the specified manuals.
4. The feasibility of electronic production and transfer of advertising versus camera-ready advertising.
5. Recommendations on changing or improving the format of the specified DVS manuals to make the sale of advertising attractive and improve reader appeal. Format changes may include the size of the publications, paper quality, the use of spot color, the number of colors, and binding.

Professional, Technical & Consulting Contracts

6. Recommendations on advertising content restrictions other than those pertaining to paid advertising from elected officials and candidates already specified in law.
7. Recommendations on the ratio of advertising content to amount of editorial text so the identity and purpose of each manual is maintained, yet the amount of advertising is sufficient to defray the cost of publication production and improvements.
8. Recommendations on the placement of advertising within the manuals, including placement within or adjacent to editorial text, on covers, and on designated pages.
9. Recommendations on the size and format of ads and comment on the feasibility of making advertising a viable option for small businesses and regional interests.
10. Comment and recommendations on the cost of display advertising, commissions, advertising production, and sales projections.

Deadline for submission of information; presentations.

Conferences with or presentations to DVS staff may be requested and will be scheduled to occur between September 1 to 8, 1999. Presentation or conference requests may be made by contacting:

Jane A. Nelson
Minnesota Department of Public Safety
Driver and Vehicle Services Division
445 Minnesota Street, Suite 196
St. Paul, Minnesota 55101-5196
651-296-2608
FAX: 651-296-3141
E:mail: Jane.Nelson@state.mn.us

Written comment and information in response to this request for information should be submitted in writing to Ms. Nelson and is to be received no later than 4:30 p.m., September 8, 1999.

Copies of the driver and vehicle services division publications described above may be requested from Ms. Nelson to the extent that supplies are available. Examples of current Minnesota and other state publications may be viewed at the division addressed above.

Department of Transportation Engineering Services Division

Notice of Availability of Contract for TH 371 Environmental Impact Statement (EIS)

The Minnesota Department of Transportation (Mn/DOT) is soliciting the proposals for preliminary design services to prepare Environmental Impact Statement for the possible highway reconstruction/capacity expansion for the portion of TH 371 located between TH 10 and CSAH 48 in Little Falls, MN/DOT District 3.

Work is proposed to start November 1, 1999.

Request for Proposals will be available by mail from this office through August 30, 1999. **A written request (direct mail or FAX) is required to receive the Request for Proposal.** After August 30, 1999, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from the Agreement Administrator:

Alex Chernyaev, P.E.
Consultant Services Unit - 7th Floor North
Minnesota Department of Transportation
395 John Ireland Boulevard, MailStop 680
St. Paul, MN 55155
FAX: 651-282-5127

Proposals in response to the Request for Proposals in this advertisement must be received at the above address no later than 2:00 P.M. CDT on September 14, 1999. **Late proposals will not be considered.** No time extensions will be granted.

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.

Professional, Technical & Consulting Contracts

Department of Transportation

Engineering Services Division

Request for Proposal for Project Manager Services Hiawatha Avenue Light Rail Transit System

The State of Minnesota, through its Department of Transportation (State) is soliciting proposals for Project Manager services for a Contractor or group of Contractors to provide leadership and management for the final design and construction of the Light Rail Transit system (LRT) which will run through the Hiawatha Corridor. For continuity reasons, the term Project Manager will be used throughout this Request for Proposal (RFP) where any reference to a single Contractor or a group of Contractors is needed.

Program Information

The 12 mile LRT system is designed to run from Minneapolis near Nicollet Mall area down the Hiawatha Corridor, south of downtown Minneapolis, and over Trunk Highway 62 in South Minneapolis. From there the tracks will proceed under ground through the Minneapolis/St. Paul International Airport resurfacing south of the Airport near the Fort Snelling National Cemetery, down 34th Avenue in Bloomington and finally terminating on the west side of the Mall of America.

Mn/DOT is currently updating the environmental documentation. Federal Transit Administration (FTA) environmental approval is anticipated by the end of 1999. Preliminary engineering is currently underway by a consultant team and scheduled for a September of 1999 completion.

Mn/DOT plans to begin construction in 2000 with revenue operation beginning in 2003.

To receive a copy of the complete Request for Proposal, responders will be required to submit a written request, either by direct mail or fax, to the address indicated below by September 1, 1999. After September 1, 1999, responders will be required to pick up the Request for Proposal in person from our offices.

Complete Requests for Proposals may only be obtained from:

Joseph D. Pignato, P.E.
Sr. Agreements Administrator
Minnesota Department of Transportation
Seventh Floor North
395 John Ireland Boulevard, Mail Stop 680
St. Paul, MN 55155-1899
Phone: 651-297-1172, FAX: 651-282-5127

The responses to the Request for Proposals must be received by 2:00 PM CDT September 8, 1999.

Late Submittals will not be considered. No time extensions will be granted.

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

This request does not obligate the Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation at any time. All expenses incurred by submitting contractors responding to this notice will be borne by the responder.

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.

Metropolitan Airports Commission

Notice of Call for Proposals for Landscape Maintenance Services

Sealed proposals will be received by the Metropolitan Airports Commission at its office at 6040 28th Avenue South, Minneapolis, MN 55450-2799, until 2:00 PM, Local Time, FRIDAY, SEPTEMBER 10, 1999, for the procurement of LANDSCAPE MAINTENANCE SERVICES. At that time and place the names and addresses of the proposals received will be publicly opened and read aloud. If mailed, the Commission's mailing address is: Metropolitan Airports Commission, Don Olson, Manager of Purchasing, 6040-28th Avenue South, Minneapolis, Minnesota 55450, and **proposals to be considered must be received by the Commission by the date and hour set for the opening of proposals.**

A **MANDATORY** pre-proposal conference will be held at 10:00 AM, Minnesota time, MONDAY, AUGUST 30th, at the MAC Trades Building, 6045 - 28th Avenue South, Minneapolis, MN 55450. Failure to attend this meeting will result in rejection of the proposal.

Proposals shall be according to the specifications. The Commission reserves the right to reject any or all proposals or portions thereof, and to waive any minor irregularities therein. Copies of the Specifications may be obtained at the office of the Commission, 6040 28th Avenue South, Minneapolis, Minnesota 55450 (phone: 612-726-8146).

Dated: 11 August 1999

Metropolitan Airports Commission
Donald Olson, Purchasing Manager

Ramsey County

Office for Integrated Care Management

Notice of Delay in the Release of the Request for Proposals for Health Care Services for Persons in Public Programs

NOTICE IS HEREBY GIVEN that due to unforeseen circumstances the release of the Ramsey County Request for Proposals for Health Care Services for persons in public programs has been delayed. The deadline for responses will be changed accordingly. Watch for the new notice to be published by the end of August or beginning of September.

Questions can be directed to the St. Paul/Ramsey County Contract & Analysis Services Office at 651-266-8909.

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at 612-625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

