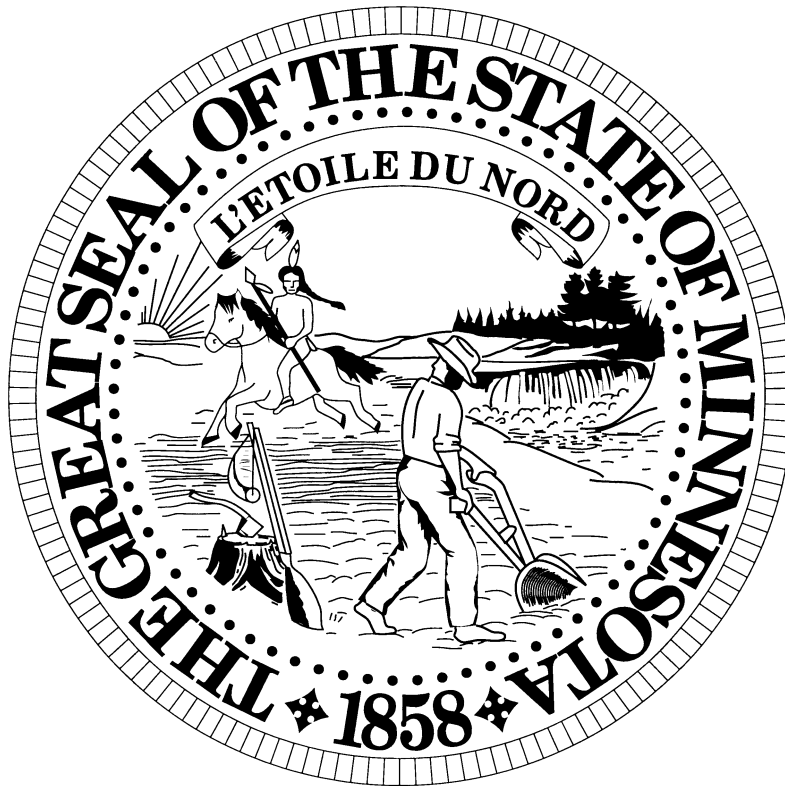


State of Minnesota

# State Register

Rules and Official Notices Edition



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**Monday 3 February 2003**  
**Volume 27, Number 32**  
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# State Register

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#33	Monday 10 February	Noon Tuesday 4 February	Noon Wednesday 29 January
#34	<b>TUESDAY 18 FEBRUARY</b>	Noon Tuesday 11 February	Noon Wednesday 5 February
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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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# Appointments

*Minnesota Statutes*, Section 15.06, Subd. 5 requires a notice of the designation of a commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the State Register.

## Department of Children, Families and Learning

### Notice of Appointment of Commissioner Cheri Pierson Yecke

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Cheri Pierson Yecke to the office of the Commissioner of the Minnesota Department of Children, Families and Learning effective January 27, 2003. She succeeds Acting Commissioner Jessie Montañó who was appointed January 6, 2003.

This appointment carries with it all rights, powers, duties and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Children, Families and Learning are:

*Minnesota Statutes*, Chapters 120-129, 134  
*Minnesota Rules* 3500-3799

Commissioner Yecke resides at 455 Herschel, Saint Paul, Minnesota 55104, Ramsey County, Congressional District Four.

She can be reached at the Minnesota Department of Children Families and Learning, 1500 Highway 36 West, Roseville, MN 55113-4266. Telephone (651) 582-8204. Internet homepage: [cfl@state.mn.us](mailto:cfl@state.mn.us)

## Department of Natural Resources

### Notice of the Appointment of Commissioner Gene Merriam

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Gene Merriam to the office of the Commissioner of the Minnesota Department of Natural Resources effective January 27, 2003. He succeeds Acting Commissioner Brad Moore appointed January 6, 2003.

This appointment carries with it all rights, powers, duties and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Natural Resources are:

*Minnesota Statutes*, Chapters 84, 84A, 85, 86, 86A, 88-94, 87-112  
*Minnesota Rules* 6100-6299

Commissioner Merriam resides at 12176 Bluebird Circle, Coon Rapids, Minnesota, 55448, Anoka County, Congressional District Six.

He can be reached at the Minnesota Department of Resources, 500 Lafayette Road, St. Paul, MN 55155-4001. Telephone (651) 296-6157. Internet homepage: [info@dnr.state.mn.us](mailto:info@dnr.state.mn.us)

# Commissioner's Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

## Minnesota Public Utilities Commission

### NOTICE AND ORDER FOR HEARING: In the Matter of the Application for a Certificate of Need for a High Voltage Transmission Line by Great River Energy and Wright-Hennepin Cooperative Electric Association

ISSUE DATE: January 27, 2003

DOCKET NO. ET-2/CN-02-536

LeRoy Koppendrayer, Chair  
Ellen Gavin, Commissioner  
Marshall Johnson, Commissioner  
Phyllis A. Reha, Commissioner  
Gregory Scott, Commissioner

#### PROCEDURAL HISTORY

On November 14, 2002, Great River Energy (GRE) and one of its distribution cooperative members, Wright-Hennepin Cooperative Electric Association (Wright-Hennepin), filed a joint application for a certificate of need to construct a 115-kilovolt transmission line through the municipalities of Plymouth and Maple Grove.

On the same date that the Commission issued this Order, it issued an Order finding the application substantially complete as of the date the Applicants would make a supplemental filing addressing specified issues.<sup>1</sup>

#### FINDINGS AND CONCLUSIONS

##### I. Jurisdiction and Referral for Contested Case Proceedings

The Commission has jurisdiction over applications for certificates of need for high-voltage transmission lines under *Minnesota Statutes* § 216B.243.

The Commission finds that it cannot determine, on the basis of the record before it, whether the proposed transmission line meets the need criteria of the certificate of need statute and rules. That determination turns on specific facts which are best developed in formal evidentiary hearings. The Commission will therefore refer the matter to the Office of Administrative Hearings for contested case proceedings.

##### II. Issues to be Addressed

*Minnesota Statutes* § 216B.243 and *Minnesota Rules* 7849.0010 through 7849.0400 set forth criteria that must be met to establish need for the proposed high-voltage transmission line. Parties to this proceeding shall address whether the proposed line meets these criteria.

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<sup>1</sup> ORDER FINDING APPLICATION COMPLETE AS OF DATE OF SUPPLEMENTAL FILING AND REQUIRING NOTICE.

### III. Public Participation

*Minnesota Statutes* § 216B.243, subd. 4, encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application and requires the Commission to designate an employee to facilitate citizen participation in the hearing process.

The Commission has designated statistical analyst David L. Jacobson to facilitate and coordinate public participation in this proceeding. He may be reached by telephone at (651) 297-4562 and by FAX at (651) 297-7073. His address is 121 Seventh Place East, Suite 350, St. Paul, MN 55101-2147.

The Commission asks the Administrative Law Judge to schedule at least one public hearing in this case and to confer with Commission staff about hearing date(s), time(s), and location(s).

Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing(s) and to submit testimony and exhibits. Persons who cannot attend the public hearing(s) and wish to comment may submit written comments to the Administrative Law Judge.

### IV. Procedural Outline

#### A. Administrative Law Judge

The Administrative Law Judge assigned to this case is Allan W. Klein. His address and telephone number are as follows: Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, Minnesota 55401-2138; (612) 341-7609.

#### B. Hearing Procedure

- *Controlling Statutes and Rules*

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, *Minnesota Statutes* §§ 14.57-14.62; the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.5100 to 1400.8400; and, to the extent that they are not superseded by those rules, the Commission's Rules of Practice and Procedure, *Minnesota Rules*, parts 7829.0100 to 7829.3200.

Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155; (651) 297-3000. These rules and statutes also appear on the State of Minnesota's website at [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us).

The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota State Bar Association.

- *Right to Counsel and to Present Evidence*

In these proceedings, parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under *Minnesota Rules*, part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions.

# Commissioner's Orders

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- *Discovery and Informal Disposition*

Any questions regarding discovery under *Minnesota Rules*, parts 1400.6700 to 1400.6800 or informal disposition under *Minnesota Rules*, part 1400.5900 should be directed to David L. Jacobson, Statistical Analyst, Minnesota Public Utilities Commission, 121 7<sup>th</sup> Place East, Suite 350, St. Paul, Minnesota 55101-2147, (651) 297-4562; or Cassandra O'Hern, Assistant Attorney General, 1100 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 282-5725.

- *Protecting Not-Public Data*

State agencies are required by law to keep some data not public. Parties must advise the Administrative Law Judge if not-public data is offered into the record. They should take note that any not-public data admitted into evidence may become public unless a party objects and requests relief under *Minnesota Statutes* § 14.60, subd. 2.

- *Accommodations for Disabilities; Interpreter Services*

At the request of any individual, this agency will make accommodations to ensure that the hearing in this case is accessible. The agency will appoint a qualified interpreter if necessary. Persons must promptly notify the Administrative Law Judge if an interpreter is needed.

- *Scheduling Issues*

The times, dates, and places of public and evidentiary hearings in this matter will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties.

- *Notice of Appearance*

Any party intending to appear at the hearing must file a notice of appearance (Attachment A) with the Administrative Law Judge within 20 days of the date of this Notice and Order for Hearing.

- *Sanctions for Non-compliance*

Failure to appear at a prehearing conference, a settlement conference, or the hearing, or failure to comply with any order of the Administrative Law Judge, may result in facts or issues being resolved against the party who fails to appear or comply.

## **C. Parties and Intervention**

The current parties to this case are the Applicants and the Department of Commerce. Other persons wishing to become formal parties shall promptly file petitions to intervene with the Administrative Law Judge. They shall serve copies of such petitions on all current parties and on the Commission. *Minnesota Rules*, part 1400.6200.

## **D. Prehearing Conference**

A prehearing conference will be held in this case on Friday, February 21, 2003 at 9:30 a.m. in the Large Hearing Room, Public Utilities Commission, 121 7<sup>th</sup> Place East, Suite 350, St. Paul, Minnesota 55101. Persons participating in the prehearing conference should be prepared to discuss time frames, scheduling, discovery procedures, and similar issues. Potential parties are invited to attend the pre-hearing conference and to file their petitions to intervene as soon as possible.



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# Commissioner's Orders

## V. Application of Ethics in Government Act

The lobbying provisions of the Ethics in Government Act, Minnesota Statutes §§ 10A.01 et seq., apply to certificate of need cases. Persons appearing in this proceeding may be subject to registration, reporting, and other requirements set forth in that Act. All persons appearing in this case are urged to refer to the Act and to contact the Campaign Finance and Public Disclosure Board, telephone number (651) 296-5148, with any questions.

## VI. Ex Parte Communications

Restrictions on ex parte communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth at Minnesota Rules, parts 7845.7300-7845.7400, which all parties are urged to consult.

## ORDER

1. The Commission hereby refers this case to the Office of Administrative Hearings for contested case proceedings, as set forth above.
2. A prehearing conference shall be held on Friday, February 21, 2003 at 9:30 a.m. in the Large Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101.
3. At least one public hearing shall be held in this case at a time and place determined by the Administrative Law Judge in consultation with Commission staff.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)

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# Commissioner's Orders

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## ATTACHMENT A

BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS  
100 Washington Square, Suite 1700  
Minneapolis, Minnesota 55401-2138

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION  
121 Seventh Place East Suite 350  
St. Paul, Minnesota 55101-2147

In the Matter of the Application for a  
Certificate of Need for a High Voltage  
Transmission Line by Great River Energy and  
Wright-Hennepin Cooperative Electric Association

MPUC Docket No. ET-2/CN-02-536

OAH Docket No.

### NOTICE OF APPEARANCE

#### Name, Address and Telephone Number of Administrative Law Judge:

Allan W. Klein, Office of Administrative Hearings, Suite, 1700, 100 Washington Square, Minneapolis, Minnesota 55401;  
(612) 341-7609

#### TO THE ADMINISTRATIVE LAW JUDGE:

You are advised that the party named below will appear at the above hearing.

#### NAME OF PARTY:

#### ADDRESS:

#### TELEPHONE NUMBER:

#### PARTY'S ATTORNEY OR OTHER REPRESENTATIVE:

#### OFFICE ADDRESS:

#### TELEPHONE NUMBER:

SIGNATURE OF PARTY OR ATTORNEY: \_\_\_\_\_

DATE: \_\_\_\_\_

**Minnesota Public Utilities Commission****NOTICE AND ORDER FOR HEARING: In the Matter of the Application of Faribault Energy Park, LLC for a Certificate of Need for a 250-Megawatt Electric Generating Facility****ISSUE DATE: January 27, 2003****DOCKET NO. IP-6202/CN-02-2006**

**LeRoy Koppendrayer, Chair**  
**Ellen Gavin, Commissioner**  
**Marshall Johnson, Commissioner**  
**Phyllis A. Reha, Commissioner**  
**Gregory Scott, Commissioner**

**PROCEDURAL HISTORY**

On November 19, 2002, Faribault Energy Park, LLC (FEP or the Company) submitted a certificate of need application for a 250-megawatt, gas-fired electric generating facility to be constructed near Faribault, Minnesota.

On January 27, 2003, the same date that the Commission issued this Order, it issued an Order finding the application substantially complete as of the date the Applicants made a supplemental filing addressing specified issues.<sup>1</sup>

**FINDINGS AND CONCLUSIONS****I. JURISDICTION AND REFERRAL FOR CONTESTED CASE PROCEEDINGS**

The Commission has jurisdiction over applications for certificates of need for large energy facilities, such as the electric power generating plant proposed by FEP in this matter, pursuant to *Minnesota Statutes* § 216B.243.

The Commission finds that it cannot determine, on the basis of the record before it, whether the proposed generating plant meets the need criteria of the certificate of need statute and rules. That determination turns on specific facts which are best developed in formal evidentiary hearings. The Commission will therefore refer the matter to the Office of Administrative Hearings for contested case proceedings.

**II. ISSUES TO BE ADDRESSED**

*Minnesota Statutes* § 216B.243 and *Minnesota Rules* 7849.0010 through 7849.0400 set forth criteria that must be met to establish need for the electric power generating plant. Parties to this proceeding shall address whether the proposed facility meets these criteria.

**III. PUBLIC PARTICIPATION**

*Minnesota Statutes* § 216B.243, subd. 4, encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application and requires the Commission to designate an employee to facilitate citizen participation in the hearing process.

The Commission has designated statistical analyst David L. Jacobson to facilitate and coordinate public participation in this proceeding. He may be reached by telephone at (651) 297-4562 and by FAX at (651) 297-7073. His address is 121 Seventh Place East, Suite 350, St. Paul, MN 55101-2147.

The Commission asks the Administrative Law Judge to schedule at least one public hearing in this case and to confer with Commission staff about hearing date(s), time(s), and location(s).

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<sup>1</sup> ORDER FINDING APPLICATION SUBSTANTIALLY COMPLETE AND REFERRING MATTER FOR CONTESTED CASE PROCEEDING, Docket No. IP-6202/CN- 02-2006 (January 27, 2003).

# Official Notices

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Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing(s) and to submit testimony and exhibits. Persons who cannot attend the public hearing(s) and wish to comment may submit written comments to the Administrative Law Judge.

## IV. PROCEDURAL OUTLINE

### A. Administrative Law Judge

The Administrative Law Judge assigned to this case is Beverly Heydinger. Her address and telephone number are as follows: Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, Minnesota 55401-2138; (612) 341-7606.

### B. Hearing Procedure

- *Controlling Statutes and Rules*

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, *Minnesota Statutes* §§ 14.57-14.62; the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.5100 to 1400.8400; and, to the extent that they are not superseded by those rules, the Commission's Rules of Practice and Procedure, *Minnesota Rules*, parts 7829.0100 to 7829.3200.

Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155; (651) 297-3000. These rules and statutes also appear on the State of Minnesota's website at [www.revisor.leg.state.mn.us](http://www.revisor.leg.state.mn.us).

The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota State Bar Association.

- *Right to Counsel and to Present Evidence*

In these proceedings, parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under *Minnesota Rules*, part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions.

- *Discovery and Informal Disposition*

Any questions regarding discovery under *Minnesota Rules*, parts 1400.6700 to 1400.6800 or informal disposition under *Minnesota Rules*, part 1400.5900 should be directed to David L. Jacobson, Statistical Analyst, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147, (651) 297-4562; or Cassandra O'Hern, Assistant Attorney General, 1100 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 282-5725.

- *Protecting Not-Public Data*

State agencies are required by law to keep some data not public. Parties must advise the Administrative Law Judge if not-public data is offered into the record. They should take note that any not-public data admitted into evidence may become public unless a party objects and requests relief under *Minnesota Statutes* § 14.60, subd. 2.

- *Accommodations for Disabilities; Interpreter Services*

At the request of any individual, this agency will make accommodations to ensure that the hearing in this case is accessible. The agency will appoint a qualified interpreter if necessary. Persons must promptly notify the Administrative Law Judge if an interpreter is needed.

- *Scheduling Issues*

The times, dates, and places of public and evidentiary hearings in this matter will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties. The ALJ is requested to schedule the hearings and issue her Findings and Recommendations taking into consideration the Commission's statutory deadline to decide this matter six-months after FEP's application was substantially complete (January 13, 2003), pursuant to *Minnesota Statutes* § 216B.243.

- *Notice of Appearance*

Any party intending to appear at the hearing must file a notice of appearance (Attachment A) with the Administrative Law Judge within 20 days of the date of this NOTICE AND ORDER FOR HEARING.

- *Sanctions for Non-compliance*

Failure to appear at a prehearing conference, a settlement conference, or the hearing, or failure to comply with any order of the Administrative Law Judge, may result in facts or issues being resolved against the party who fails to appear or comply.

### **C. Parties and Intervention**

The current parties to this case are the Applicants and the Department of Commerce. Other persons wishing to become formal parties shall promptly file petitions to intervene with the Administrative Law Judge. They shall serve copies of such petitions on all current parties and on the Commission. *Minnesota Rules*, part 1400.6200.

### **D. Prehearing Conference**

A prehearing conference will be held in this case on Friday, February 14, 2003 at 9:30 a.m. in the Large Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101. Persons participating in the prehearing conference should be prepared to discuss time frames, scheduling, discovery procedures, and similar issues. Potential parties are invited to attend the pre-hearing conference and to file their petitions to intervene as soon as possible.

## **V. APPLICATION OF ETHICS IN GOVERNMENT ACT**

The lobbying provisions of the Ethics in Government Act, *Minnesota Statutes* §§ 10A.01 *et seq.*, apply to certificate of need cases. Persons appearing in this proceeding may be subject to registration, reporting, and other requirements set forth in that Act. All persons appearing in this case are urged to refer to the Act and to contact the Campaign Finance and Public Disclosure Board, telephone number (651) 296-5148, with any questions.

## **VI. EX PARTE COMMUNICATIONS**

Restrictions on *ex parte* communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth at *Minnesota Rules*, parts 7845.7300-7845.7400, which all parties are urged to consult.

# Official Notices

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## ORDER

1. The Commission hereby refers this case to the Office of Administrative Hearings for contested case proceedings, as set forth above.
2. A prehearing conference shall be held on Friday, February 14, 2003 at 9:30 a.m. in the Large Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101.
3. At least one public hearing shall be held in this case at a time and place determined by the Administrative Law Judge in consultation with Commission staff.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e., large print or audio tape) by calling (651) 297-4596 (voice), (651) 297-1200 (TTY), or 1-800-627-3529 (TTY relay service).

## ATTACHMENT A

BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS  
100 Washington Square, Suite 1700  
Minneapolis, Minnesota 55401-2138

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION  
121 Seventh Place East Suite 350  
St. Paul, Minnesota 55101-2147

In the Matter of the Application of Faribault Energy Park,  
LLC for a Certificate of Need for a 250-Megawatt Electric  
Generating Facility

MPUC Docket No. IP-6202/CN-02-2006

OAH Docket No.

**NOTICE OF APPEARANCE****Name, Address and Telephone Number of Administrative Law Judge:****Beverly Heydinger, Office of Administrative Hearings, Suite, 1700, 100 Washington Square, Minneapolis, Minnesota 55401;  
(612) 341-7606****TO THE ADMINISTRATIVE LAW JUDGE:**

You are advised that the party named below will appear at the above hearing.

**NAME OF PARTY:****ADDRESS:****TELEPHONE NUMBER:****PARTY'S ATTORNEY OR OTHER REPRESENTATIVE:****OFFICE ADDRESS:****TELEPHONE NUMBER:****SIGNATURE OF PARTY OR ATTORNEY: \_\_\_\_\_****DATE: \_\_\_\_\_**

# Official Notices

*Pursuant to Minnesota Statutes § 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The State Register also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.*

## Department of Labor and Industry

### Labor Standards Unit

#### Notice of Correction to Commercial Prevailing Wage Rates

Corrections have been made to the Commercial Prevailing Wage Rates certified 12/30/02 for:

**Labor Code 101**, Laborer, Common (Gen Labor Wrk) in **Carlton County**.

**Labor Code 107**, Pipelayer (Water, Sewer & Gas) in **St. Louis County**.

**Labor Code 109**, Undrgrnd & Open Ditch Labor (8') in **Wright County**.

Copies of the certified wage rates for these Counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at [www.doli.state.mn.us](http://www.doli.state.mn.us). Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Jane Volz  
Comissioner

## Metropolitan Council

### Public Hearing on the South St. Paul Lift Station improvements Facility Plan

#### South St. Paul City Hall Council Chambers

125 Third Ave. N., South St. Paul, Minnesota

Thursday, March 6, 2003 - 7:00 p.m.

The Metropolitan Council will hold a public hearing on the South St. Paul Lift Station Improvements Facility Plan, MCES Project No. 802700. The Draft Facility Plan for this project, prepared by the Metropolitan Council's Environmental Services Division, outlines recommendations for equipment replacement and improvements to the wastewater pumping station's electrical, mechanical, and HVAC systems. These measures will increase the station's reliability and energy efficiency. The lift station is one of 63 in regional wastewater collection and treatment system, owned and operated by the Metropolitan Council.

Copies of the Draft facility Plan are available for review at:

- South St. Paul City Hall, 125 Third Ave. N., South St. Paul
- South St. Paul Public Library, 106 Third Ave. N., South St. Paul
- Metropolitan Council's Data Center, 230 E. Fifth St., St. Paul

All interested parties are encouraged to attend the hearing and provide comments. You may also submit comments, which must be received by the Metropolitan Council no later than March 17, 2003.

- Send written comments to: Tim O'Donnell at Metropolitan Council Environmental Services, 230 E. Fifth St., St. Paul, MN 55101
- Fax comments to Tim O'Donnell at (651) 602-1477
- Record comments on: Metropolitan Council Public Comment Line at 651-602-1500
- E-mail comments to: [data.center@metc.state.mn.us](mailto:data.center@metc.state.mn.us)
- Send TTY comments to (651) 291-0904

Upon Request, the Council will provide reasonable accommodations to persons with disabilities. Please submit such requests to Tim O'Donnell via mail or fax (see above) or by phone at 651-602-1269 before February 27, 2003.



## State Grants and Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

## Department of Corrections

### Notice of Withdrawal

The Notice of Availability of Funds of Grants to Restorative Justice Programs published in the *State Register* on January 21, 2003, 27 SR 1191, is withdrawn. These grants will not be offered at this time due to budget constraints.

Questions regarding this withdrawal should be directed to:

Shannon Reimann  
Minnesota Department of Corrections  
Community and Juvenile Services Division  
Grants and Subsidies Unit  
1450 Energy Park Drive, Suite 200  
St. Paul, Minnesota 55108-5219  
Telephone (651) 603-0158, TTY (651) 643-3589  
**Email:** [sreimann@state.mn.us](mailto:sreimann@state.mn.us)

## Department of Health

### Environmental Health Division

#### Accepting Project Submissions for the Drinking Water Revolving Fund Project Priority List

The drinking Water Water Revolving Fund provides below market rate financing for public water system improvements. The first step toward obtaining a loan is to request a project be placed on the Project List (PPL). The deadline **for receiving** requests is **4:30 p.m., May 23, 2003**.

Funding priority is for projects that correct a public health hazard, bring or keep systems in compliance with drinking water standards, and for communities below the median household income. Typical projects are for wells, treatment plants, water towers, and distribution lines. Funding is not for economic expansion or fire protection. Eligibility and ranking are in *Minnesota Rules*, parts 4720.9000 to 4720.9080.

Attend a free 2-1/2 hour information session for more information and a description on submitting an effective PPL request. Session will be held in Minnetonka on February 18, Grand Rapids on February 25, and Alexandria on February 26. Call (651) 215-1321 for details.

For instructions on placing a project on the PPL:  
Click on the PPL instructions button at:  
[www.health.state.mn.us/divs/eh/water/dwrf/ppl/pploverview.html](http://www.health.state.mn.us/divs/eh/water/dwrf/ppl/pploverview.html)

Call (651) 215-1321

## Minnesota Housing Finance Agency

### Request for Proposals for the Family Homeless Prevention and Assistance Program

The Minnesota Housing Finance Agency announces the anticipated availability of grant funds through the Family Homeless Prevention and Assistance Program. The actual availability and amount of funds is contingent upon approval by the 2003 Minnesota Legislature.

### **Amount of Funds Available:**

\$7.1 million in grant funds are anticipated for the biennium period of July 1, 2003 - June 30, 2005. This amount is \$400,000 less than the funding that was available for the previous biennium

### **Eligible Applicants**

In the Twin Cities seven-county metropolitan area, a county is an eligible applicant. In non-metropolitan areas, eligible applicants include a county, a group of contiguous counties jointly acting together, or a community based nonprofit organization with a sponsoring resolution from each of the county boards of the counties located within its operating jurisdiction.

The service area must have a significant number or significant growth in the number of people experiencing homelessness, including families with children, youth, and single adults. The applicant must focus their emergency response system on homeless prevention and securing transitional or permanent housing for people who are homeless.

Application packages are available on the MHFA website at: <http://www.mhfa.state.mn.us/multifamily/fhpap.htm>. Or contact Joyce Kraus at 651-296-9794 for an application on a disk

## **State Contracts**

**Informal Solicitations:** Effective March 1, 2002, informal solicitations for all contracting opportunities for professional/technical (consultant) contracts with values estimated to be over \$5,000 and under \$50,000 must be posted on the Department of Administration, Materials Management Division web page ([www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us)) and access P/T Contracts.

**Formal Requests for Proposals:** Department of Administration procedures require that formal notice of any professional/technical (consultant service) contract which has an estimated value over \$50,000 must be printed in the *State Register*. Certain quasi-state agencies and Minnesota State Colleges and Universities institutions are by law exempt from these requirements.

## **Department of Administration**

### **Risk Management Division**

#### **Notice of Availability of a Request for Proposal for Administrative and Brokerage Services for an Owner-Controlled Insurance Program**

**NOTICE IS HEREBY GIVEN** that the Department of Administration announces the availability of a Request for Proposal for an Owner-Controlled Insurance Program (OCIP) with respect to the construction of the Departments of Agriculture and Health laboratory and office buildings, and Department of Human Services office building and parking facility in the Capitol Complex area.

A pre-proposal conference for all potential proposers will be held on Tuesday, February 18, 2003, 9:00 -11:00 a.m. (central standard time) in Conference Room 116C of the State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota. This will be an opportunity for proposers to ask questions regarding the Request for Proposal. Attending the pre-proposal conference is not mandatory for participation in the Request for Proposal process.

A free of charge copy of the Request for Proposal can be requested through the mail, by calling the Department at (651) 297-2998, by e-mail to Caroline Wisniewski ([caroline.wisniewski@state.mn.us](mailto:caroline.wisniewski@state.mn.us)), or picked up at the Department of Administration, Risk Management Division, 309 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

The deadline for delivery of proposals is 2:00 p.m. (central standard time), Friday, February 28, 2003.

## **Department of Administration**

### **State Designer Selection Board**

#### **Request for Proposals for Designer Selection for Minnesota Department of Transportation, Addition to Fergus Falls Technical Center, Fergus Falls, MN. (Project 03-07)**

##### **To Minnesota Registered Design Professionals:**

The State of Minnesota (State) through its State Designer Selection Board has been requested to select a design team for the above project. Proposals from interested firms must be received by, 11:00 a.m. Monday, February 24, 2003 to:

Terry Lewko, Executive Secretary  
State Designer Selection Board  
Department of Administration  
c/o Materials Management Division  
50 Sherburne Avenue, Room 112  
St. Paul, Minnesota 55155  
(651) 297.1545

**PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.**

Questions concerning procedures, or schedule are to be referred to the Executive Secretary at (651) 297-1545. Questions relating to the project are to be referred to the project contact(s) in Item 1.h.

**1. PROJECT 03-07**

**a. PROJECT DESCRIPTION:** The Minnesota Department of Transportation intends to retain architectural and engineering consultant services for the design of an office and vehicle maintenance addition and remodeling the existing office area at the Fergus Falls Technical Center.

**Project Scope**

The proposed addition will consist of a 4,900 sf technical center office addition and a 4,600 sf truck storage and field mechanic's work area addition. The existing crew room, construction garage, construction work office and rest rooms will be remodeled.

**b. REQUIRED CONSULTANT SERVICES:**

1. Provide the update to the schematic design plans prepared for MnDOT in 2000, Design Development (DD), Construction Documents (CD), Bidding and Construction Administration.
2. The selected design firm and their associated firms shall each demonstrate experience in successfully completing projects of a similar type, size and complexity.
3. The consultant will be required to provide architectural, civil, structural, mechanical and electrical services.
4. The construction documents shall be done using Computer Aided Design and Drafting (CADD) in a system compatible with Bentley System Microstations J. Files created using Autodesk, AutoCAD 14 or later are acceptable. MnDOT Facilities Management Services will provide the consultant with a copy of their Consultant Procedures for Construction Projects to aid in completing their work.

**c. SERVICES PROVIDED BY OTHERS:**

1. Copies of the schematic design and existing building plans will be provided to the consultants.
2. Geotechnical investigations and recommendations.
3. Asbestos survey, design and abatement to the existing building as required.

**d. PROJECT BUDGET / FEES:**

The estimated construction budget for the project is \$ 980,000.00.

The proposed consultant fee will be a fixed fee of \$80,000.00 which included updating the schematic design (fee is for 50% of SD), design development, construction documents, bidding and construction administration.

MnDOT currently has funding available to complete schematic design and the design development phases. The funds for construction documents thru construction administration will be requesting from the 2003 Legislative session.

**e. PROJECT SCHEDULE:** The following is a preliminary schedule, actual schedule will be determined with the consultant.

# State Contracts

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<i>Schematic Design Phase:</i>	<b>Beginning April 2003, completed in May, 2003</b>
<i>Design Development Phase:</i>	<b>Beginning June 2003, completed by July, 2003</b>
<i>Construction Document Phase:</i>	<b>Beginning July 2003, completed by September, 2003</b>
<i>Anticipated Bid Date:</i>	<b>Bids received Early October 2003</b>
<i>Construction Phase:</i>	<b>Begin October 2003, completed May / June 2004</b>

f. **PROJECT INFORMATION MEETING / SITE VISIT:** There will be no informational meeting for this project. The site is located at the Fergus Falls Tech Center, 1205 East Douglas Avenue, Fergus Falls, Minnesota, 56378. To visit the site call: (218) 739-7230.

g. **STATE DESIGNER SELECTION BOARD SCHEDULE:**

<i>Project Proposals Due:</i>	<b>Monday, February 24, 2003, by 11:00 a.m.</b>
<i>Project Shortlist:</i>	<b>Tuesday, March 18, 2003</b>
<i>Informational Meeting for short list firms:</i>	<b>None</b>
<i>Project Interviews and Award:</i>	<b>Tuesday, March 25, 2003</b>

h. **PROJECT CONTACTS:**

Questions concerning the project should be referred to:  
Ronald Lagerquist, Architect, Facilities Management Services, **phone:** (651) 297-4742, **fax:** (651) 282-9904, **e-mail:** ron.lagerquist@dot.state.mn.us **Mailing address:** Mail Stop 715, Transportation Building, 395 John Ireland Boulevard, St Paul, Minnesota 55155.

i. **SAMPLE CONTRACT:**

The successful responder will be required to execute a MnDOT Professional and Technical Services Contract which contains the State's standard contract terms and conditions, including insurance requirements and compliance with Consultant Procedures for Construction Projects. A copy will be available for review at the informational meeting.

**NOTE TO RESPONDERS: CHANGES MAY HAVE BEEN MADE IN THE FOLLOWING AS OF 11 JUNE 2002.**

## 2. PROPOSAL REQUIREMENTS

- a. 10 copies
- b. 8 ½ X 11, soft bound, portrait format
- c. Maximum 20 faces (excluding front and back covers, blank dividers, affidavit of non-collusion, and affirmative action data page)
- d. All pages numbered

## 3. PROPOSAL CONTENTS

**a. COVER**

- Project name and number
- Prime firm name, address, telephone number, fax number
- Contact person, telephone number, fax number, and email address

**b. COVER LETTER**

Single face letter with original signature (on at least one copy) of principal of prime firm, including:

- Brief overview of proposal
- Statement that proposal contents are accurate to the best knowledge of signatory

**c. INFORMATION ON FIRM (S)**

For prime firm and each consultant firm provide brief description including:

- Name and location
- Year established
- Legal status

- Ownership
- Staffing by discipline
- For firms with multiple offices briefly summarize for each office

#### **d. PROJECT TEAM**

- Brief statement of team's past or present working relationships

For each team member provide:

- Name and position in firm, include name of firm
- Home base (if in multi-office firm)
- Responsibility on this project
- Years of experience
- Relevant recent experience (if in another firm, so note)
- Registration (including specialty if engineer)

#### **e. TEAM ORGANIZATION**

If planning or design consultants are a part of the team explain how they will be utilized (e.g. major role during design, absent during construction, etc). Matrix or chart *may* be used.

#### **f. PROJECT EXPERIENCE**

For architectural, planning, and/or landscape architecture firms, provide examples of relevant projects recently completed or in progress including:

- Photographs, sketches and/or plans
- Name and location
- Brief description (e.g. size, cost, relevance)
- Firm of record
- Involvement of proposed project team members (*may* be separate matrix; if in another firm so note)
- Completion date or current status

For engineering or technical firms provide examples of relevant projects recently completed or in progress including the above except that photographs, sketches and/or plans are to be for only that portion of the work for which firm was responsible.

#### **g. APPROACH/METHODOLOGY**

Describe your understanding of the project, significant issues to be addressed and your *specific* approach to the planning, design and construction process for *this* project.

#### **h. UNIQUE QUALIFICATIONS**

Briefly summarize your team's unique qualifications for this project.

#### **i. OTHER REQUIREMENTS**

- A statement of commitment to enter into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.
- A statement indicating that consultants listed have been contacted and have agreed to be a part of the team.
- A complete Affidavit of Non-collusion. (Not counted as part of the 20 faces)
- If appropriate, provide a list of all entities that create a conflict of interest (see 5.b.)
- A completed Affirmative Action Data Page regarding compliance with Minnesota Human Rights Requirements. A copy of the form is available on Web Site <http://www.dsb.admin.state.mn.us>, click on forms. (Not counted as part of the 20 faces)
- A list of all State and Minnesota State Colleges and Universities current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal.

Projects and studies shall mean those projects and studies (1) funded by the state legislature, by state/user agencies or Minnesota State Colleges and Universities operating funds, or by funding raised from the private sector or individuals by state/user agencies or the Minnesota State Colleges and Universities; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies or the Minnesota State Colleges and Universities without employing the State Designer Selection

# State Contracts

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Board process; or (3) related to design-bid-build or design/build project delivery systems.

The prime firm(s) shall list and total all gross fees associated with the above projects and studies, whether the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid, or are anticipated to be paid, to engineering or other specialty consultants employed, or anticipated to be employed, on the projects and studies listed pursuant to the above. The prime firm(s) shall subtract consultant fees from gross fees to determine total net fees using the format below.

PROJECT	(A) GROSS FEES	(B) SUBDESIGNERS PORTION	(C) NET TOTAL PROJECT FEE
<b>TOTAL</b>			

(The total shown in column (A) shall equal the sum of those shown in columns (B) and (C).

## 4. SELECTION CRITERIA

Criteria for selection shall be as stated in the project description. Technical and aesthetic experience and capabilities are paramount. In addition, the Board seeks equitable distribution of fees among qualified firms and gives consideration to geographical location of firms with respect to project site.

## 5. CONTRACT REQUIREMENTS

### a. AFFIDAVIT OF NONCOLLUSION

Each responder must attach a completed Affidavit of Noncollusion. A copy of the form is available on **Web Site** <http://www.dsbc.admin.state.mn.us>, click on forms.

### b. CONFLICTS OF INTEREST

Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

### c. DISPOSITION OF RESPONSES

All materials submitted in response to this RFP will become property of the State and will become public record in accordance with *Minnesota Statutes* 13.591 after the evaluation process is completed. If the responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, *Minnesota Statutes* § 13.37, the responder must:

- clearly mark all trade secret materials in its response at the time the response is submitted,
- include a statement with its response justifying the trade secret designation for each item, and
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider the prices submitted by the responder to be proprietary or trade secret materials.

Responses to this RFP will not be open for public review until the State decides to pursue a contract and that contract is awarded.

### d. CONTINGENCY FEES PROHIBITED

Pursuant to *Minnesota Statutes* Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

## **e. ORGANIZATIONAL CONFLICTS OF INTEREST**

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, the responder is unable or potentially unable to render impartial assistance or advice to the State, or the responder's objectivity in performing the contract work is or might be otherwise impaired, or the responder has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor (consultant), and the terms "contract," "contractor (consultant)," and "contracting officer" modified appropriately to preserve the State's rights.

## **f. STATE EMPLOYEES**

In compliance with *Minnesota Statutes* § 16C.07, the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this Request for Proposals.

## **g. PREFERENCE TO TARGETED GROUP AND ECONOMICALLY DISADVANTAGED BUSINESS AND INDIVIDUALS**

In accordance with *Minnesota Rules* 1230.1810, subpart B and *Minnesota Rules* 1230.1830, certified Targeted Group Businesses or individuals and certified Economically Disadvantaged Businesses or individuals submitting proposals as prime contractors (consultants) will receive up to six percent preference in the evaluation of their proposals. For information regarding certification, contact the Department of Administration, Materials Management **Helpline** at (651) 296-2600, **TTY** (651) 282-5799.

## **h. HUMAN RIGHTS REQUIREMENTS**

For all contracts estimated to be in excess of \$100,000, responders are required to complete the attached Affirmative Action Data page and return it with the response. As required by *Minnesota Rules* 5000.3600, "It is hereby agreed between the parties that *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it". A copy of *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are available on Web Site <http://www.dsbcc.admin.state.mn.us>.

i. Any changes in team members for the project requires approval by the State.

j. All costs incurred in responding to this RFP will be borne by the responder. This RFP does not obligate the State to award a contract or complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

## **Minnesota State Colleges and University (MnSCU) Request for Proposals for Instructional Management System (IMS)**

The Minnesota State Colleges and Universities (MnSCU) is requesting proposals for an instructional management system. The purpose of this solicitation is to obtain specific proposals from potential respondents that will meet MnSCU strategic plan goals that encourage and support instructors engaged in technology-enhanced teaching and enable more instructors to develop web-enhanced and fully on-line courses. MnSCU is seeking both an immediate and long-term solution that will meet the online learning needs of MnSCU students, instructors and staff. The solution must be cost effective, must address the need to migrate existing content, and provide technical support (e.g. training, help desk) for instructors, designers and students. MnSCU welcomes innovative solutions that may involve partnerships with vendors, consortia, educational institutions (including MnSCU institutions), funding agencies, and/or corporate entities. Open source and related alternatives to traditional vendor-based IMS solution are invited. MnSCU intends to enter into an agreement with a single respondent for a multiple year contract that will provide a system-wide solution that will be available to all 34 MnSCU institutions.

Responses to this MnSCU IMS RFP are due no later than March 14, 2003 at 1:00 p.m. CST. The MnSCU Office of the Chancellor **web site** [http://www.oit.mnscu.edu/RFP/rfp\\_ims2003.html](http://www.oit.mnscu.edu/RFP/rfp_ims2003.html) from which respondents may download a copy of the RFP and its attachments will also provide vendors with updates and responses to respondent questions. Respondents are expected to check this site

# State Contracts

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on a daily basis to be aware of any changes, addenda, or additional information. If problems accessing the web site are experienced, respondents should immediately contact Dick Johnson (contact information given below). Other MnSCU personnel are **not** allowed to discuss the Request for Proposal with anyone, including respondents, before the proposal submission deadline without written authorization by the MnSCU IMS RFP Manger. All queries related to this RFP must be made in writing via e-mail, both questions and answers will be posted on the IMS RFP web site.

**Opening Date and Time:** March 14, 2003 at 1:00 p.m. Central Standard Time. Proposals received after 1:00 p.m. will be returned unopened.

**MnSCU IMS RFP Contact:**

**Name:** Dick Johnson  
**Title:** MnSCU IMS RFP Manager  
System Director for Instructional Technology  
**Address:** Minnesota State Colleges and Universities (MnSCU)  
Energy Technology Center, Suite 300  
1450 Energy Park Drive  
St. Paul, MN 55108  
**Phone:** (651) 632-5029  
**Fax:** (651) 632-5048  
**E-mail:** *dick.johnson@csu.mnscu.edu*

## Minnesota State Colleges and Universities

### Minneapolis Community & Technical College

#### NOTICE OF INTENT to Solicit Bids for Construction for the ADA Upgrade to the Wells Building on the Minneapolis Community & Technical College Campus

**Project Scope: Wells Building ADA Upgrade** - project includes selective demolition of existing concrete driveway and retaining wall, and the removal of garden area. It also includes construction of new concrete driveway, retaining wall and concrete walkway to comply with ADA, per Drawings and Specifications.

**Sealed Proposals** to be submitted to: Mr. David MacLeod  
Minneapolis Community & Tech. Coll.  
Plaza A  
1415 Hennepin Avenue South  
Minneapolis, MN 55403

**Due Date & Time:** 1:00 p.m., Tuesday February 18, 2003 all proposals will be opened and publicly read aloud.

**Pre-bid Meeting: 10:00 a.m., Thursday February 6, 2003** in Plaza A of MCTC Technical Building. The Consultant and Owner's Representatives will answer questions and review the bidding procedures, Bidding Documents and other conditions with interested Bidders.

Bid Forms, Contract Documents, Drawings and Specifications are on file at the offices of:  
**Sabongi Consulting Group, Inc.** and  
**Minneapolis Community & Technical College**

Qualified bidders may obtain copies of Contract Documents and Plans and Specifications on **February 3, 2003** from Sabongi Consulting Group, Inc.

Complete sets of bid forms and Drawings and Specifications for use by Bidders may be obtained from the Consultant. Send a check (non-refundable) for \$35.00 (includes cost of materials and the mailing fee) to:

Sabongi Consulting Group, Inc.  
P. O. Box 21904  
Eagan, MN 55121



Every bid of more than \$15,000.00 must be accompanied by a certified check, payable to the State of Minnesota, in the sum of not less than five percent (5%) of the total bid OR a corporate surety bond, in the sum of not less than five percent (5%) of the total bid, issued by a surety company authorized to do business in the State of Minnesota.

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

### **Winona State University**

#### **Request for Sealed Bids for New Dormitory Furniture**

Notice is hereby given that Winona State University will receive sealed bids for new dormitory furniture.

Bid Specifications will be available February 3, 2003 from the Winona State University Purchasing Department, P.O. Box 5838, 205 Somsen Hall, Winona, MN 55987 or by calling (507) 457-5067 or (507) 457-5419.

Sealed bids must be received by Sandra Schmitt at P.O. Box 5838, or at 175 Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 p.m. Friday, February 28, 2003.

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

## **Department of Corrections**

### **MINNCOR Industries**

#### **Request for Bidders for Notebook Equipment and Materials**

3-Ring Binder Notebook Equipment and Materials (7 thermatrons, silkscreen equipment, several riveters, a round cornering machine, paper drills and slitter, the original purchase prices valued at \$221,100.00. Also a wide variety of raw materials valued at over \$50,000.00 that includes ring metals, many colors of vinyl, poly covers in various sizes and colors, chipboard, and sheet lifter) available for sale through a Sealed Bid process.

The Notebook Business unit for MINNCOR Industries generated sales annually of \$700,000. Please contact Joan Weber at (651) 603-6704 for bidding information

## **Department of Corrections**

### **MINNCOR Industries**

#### **Request for Bidders for Bonded Fastener Machine**

OX-10-2 Boded Fastener Machine (affixes fasteners to paper storage folders) available for sale through a Sealed bid process.

Please contact Joan Weber at (651) 603-6704 for bidding information.

## **Department of Human Services**

#### **Request for Proposals to Provide On Site Dental Services**

The Minnesota Department of Human Services/Anoka Metro Regional Treatment Center (AMRTC) is soliciting proposals from qualified parties to provide on site dental services for clients at the Anoka-Metro Regional Treatment Center.

This Request for Proposals does not obligate the State to fill the position, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

I. SCOPE OF POSITION.

To provide onsite dental services, including examinations, emergency, and emergent care for clients at the AMRTC.

II. GOALS AND OBJECTIVES.

To contract with a licensed dentist who will provide dental services for mental health or chemically dependent clients including examinations, emergency, and emergent care on-site at AMRTC.

# State Contracts

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## III. CONTRACTOR'S DUTIES

- A. Provide in-house dental services for clients of Anoka-Metro Regional Treatment Center at times mutually agreeable by vendor and Medical Director or designee.
- B. Provide dental services including examinations, emergency and emergent care.
- C. Provide written reports where indicated on treatments.
- D. Complete all required dental records.
- E. Refer clients to other professionals as indicated.
- F. Provide reference and educational material to clients and staff.
- G. Provide consultant services to dental staff on procedures and techniques in dental care, safety, sanitation, quality control, and methodology.
- H. Actively participate in peer review activities and medical staff committee assignments.
- I. Maintain a current license to practice dentistry in Minnesota in accordance with *Minnesota Statute*, Chapter 150A, and provide copy of license.
- J. Possess a valid federal narcotics number. Submit proof of registration with Drug Enforcement Administration.
- K. Maintain and submit proof of professional liability insurance coverage or maintain a program of self-insurance covering actual services rendered in the amount of at least \$1,000,000 for each occurrence, with a per annum aggregate limitation of at least \$3,000,000 and shall obtain so-called commercial "tail insurance" or shall maintain an equivalent policy of self-insurance in the above amounts if the insurance being provided is on a claims made as opposed to an occurrence basis.
- L. Submit proof of current competence, as well as proof of relevant training and experience.

## IV. SUBMISSION OF PROPOSALS.

All proposals must be in writing and sent to and received by:

William Nelson, Site Director  
Anoka-Metro Regional Treatment Center  
3301 7th Avenue North  
Anoka, MN 55303

No later than 3:00 p.m. CST, **February 24, 2003**

Late proposals will not be accepted. Submit two copies of proposals. Proposals must be submitted in a sealed mailing envelope or package with the responder's name and address clearly written on the outside.

Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the proposal. All costs of this proposal will be borne by the responder. No fax or e-mail responses will be considered.

## V. COMPENSATION.

The Department has estimated the need for services to be approximately sixteen (16) hours per week. Contractor will be compensated on an hourly basis. Travel costs shall be included in the hourly rate.

## VI. CONTRACT PERIOD.

The contract will run from **April 1, 2003 to June 30, 2004.**

## VII. PROPOSAL CONTENTS.

The following will be considered minimum contents of the proposal:

1. Restatement of objectives, to demonstrate the responder's understanding of the position;
2. Outline of the responder's background and experience;
3. Requested rate of compensation
4. Availability (hours of service)

## VIII. EVALUATION.

All proposals received by the deadline specified in section IV will be evaluated by representatives of the Department of Human Services. A personal interview may be part of the evaluation process. Proposals will be evaluated based and rated on the following:

1. Expressed understanding of the position (15%);
2. Background, availability, and experience (55%); and
3. Compensation rate (30%);

Evaluation and selection will be completed by **March 17, 2003**. Results will be sent immediately by mail to all responders.

**IX. DEPARTMENT CONTACTS.**

Prospective responders who have any questions regarding this Request for Proposal or to request the entire Request for Proposal may call or write:

William Nelson, Site Director  
Anoka-Metro Regional Treatment Center  
3301 7th Avenue North  
Anoka, MN 55303  
(763) 712-4028

Other personnel are NOT *authorized* to discuss this request for proposal with responders before the proposal submission deadline. Contact regarding this request for proposal with any personnel not listed above could result in disqualification.

**Department of Trade and Economic Development  
Agricultural and Economic Development Board  
Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes*, Chapter 41A Minnesota Agricultural and Economic Development Board**

**NOTICE IS HEREBY GIVEN** that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on February 19, 2003, at 9:00 a.m., at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of HealthEast, Health St. Joseph's Hospital, HealthEast Bethesda Hospital, HealthEast St. John's Hospital and HealthEast Woodwinds Hospital, Minnesota nonprofit corporations (collectively the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project consists of the renovating, constructing and equipping of facilities of the Applicant and its affiliates located at:

HealthEast St. John's  
Hospital  
1575 Beam Avenue  
Maplewood, MN 55109

HealthEast Bethesda  
Rehabilitation Hospital  
559 Capitol Boulevard  
St. Paul, MN 55103

Midway Surgery Center  
1700 University Avenue  
St. Paul, MN 55109

St. Joseph's Hospital  
69 West Exchange Street  
St. Paul, MN 55102

HealthEast  
1700 University Ave West  
St. Paul, MN 55104

HealthEast Woodwinds Hospital  
1925 Woodwinds Drive  
Woodbury, MN 55125

Maplewood Surgery Center  
1655 Beam Avenue  
Maplewood, MN 55109

The owner of the Project will be the Applicant, or an affiliate of the Applicant and the Project is expected to be operated and managed by the Applicant or an affiliated entity. It is contemplated that the facilities financed or refinanced by the Bonds will be used primarily for hospital, medical clinic or related facilities. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$7,500,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

This Notice of Public Hearing is being given pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 500 Metro Square, 121 7th Place East, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director prior to the date of the hearing set forth above.

Dated: 22 January, 2003

BY ORDER OF THE MEMBERS OF THE  
MINNESOTA AGRICULTURAL AND  
ECONOMIC DEVELOPMENT BOARD

Paul A. Moe  
Executive Director  
Minnesota Agricultural and Economic  
Development Board

## **Department of Transportation Program Support Group Notice of Potential Availability of Contracting Opportunities for a variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")**

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting application from consultants in the following service areas: preliminary design, highway design, bridge inspection and environmental studies. Technical and administrative qualification requirements are located on the web site indicated below. In the future, Mn/DOT will be requesting applications for additional highway related consulting services as those services become available. Following advertisement of a particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program Information, application requirements and application forms are available on Mn/DOT's web site at <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento  
Pre-Qualification Administrator  
Minnesota Department of Transportation  
Consultant Services  
395 John Ireland Boulevard, Seventh Floor, Mail Stop 680  
St. Paul, MN 55155

**NOTE: Due Date: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.**

## Department of Transportation

### Program Support Group

#### Notice Concerning Professional/Technical Contract Opportunities

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on M/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult).

New public notices may be added to the website on a daily basis and be available for the time period indicated within the public notice.

### Non-State Contracts & Grants

... The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of 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 editor for further details.

## Rice County

### Notice of Request for Proposals to Rewrite Rice County Zoning and Subdivision Ordinances

Rice County is seeking professional services to rewrite the Rice County Zoning and Subdivision Ordinances to implement the recently approved Comprehensive Plan. The Project will commence on March 1, 2003 and be completed by September 1, 2003.

The existing Ordinance will serve as the starting point and create a user-friendly ordinance. New items to be included include transfer development rights, clustering requirements, planned unit development ordinances, adult entertainment provisions and business licensing provisions.

Submit proposals (3 copies) to Arlyn Grussing at 320 3rd Street NW, Faribault, MN 55021 by **February 10, 2003**. Include the number of meetings included with your proposal and submit a copy of a city or county ordinance prepared by your office.

Minimum requirements; 10 years of professional land use/planning experience or 5 years legal experience with concentrations on land use and ordinance development.

With questions please call Arlyn Grussing at (507) 332-6173

## 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 Bids/Proposals through its web based Bid Information Services(BIS). Subscriptions to BIS are \$75/year. Visit our web site at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call 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.

