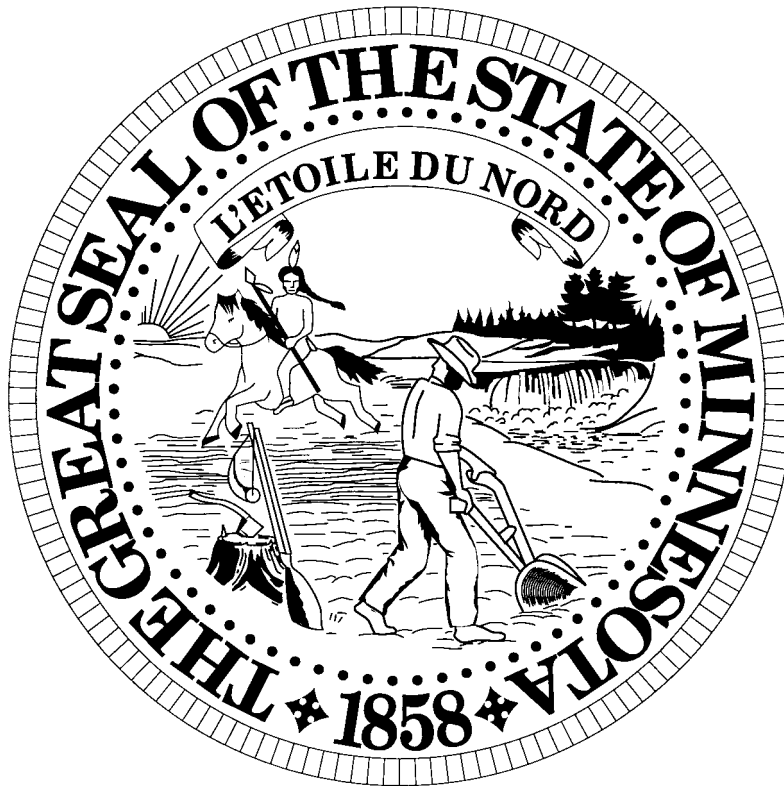


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State Register

Rules and Official Notices Edition



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Cumulative Index for Issues #1 - 39

State Register

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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- proposed, adopted, exempt, expedited emergency and withdrawn rules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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#40	Monday 5 April	Noon Tuesday 30 March	Noon Wednesday 24 March
#41	Monday 12 April	Noon Tuesday 6 April	Noon Wednesday 31 March
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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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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.

Expedited and Emergency 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 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 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.

Department of Public Safety

Adopted Permanent Rules Relating to Driver Education Schools and Programs

The rules proposed and published at *State Register*, Volume 28, Number 11, pages 289-313, September 15, 2003 (28 SR 289), are adopted with the following modifications:

7411.0210 APPLYING FOR DRIVER EDUCATION PROGRAM LICENSE OR APPROVAL.

Subp. 7. **Application content for program license or certificate of approval.** Application for a new or renewal license or certificate of approval for the program must be made on a format prescribed by the commissioner.

E. A program application must identify the instructors of students and provide each instructor's driver's license number. If an individual holding a Board of Teaching license will be providing instruction, the program must provide the teaching license number of that individual and identify any valid teaching and driver education instruction certificates the individual holds.

7411.0280 PROGRAM RECORDS.

Subpart 1. **General requirements.** The program must:

B. keep an instruction record of every person enrolled, whether or not the person was given instruction or other services relating to classroom instruction, laboratory instruction, or both, in operating a motor vehicle, and the instruction record must contain:

(2) for a student who has completed a portion of the driver education program, the completion date of the portion of the program shown on the ~~certificate of completion~~ document issued to the student and the name of both the last instructor and the program's authorized official;

7411.0295 ADVERTISING RESTRICTIONS.

Subpart 1. **General restrictions.** A driver education program must not:

E. advertise ~~an address or~~ a location for instruction other than a licensed location or approved location;

F. advertise ~~the address of~~ any temporary location without identifying it as a temporary location and without also indicating the address of the program's permanent location; or

7411.0305 STUDENT AGREEMENTS OR CONTRACTS.

Initial and revised contracts and agreements between a program and student must comply with this part.

G. The contract or agreement must specify the ~~beginning and ending~~ dates for ~~program completion~~ the start and completion of instruction by the student.

7411.0340 PROGRAM ANNUAL REPORT.

The authorized official of a program must submit to the commissioner an annual report 30 days after the close of the calendar year.

A. The annual report must indicate:

(1) the number of students who ~~received any instruction from~~ were enrolled in the program the previous calendar year; and

(2) the number of students who completed instruction from the program the previous calendar year.

7411.0365 SITUATIONS REQUIRING NOTIFICATION.

The authorized official of a program shall notify the commissioner, in writing, if any of the situations specified in this part occur.

B. The program's authorized official shall notify the commissioner if one of the program's instructors incurs a conviction or violation as specified in part 7411.0620. Notice of the conviction or violation must occur within three ~~business~~ calendar days of the date the program's authorized official becomes aware of the conviction or violation.

Adopted Rules

D. The commissioner must be notified ~~in writing~~ within ten calendar days from the date of the accident if one of the program's students, while receiving laboratory instruction, is involved in a motor vehicle accident requiring reporting under *Minnesota Statutes*, section 169.09.

E. A program must notify the commissioner within five calendar days if one of its instructors has violated a statute or rule or committed an act that would cause the instructor to be unfit to continue working as an instructor.

F. The authorized official of the program shall notify the commissioner ~~in writing~~ within five calendar days of the death, retirement, resignation, or discontinuance of employment or service of an instructor.

7411.0530 TELECONFERENCED CLASSROOM INSTRUCTION.

Teleconferenced classroom instruction for class A, B, C, or D motor vehicles or for a motorcycle endorsement may be used to link multiple classroom locations.

C. If the receiving location has one or more students under the age of 18 receiving program instruction, the location must have a proctor, who is at least 21 years old, ~~available on site~~ within the classroom for control and assistance.

7411.0545 LABORATORY INSTRUCTION.

The requirements in this part apply to laboratory instruction for all programs.

A. Whenever laboratory instruction is provided to a student on a public roadway, an instructor must be in the seat beside the student.

B. An instructor shall ensure that any student operating a motor vehicle has passed the Minnesota knowledge test representative of the class of vehicle for which instruction is to be given and is in possession of either:

(1) a valid Minnesota instruction permit or;

(2) a valid Minnesota driver's license; or has passed the knowledge test representative of the class of vehicle in which instruction is to be given

(3) a valid driver's license or permit from another state or country.

~~B. C.~~ An instructor shall ensure that seat belts are used at all times by persons in the motor vehicle.

~~C. D.~~ The class A vehicle provided by a program for driver education must be one that requires a class A license for its operation.

~~D. E.~~ The class B vehicle provided by a program for driver education must be one that requires a class B license for its operation.

~~E. F.~~ A firearm may not be transported in any vehicle used for driver education. For the purpose of this item, "firearm" has the meaning given it in *Minnesota Statutes*, section 97A.015, subdivision 19.

7411.0630 INSTRUCTOR TRAINING QUALIFICATIONS.

Subp. 4a. Instructor with Board of Teaching credential. An individual with a Board of Teaching license and certification under part 8710.4350 (2003) meets the requirements in subparts 3 and 4.

Subp. 5. **Class A, B, or C motor vehicle training instructor.** An instructor providing instruction to operate a class A, B, or C motor vehicle must have a commercial driver's license representative of the vehicle class used for instruction.

B. To qualify as an instructor, the individual must document and demonstrate competency of the individual's:

(7) experience, by a showing of ~~6,240~~ 3,000 hours within the last five years of experience operating the class of vehicle for which instruction will be provided;

7411.0850 VEHICLE REQUIREMENTS.

Subp. 2. **Vehicle inspection.** A vehicle inspection form must be completed ~~initially;~~

A. for all ~~used~~ training vehicles; after a reportable accident; and;

B. annually for any motorcycle or class D motor vehicle over six years of age ~~or any commercial;~~ and

C. annually for any class A, B, or C vehicle over ten years of age. For ~~commercial~~ class A, B, and C motor vehicles, the commissioner shall accept a state patrol motor vehicle inspection report.

Subp. 3. **Equipment required on vehicles.** A class A, B, C, or D vehicle used for driver education instruction must have an outside rearview mirror on each side of the vehicle, a separate inside rearview ~~or visor~~ mirror for the instructor's use, and seat belts for each occupant of the vehicle as required by state law. In addition:

~~Subp. 13. Use of program vehicle for student road or skills test. An instructor must accompany an applicant appearing for the state driver's license road test when a program's vehicle is to be used. The instructor must be employed by the program that owns or leases the vehicle.~~

7411.1800 PROGRAM ADMINISTRATIVE ENFORCEMENT ACTIONS.

Subpart 1. **Suspension, revocation, or refusal to renew program license.** The license of a program may be revoked, suspended, or not renewed for any of the conditions specified in this subpart.

F. The program or an instructor has conducted business in a way that adversely affects the student's education or public safety and that substantially departs from commonly accepted practices as used by other driver education programs and instructors.

7411.1850 SUSPENSION, REVOCATION, OR REFUSAL TO RENEW INSTRUCTOR'S LICENSE.

The license of an instructor may be revoked, suspended, or not renewed for any of the conditions specified in this part.

F. The instructor has provided instruction in a way that adversely affects the student's education or public safety and that substantially departs from commonly accepted practices used by other driver education instructors.

7411.1975 BOARD OF TEACHING REFERRAL.

If the commissioner takes administrative action against ~~an instructor with a Minnesota Board of Teaching license or certificate of an approved public~~ a program due to action of ~~the an~~ instructor with ~~the approved program~~ a license or certificate issued by the Board of Teaching, the commissioner shall notify the Board of Teaching so appropriate action may be taken by the board.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* § 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can only be used where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning or effect the rules.

These exempt rules are also reviewed for form by the Revisor or Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years from the date of publication of the rule in the *State Register*. Rules adopted, amended or repealed under clause (3) or (4) are effective upon publication in the *State Register*.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Labor and Industry

Adopted Exempt Permanent Rules Relating to Labor and Industry; Safety Account Grant and Loan Program

5203.0020 DEFINITIONS.

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

Subp. 5. **Eligible costs.** "Eligible costs" means all or part of the cost of ~~purchasing and installing recommended safety equipment, the cost of operating or maintaining equipment, or the cost of purchasing or renting real property, if necessary to meet~~ meeting the standard set forth in *Minnesota Statutes*, section 79.253, "to establish and promote workplace safety and health programs," and meeting criteria established by the on-site safety inspection. Regardless of the amount of eligible costs, no grant or loan shall be awarded for an amount that exceeds the maximum established by the notice under part 5203.0030, subpart 1.

[For text of subps 6 to 10, see M.R.]

5203.0060 SAFETY ACCOUNT GRANT PROGRAM.

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

Subp. 2. **Proposal.** An eligible applicant shall submit a proposal in the form specified by the commissioner. The commissioner

Exempt Rules

may request additional information from the applicant if it is necessary to clarify the proposal. A proposal must include the following information:

A. the names, qualifications, and addresses of the applicant and other project participants;

B. a description of the proposed project, including:

(1) a work plan that includes a list of project activities, an implementation schedule with specific timelines, and persons involved in completing each activity;

(2) the location of the proposed project if it involves capital equipment or necessary real property;

[For text of subitems (3) and (4), see M.R.]

C. a financial report, including:

[For text of subitems (1) and (2), see M.R.]

(3) a business plan that demonstrates ongoing financial commitment over the projected life of the proposed project, ~~including financial commitment over the projected life of equipment to be funded by the grant~~;

[For text of items D and E, see M.R.]

[For text of subs 3 and 4, see M.R.]

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 Statutes* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Spring Wild Turkey Hunting

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 97A.435 and 97B.723.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that: The ELS internet system contained an error in a table that allows customers to select their zone and time period. They were therefore prevented from completing transactions for surplus licenses. These licenses were made available first-come, first-served basis for a window of time beginning at 5:00 p.m. on March 15, 2004. By 5:30 p.m. the system error had been corrected, but by that time many of the surplus permits were already sold and the internet customers lost their opportunity to participate in most areas with surplus licenses. The department needs to amend the rule capping the number of permits in order to provide additional surplus spring wild turkey permits for customers who were unable to complete a transaction because of the error made by the department's internet license sales agent.

Dated: March 19, 2004

Gene Merriam
Commissioner of Natural Resources

6236.1060 TURKEY HUNT QUOTAS.

[For text of subs 1 and 2, see 28 SR 609]

[For text of subp 3, see 28 SR 1128]

Subp. 4. **Additional permits.** Additional surplus spring wild turkey permits are authorized for permit areas and time periods that had surplus permits available after the lottery drawing. The additional surplus spring wild turkey permits are only available to the unsuccessful spring wild turkey lottery applicants who:

A. attempted to use the ELS Internet system on March 15, 2004, from 5:00 to 5:30 p.m.; and

B. were unable to complete an Internet surplus spring wild turkey license transaction.

EFFECTIVE PERIOD. *Minnesota Rules*, part 6236.1060, subpart 4, expires December 31, 2004.

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 Pollution Control Agency

Amended Findings of Fact, Conclusions, and Order in the Matter of the Petition to Create the Crane Lake Water and Sanitary District

The Board of Managers of the Crane Lake Water and Sanitary District (District), St. Louis County Board of Commissioners, and the Board of Supervisors of the Town of Crane Lake have requested that the Minnesota Pollution Control Agency (MPCA) amend the Findings of Fact, Conclusions and Order (Order) dated November 28, 1995, creating the Crane Lake Water and Sanitary District to designate the Board of Supervisors of the Town of Crane Lake in place of the St. Louis County Board of Commissioners as the related governing body under *Minnesota Statutes* § 115.23 (2002). Each governing board passed separate resolutions in support of designation of the Board of Supervisors of the Town of Crane Lake as the related governing body of the District. Prior to this request, the St. Louis County Board of Commissioners had been designated the related governing body of the District as stated in the Order creating the sanitary district.

FINDINGS OF FACT

1. The St. Louis County Board of Commissioners filed a petition with MPCA on August 25, 1995, requesting the formation of the Crane Lake Water and Sanitary District. The petition was filed pursuant to *Minnesota Statutes* § 115.20 on behalf of an unincorporated area at Crane Lake, Minnesota and met all the statutory conditions.
2. The MPCA Commissioner signed an Order creating the District on November 28, 1995. The MPCA Commissioner signed the Order creating the District after having considered the petition, having published notice of intent to approve creation of the District in the *State Register*, having notified the affected landowners of the intent to create the District, having reviewed the comment letters received during the comment period, and having not received 25 or more hearing requests requisite for a hearing.
3. Before issuing the Order the MPCA found that the conditions described in *Minnesota Statute* § 115.19 requisite for the creation of a sanitary district exists within the area of the Crane Lake Water and Sanitary District. There is a need throughout the area of the District for an adequate and efficient means of treating and disposing of domestic sewage as the area is underlain with rock and typified by shallow soils. In particular, there is a need for an efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage in the southwestern corner of Crane Lake, comprised of several restaurants, resorts, and businesses, many of which have had a history of problems with their on-site wastewater treatment systems. The creation and maintenance of the District is administratively feasible, and will further the public health, safety and welfare.
4. A certified copy of the signed Order creating the Crane Lake Water and Sanitary District was filed with the Secretary of State's Office on January 25, 1996.
5. The St. Louis County Board of Commissioners and the Crane Lake Water and Sanitary District filed a petition with the MPCA on December 22, 1999, pursuant to *Minnesota Statutes* § 115.21, requesting approval of the annexation of a specified area adjacent to the Crane Lake Water and Sanitary District.
6. The MPCA Deputy Commissioner signed an Order approving the annexation of the specified area adjacent to the District on May 19, 2000. The Deputy Commissioner signed the Order approving the annexation after having considered the petition, having published notice of intent to approve the annexation to the sanitary district in the *State Register*, having notified the affected landowners of the intent to approve the annexation, having reviewed the comment letters received during the comment period, and having not received 25 or more hearing requests requisite for a hearing.
7. Before issuing the Order approving the annexation, the MPCA determined that similar conditions exist in the annexation area as that in the area of the existing sanitary district and that annexation of the specified area allows the District to provide continuous wastewater services, which is important for achieving the purposes of *Minnesota Statutes* § 115.19. Annexation of the specified territory to the Crane Lake Water and Sanitary District serves the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating, and disposing of domestic sewage within the District.
8. A certified copy of the signed Order approving annexation of the specified area adjacent to the District was filed with the Secretary of State's Office on July 11, 2000.

Commissioner's Orders

9. The territory of the Crane Lake Water and Sanitary District is legally described as:
All of Township 67 North, Range 17 West; and
all of Section 18, Township 67 North, Range 16 West; and
the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7; and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of
Section 7, Township 67 North, Range 16 West; St. Louis County, Minnesota.
10. Pursuant to *Minnesota Statutes* § 115.23, the District is administered by a five-member governing board who are voters within the sanitary district and who are elected by the members of the related governing body.
11. The Orders signed by the MPCA on November 28, 1995 and May 19, 2000, designated the St. Louis County Board of Commissioners as the related governing body under *Minnesota Statute* § 115.23, responsible for electing the five-member governing board that manages the District.
12. Since the issuance of the Orders, the Town of Crane Lake was duly organized as a public corporation and political subdivision within St. Louis County, Minnesota.
The entire area of the Crane Lake Water and Sanitary District is located within the jurisdictional boundaries of the Town of Crane Lake.
13. On August 6, 2003, the Board of Managers of the Crane Lake Water and Sanitary District adopted a resolution expressing support to amend the November 28, 1995, Order to designate the Board of Supervisors of the Town of Crane Lake as the related governing body in place of the St. Louis County Board of Commissioners.
14. On August 12, 2003, the Board of Supervisors of the Town of Crane Lake adopted a resolution expressing support to amend the November 28, 1995, Order to designate the Board of Supervisors of the Town of Crane Lake as the related governing body in place of the St. Louis County Board of Commissioners.
15. On December 23, 2003, the St. Louis County Board of Commissioners adopted a resolution expressing support to amend the November 28, 1995, Order to designate the Board of Supervisors of the Town of Crane Lake as the related governing body in place of the St. Louis County Board of Commissioners.

CONCLUSIONS

1. The MPCA concludes, based on the above findings, that the Board of Supervisors of the Town of Crane Lake shall be the related governing body for the purpose of electing the five-member governing board for the Crane Lake Water and Sanitary District.
2. The Findings of Fact, Conclusions and Order dated November 28, 1995, creating the Crane Lake Water and Sanitary District must be amended in order to designate the Board of Supervisors of the Town of Crane Lake as the related governing body in place of the St. Louis County Board of Commissioners.

ORDER

It is hereby ordered that the November 28, 1995 Findings of Fact, Conclusions and Order creating the Crane Lake Water and Sanitary District is amended to designate the Board of Supervisors of the Town of Crane Lake as the related governing body in place of the St. Louis County Board of Commissioners for the purpose of electing the five-member governing board for the Crane Lake Water and Sanitary District.

Sheryl Corrigan
Commissioner

Minnesota Public Utilities Commission**NOTICE AND ORDER FOR HEARING: In the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) for a Certificate of Need for a Large Electric Generating Facility****ISSUE DATE: March 17, 2004 – DOCKET NO. E-002/CN-04-76**

LeRoy Koppendraye	Chair
Marshall Johnson	Commissioner
Ken Nickolai	Commissioner
Phyllis A. Reha	Commissioner
Gregory Scott	Commissioner

PROCEDURAL HISTORY

On January 16, 2004, Xcel Energy (the Company or the Applicant) submitted a certificate of need application. The proposed “project” would include:

- installation of two simple-cycle, natural gas-fired combustion turbine generators adjacent to the existing oil-fired units at the Xcel Energy Blue Lake Generating Plant;
- construction of a transmission interconnection approximately 4000 feet long between the Blue Lake Substation and an existing 230-kilovolt line in the area; and
- a natural gas pipeline between the plant site and a regional gas pipeline approximately 10 to 12 miles to the south.

On March 4, 2004, the application came before the Commission.

On March 17, 2004, the same date that it issues this NOTICE AND ORDER FOR HEARING, the Commission also is issuing an Order finding Xcel’s application substantially complete and referring the matter to the Office of Administrative Hearings (OAH) for a contested case proceeding.

FINDINGS AND CONCLUSIONS**I. Jurisdiction**

The Commission has jurisdiction over applications for certificates of need for large energy facilities, including the generation project at issue, under *Minnesota Statutes* §§ 216B.2421 and 216B.243. The statute requires the Commission to hold at least one public hearing under the Administrative Procedure Act before acting on this or any other application for a certificate of need. *Minnesota Statutes* § 216B.243, subd. 4.

II. Referral for Contested Case Proceedings

The Commission finds that it cannot determine, on the basis of the record before it, whether the Company should be granted the certificate of need it seeks. That determination turns on specific facts that are best developed in formal evidentiary proceedings. The Commission will therefore refer the matter to the Office of Administrative Hearings (OAH) for contested case proceedings.

The Commission notes the potential for joint hearings regarding siting and need issues, as discussed in the companion Order¹, and leaves it to the OAH to determine whether to assign more than one Administrative Law Judge to this proceeding.

III. Issues to be Addressed, Witnesses to be Produced

Minnesota Statutes § 216B.243, subd. 3 and *Minnesota Rules* 7849.0100-7849.0120 set forth criteria that must be met to establish need for proposed large energy facilities, including the project at issue. *Minnesota Rules* 7849.0100 requires specific written findings on each of these criteria. The parties to this proceeding should address whether the proposed project meets these criteria.

IV. 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 Suite 350, 121 7th Place East, St. Paul, Minnesota 55101-2147.

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. The Commission will require the Company to publish notice of the

¹ See page 5 of the Commission’s ORDER FINDING APPLICATION SUBSTANTIALLY COMPLETE AND REFERRING MATTER TO THE OFFICE OF ADMINISTRATIVE HEARINGS, issued March 17, 2004 in this matter.

Commissioner's Orders

public and evidentiary hearings in newspapers throughout the state, to encourage public participation.

V. Procedural Outline

A. Administrative Law Judge

The Administrative Law Judge assigned to this case is Raymond R. Krause. His address and telephone number are as follows: Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, Minnesota 55401-2138; (612) 341-7640.

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 1400.5010 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, 660 Olive Street, St. Paul, Minnesota 55155; (651) 297-3000. These rules and statutes also appear on the State of Minnesota's **web-site** at 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; Susan MacKenzie, Public Utilities Rates Analyst, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147, (651) 296-8994; or Kari Zipko, Assistant Attorney General, 1100 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-1408.

- *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 Commission staff 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 Company, the Minnesota Department of Commerce, and the Staff of the Environmental Quality Board. 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 Thursday, April 8, 2004, at 1:30 p.m. in the Small 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.

E. Time Constraints

Under *Minnesota Statutes* § 216B.243, subd. 5, the Commission is required to act on this application within six months of the date it is substantially complete. The Commission has found that the application was substantially complete as of the Company's February 19, 2004 filing so the six month period began as of that date. The Commission asks the Office of Administrative Hearings to conduct contested case proceedings in light of these time constraints. Parties should note the six-month statutory time frame at the outset and be prepared for the expedited hearing schedule that time frame requires.

The Commission has responsibility to determine whether to grant a certificate of need for the project in question, the Environmental Quality Board (EQB) has the responsibility to grant or deny a site permit for the project. *Minnesota Rules*, Part 4410.7060, subp. 4 provides that if the EQB determines that a joint hearing with the Commission to determine both site permit and certificate of need issues is feasible, more efficient, and may further the public interest, and the Commission approves, the two proceedings can be addressed in a joint hearing. The Commission favors administrative efficiencies in general, consistent with due consideration to the issues to be addressed and has authorized its staff David Jacobson to explore with EQB staff the details of such a joint meeting. Mr. Jacobson will have authority to convey the Commission's approval and recommendation to the ALJ regarding the joint meeting option.

VI. 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.

VII. 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. A contested case proceeding shall be held on Xcel Energy's (the Company's) certificate of need application.
2. The contested case proceeding shall begin with a prehearing conference on Thursday, April 8, 2004, at 1:30 p.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147.
3. At least one public hearing shall be held in this matter at a time and place determined by the Administrative Law Judge after consultation with Commission staff.
4. The Commission asks the Department of Commerce to continue its examination of the merits of the application and to provide a recommendation on the reasonableness of granting the requested certificate of need.
5. The Company shall facilitate in every reasonable way the continued examination of the issues by the Department of Commerce and the Environmental Quality Board.
6. The Company shall publish notice of the public and evidentiary hearings at least 10 days in advance in visible display ads in newspapers of general circulation throughout the state. The Company shall work with Commission staff to develop a plan to meet this requirement, including a proposed text, a list of the newspapers it proposes to use, and proposed publication dates. The Company shall obtain proofs of publication of the ads required above.
7. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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

Commissioner's Orders

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

NOTICE OF APPEARANCE: MPUC Docket No. – OAH Docket No. E-002/CN-04-76

In the Matter of the Application of Northern States Power Company (d/b/a Xcel Energy) for a Certificate of Need for a Large Electric Generating Facility

Name, Address and Telephone Number of Administrative Law Judge:

Raymond R. Krause, Office of Administrative Hearings, Suite, 1700, 100 Washington Square, Minneapolis, Minnesota 55401; (612) 341-7640

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: _____

Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* § 270.0604

Department of Revenue

Revenue Notice # 04-03: Sales and Use Tax – Camp Fees

Background

During the 2003 legislative session, the legislature amended *Minnesota Statutes*, section 297A.70, subdivision 16, to expand the types of camps that qualify for sales tax camp fee exemption by eliminating age restrictions on campers. Exempt camp fees now include fees to camps providing services primarily for children including fees for adults accompanying children, camps for persons with disabilities, and camps providing educational or religious activities provided the facility is owned and operated by a 501 (c)(3) organization.

Department Position

The exemption applies to the amounts paid to camps or recreational facilities for the privilege of attending the camp or for participating in recreational, educational, or religious training or programming. If the camp or facility is just renting out their premises and only providing lodging and/or meals and no program of training or education is provided at the camp or recreational facility, the exemption does not apply.

“Camp fees” means the amounts paid to attend the camp, including charges for meals and lodging and for instruction or training. However, the exemption does not apply to sales of candy, souvenirs, or other taxable items sold through vending machines or at the camp store.

The exemption does not apply to fees to use tennis courts, golf courses, or other recreational facilities unless the fees are paid to participate in organized training or instruction such as tennis camps or swimming lessons at a facility owned and operated by a 501 (c)(3) organization.

Educational or religious activities must be provided at the camp or recreational facility and the camp or recreational facility must be owned and operated by a 501 (c)(3) organization. The exemption applies to camps or recreational facilities providing educational and religious activities to persons of any age. Educational or religious activities would not include events such as quilting bees; family or class reunions; or wedding receptions. Educational or religious activities would include, but are not limited to, events such as marriage retreats, adult religious camps, music camps, culture camps, and language camps.

Terese M. Mitchell, Director
Appeals and Legal Services Division

Department of Revenue

Revenue Notice # 04-04: Sales and Use Tax - Distinguishing Between Real Property and Tangible Personal Property

Minnesota Statutes, section 297A.61, subdivision 10, provides that for sales and use tax purposes tangible personal property does not include property which is subject to an ad valorem property tax. This Revenue Notice sets forth the department's position as to how it distinguishes between real property and tangible personal property for sales tax purposes when the property is not subject to an ad valorem tax. This Revenue Notice only applies to the sales and use tax and cannot be used to classify property as real or personal for property tax purposes.

Building materials and other items that will be incorporated into real property are subject to Minnesota sales or use tax at the time of purchase by the person who purchases and intends to install the materials or items. The person who purchases and installs the materials or items into real property must pay the Minnesota sales or use tax when they purchase these items.

However, in certain instances, materials or items that are attached to real property retain their identity as tangible personal property. If an item that is installed retains its identity as tangible personal property, the installer is not required to pay Minnesota sales or use tax on these materials or items, but instead must charge their customer sales tax unless the customer provides a proper exemption certificate. After January 1, 2002, the installer of tangible personal property must also charge their customer sales tax on the installation charge unless the customer provides a proper exemption certificate.

All items will be classified as tangible personal property after being installed on land or in buildings or structures attached to land if the items are freestanding. Machinery and equipment that is attached to real property but that qualifies as capital equipment defined in *Minnesota Statutes*, section 297A.68, subdivision 5, and that are of no permanent benefit to the building will also be treated as tangible personal property.

“Freestanding” means the item is held in place only by the force of gravity and not constrained from moving. Plugging an item into an electrical outlet will not cause the item to lose its identity as tangible personal property, nor will attachment to a vent, water line, or to a power source such as a gas or electric line. Examples are a stove attached directly to a gas line, a refrigerator plugged into an electrical outlet, a washing machine or refrigerator ice maker connected to hoses or directly to a water line.

Attaching an item of tangible personal property to real property only for the purpose of preventing theft does not cause the item to lose its identity as tangible personal property. Examples are pictures screwed or bolted to the wall in a hotel, coffee pots bolted to a vanity in a hotel, and cash registers bolted to real property.

For sales tax purposes, the fact that an item is incorporated into a building or structure that is leased rather than owned, does not affect the determination as to whether the item is real or personal property after installation, except if the item is leased. Leased equipment and machinery which is attached to real property retains its character as tangible personal property unless it is subject to ad valorem tax. For purposes of this Revenue Notice, buildings and structures, whether owned or leased, are considered to be subject to ad valorem tax.

Real Property

Real property, for sales and use tax purposes includes, but is not limited to, the following:

- 1) Buildings, structures, and bridges;
- 2) Exterior shells of a structure, which constitute walls, ceilings, or roofs if the shell of the structure has structural, insulation, or temperature control functions or provides protection from the elements. Such an exterior shell is included in the defini-

Revenue Notices

tion of real property even if it also has special functions distinct from that of a building;

- 3) Parts of a sewer, electrical, or water system, such as junction boxes, switches, conduit, wiring, valves, pipes and tubing, that are incorporated into buildings, structures, or an integral part of an item classified as real property, including those that serve machinery;
- 4) Security systems that are not freestanding, including the wiring, cabling, and control equipment for these systems;
- 5) Property that is part of an electric distribution system or a pipeline system transporting or distributing water, sewage, gas, crude oil, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures;
- 6) Electric power lines, poles and towers;
- 7) Poles, lines and towers used in providing telecommunications services;
- 8) Utility systems in a building such as heating, cooling, lighting and plumbing systems;
- 9) Cabinets, cupboards, counters, restaurant booths, back bar units, and bars that are not freestanding;
- 10) Built-in appliances such as dishwashers, cook tops, and ovens;
- 11) Pneumatic systems, such as those used in banks and credit unions;
- 12) Drive-up and walk-up windows, such as those used in banks, credit unions, fast food restaurants and photo shops;
- 13) Fuel dispensing systems including the fuel storage tanks, pipes and pumps;
- 14) Loading docks that are not freestanding;
- 15) Grain bins and silos;
- 16) Billboards and signs that are not freestanding. Examples are signs that identify a building or structure, marquees, and directional signs, that are attached to real property.
- 17) Theater or auditorium seating, basketball backboards, and scoreboards, that are not freestanding;
- 18) Docks, wharves, railroad tracks and ties, roadways, and fences;
- 19) Ponderous machinery and equipment used in a business or production activity that would be considered real property under common law. (*Minnesota Statutes*, section 297A.61, subdivision 10(b)(1)); and
- 20) ATM machines that are not freestanding.

Tangible Personal Property

Minnesota Statutes, section 297A.61, subdivision 10a defines tangible personal property as personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. "Tangible personal property" includes, but is not limited to, electricity, water, gas, steam, prewritten computer software, and prepaid calling cards.

Tangible personal property for sales and use tax purposes includes, but is not limited to, the following:

- 1) Bleachers and lockers, even when bolted to real property. *In Hauenstein and Burmeister, Inc., vs. Commissioner of Revenue, Minnesota State Court Nos.* 81-484 and 81-614 (Dec. 17, 1981), the Court ruled that bleachers and lockers that are bolted in place retain their identity as tangible personal property. This ruling applies only to bleachers and lockers.
- 2) Freestanding security equipment such as computers and monitors;
- 3) Freestanding cabinets, cupboards, counters, restaurant booths, bars, and back bar units;
- 4) Freestanding appliances such as refrigerators, clothes dryers, and washing machines;
- 5) ATM machines that are freestanding.

Terese M. Mitchell, Director
Appeals and Legal Services Division

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.*

Minnesota Board on Aging

Notice of Intent to Designate an Area Agency on Aging

In accordance with 45 CFR 1321.35, the Minnesota Board on Aging (MBA) is required to designate an area agency on aging (AAA) for each designated planning and service area (PSA). As of July 1, 2004, the MBA will no longer serve as the AAA for the Region Five PSA comprised of Cass, Crow Wing, Morrison, Todd and Wadena counties. Therefore, the MBA intends to designate a new AAA to serve this area for the remainder of calendar year 2004.

Procedures for Designation

To apply for designation as an AAA for a particular planning and service area, an interest party must file a letter of intent with the MBA. Upon determination that the interest party is eligible to apply, application instructions and forms will be forwarded.

Functions of Area Agencies on Aging

An AAA must:

- a. develop and administer an area plan on aging for a comprehensive and coordinated system of services in the PSA; and
- b. serve as the advocate and focal point for older individuals in the PSA.

Definition of an Area Plan on Aging

An Area Plan on Aging is the document submitted by an AAA to the MBA for approval, which allows it to receive funding for programs and services for older individuals in the PSA. The area plan contains provisions required by the Older Americans Act and MBA policies and commitments that the AAA will administer all activities in accordance with Federal and State mandates. An AAA may use its contracting or granting authority only for activities under its approved Area Plan.

Eligibility

The MBA may designate as an AAA any of the following types of agencies that have the authority to perform the functions of an AAA:

- a. an established office on aging which operates within the designated PSA boundaries;
- b. any office or agency of a unit of general purpose local government designated by the chief elected official to function only as an AAA;
- c. any office or agency designated by the chief elected officials of a combination of units of general purpose local governments to function as an AAA; or
- d. any other public or private nonprofit agency under the supervision or direction of the MBA for this purpose.

Selection Criteria

The degree to which an applicant agency can demonstrate capacity to:

- a. develop and administer an area plan;
- b. serve as the advocate and focal point for older individuals and their issues;
- c. meet or exceed federal and state policy and procedural requirements; and
- d. provide sound fiscal planning, management and control.

The degree to which an applicant agency can demonstrate compatibility between its organizational goals and the goals of the Older Americans Act through:

- a. documentation of agency mission and clarity of purpose;
- b. historical commitment to the well-being of older individuals; and
- c. an explanation of planning and coordinating role in the community.

The degree to which an applicant agency can demonstrate:

- a. the ability to provide adequate matching resources to meet the nonfederal share of AAA administrative costs;
- b. the support of local governmental bodies in the PSA; and
- c. the support of programs, organizations and clubs for older individuals within the PSA.

Official Notices

Deadlines

Letters of intent must be received by the MBA no later than 4:00 PM on Monday, April 12, 2004. Upon receipt and determination of eligibility, application forms and instructions will be forwarded. Formal applications must be received by the MBA no later than 4:00 PM on May 10, 2004. Both letters of intent and formal applications should be submitted to:

Executive Director
Minnesota Board on Aging
444 Lafayette Road
St. Paul, MN 55155-3843

Questions regarding this Notice may be directed to Jim Knobel at (651) 296-0877

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held at 1:00 p.m. on Monday, April 5, 2004, at the Radisson Hotel South, 7800 Normandale Blvd., Bloomington, MN

For additional information, please call Lynn Gruber or Mary McCaffrey at (952) 593-9609.

Department of Human Services

Health Care Administration

CORRECTION TO FEBRUARY 2, 2004 NOTICE (Initial notice December 22, 2003)

The Department of Human Services wants to clarify when Step 2 (Summary of Models), of the response to the Request for Information (RFI) for Implementation of Legislation to Integrate Long Term Care Services with Managed Care for Seniors, is due.

Step 2 - Summary of Models is due July 1, 2004.

Minnesota Department of Revenue

REQUEST FOR COMMENTS on Possible Amendment of Rules Governing Sales Tax, Minnesota Rules, Part 8130.9000

Subject of Rules. The Minnesota Department of Revenue requests comments on its possible amendment of rules governing sales and use tax imposed on soft water products and service dealers. The Department is considering rule amendments to reflect statutory law changes in *Minnesota Statutes*, chapter 297A concerning sales price and installation.

Persons Affected. The amendment to the rules would affect soft water products and service dealers and their customers.

Statutory Authority. *Minnesota Statutes*, section 270.06 (14) grants general rulemaking authority to the Commissioner of Revenue.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. By law, a notice of intent to adopt cannot be published sooner than 60 days following the publication of the request for comments. The department does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The department does not anticipate that a draft of the rules amendments will be available before the publication of the proposed rules.

Agency Contact Person. Written or oral comments, questions, and requests for more information on these possible rules should be directed to:

Mark Pederson
Appeals and Legal Services Division
Minnesota Department of Revenue
600 North Robert Street
St. Paul, Minnesota 55146-2220
(651) 556-4078
(651) 296-8229 (FAX)
mark.pederson@state.mn.us
TTY users may call the Department at TTY 711

Official Notices

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.

Dated: March 24, 2004

Daniel A. Salomone, Commissioner
Department of Revenue

State Grants & Loans

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

Department of Education

Office of Adult and Career Education

Request for Proposal for a Grant Contract - English Language and Civics Education Grant Program

The Minnesota Department of Education is seeking proposals from eligible applicants to provide English Language and Civics Education (EL/Civics) instruction for adults. Civics is defined by the *Federal Register* as content relating to the rights and responsibilities of citizenship, naturalization, civic participation, and U.S. history and government. Proposals must simultaneously address English literacy and civics education. Eligible applicants include adult basic education programs, school districts, community action agencies, libraries and nonprofit or community-based organizations. Applicants must have documented experience of at least two years in providing literacy and/or civics programs designed for immigrant and refugee populations. **Application deadline is May 21, 2004.**

For further information or to request a copy of the Request for Proposal, please contact:

Laurie Rheault, Grant Specialist
Minnesota Department of Education
Adult Basic Education Unit
1500 Highway 36 W.
Roseville, MN 55113
Phone: (651) 582-8432
Email: laurie.rheault@state.mn.us

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Administration Department

Communications Media Division

CORRECTION and Subscriptions

A CORRECTION: Please note that due to an error, our Web site has mistakenly presented the *State Register* with LINKS and other access aids, including those for Contracts and Grants, and the Index. We are sorry for this error. These special features are meant only for subscribers to the E-mail *State Register*. They will no longer be available to viewers of the *State Register* on-line.

State Contracts

Printed (hard) copies to the *State Register* will NO LONGER be available after Vol. 28, #52. Only subscriptions via E-mail are available, beginning with Volume 29, #1 - July 6, 2004. Have the *State Register* E-MAILED to you the afternoon it is published, on Friday.

With an E-mail subscription, you will receive THREE EXTRAS free-of-charge:

#1 - CONTRACTS & GRANTS - contracts, grants and loans, and non-state contracts.

#2 - INDEX - growing with each issue of current volume for information you need.

#3 - LINKS are provided in the above for fast reference and to save you time and effort.

Subscriptions are \$180 for an entire year (less than \$3.50 per issue), \$80 LESS than the cover price. FAX your credit card information: (651) 297-8260; or send in your check or credit card information to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155. Or, order today by calling (651) 297-8774 and charge your credit card. E-mail: jessie.rahmeyer@state.mn.us for more information.

Department of Administration

State Designer Selection Board

Request for Proposals for Designer Selection for Facilities Replacement and Expansion MCF-Faribault (Project 04-02)

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, **1:00 p.m. Monday, April 12, 2004** to:

Terry Lewko, Executive Secretary
State Designer Selection Board
Department of Administration
State Architect's Office
301 Centennial Office Building
658 Cedar Street
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.j.

1. PROJECT 04-02

The Department of Administration of the State of Minnesota intends to provide improvements for the Department of Corrections (DOC) facility at Faribault, MN (MCF - Faribault).

Based on a Master Plan developed in 2002, and a Pre-design recently completed, the project will consist of at least two (2) phases and will include design and construction of the following facilities:

- 1-3 new 416 bed lockable housing units.
- A new consolidated kitchen dining facility and expanded health services clinic.
- Expansion of educational and vocational programs space.
- Upgrading existing heating plant and campus utility systems.
- Phased demolition and remodeling of existing facilities.

The entire project (design & construction) is to be funded through the Capital Building Project Request process, FY 2004. The designer selection process is being initiated to insure the project process can begin upon notice of funding of the project. It is the intent of the State to award the contract to the selected designer if, and only if, funding is obtained for the project in the current legislative session. It is expected that the level of funding, if any, will be determined as early as mid-May, 2004 or as late as mid-July, 2004.

It is the goal of this RFP to solicit proposals from qualified designers for pre-selection (shortlisting) by the State Designer Selection Board. The Board intends to conduct detailed interviews with the pre-selected designers before making a final selection.

The facility **website** can be found at www.doc.state.mn.us/facilities/faribault.htm.

b. REQUIRED CONSULTANT SERVICES:

Services shall be delivered in accordance with the Basic Services Agreement and Consultant Designers Procedures Manual (available at the SAO **web site**: www.sao.admin.state.mn.us). Provide the following services:

1. Schematic Design
2. Design Development
3. Construction Documents
4. Construction Administration
5. Post Construction/Warranty Period

c. SERVICES PROVIDED BY OTHERS:

The Owner may contract directly for, or arrange to provide:

1. Site survey, geo-technical, environmental and materials testing programs.
2. Construction Documents quality control review consultation.
3. Exterior envelope inspection services.
4. Owner's Representative Services.

d. SPECIAL CONSIDERATIONS: Design Team Requirement:

1. Prior experience with Corrections facilities design and construction preferred.
2. Prior experience with security design in corrections facilities preferred.
3. Prior experience with projects implemented at accelerated schedules preferred.
4. Design teams are to include qualified specialists or sub-consultants for the following specialties:
 - Construction cost estimating and scheduling
 - Utility/Site work
 - Structural Engineering
 - Mechanical & Electrical engineering
 - Health Services/Medical design
 - Food Services design
 - Historic Preservation
 - Fire Protection Systems
 - Security Systems design
 - Sustainable Design (Buildings, Benchmarks and Beyond requirements)

e. PROJECT BUDGET/FEES:

The project budget will be determined upon final funding approved by the legislature. Current construction cost estimates based on several scenarios developed during Pre-design vary from \$30,000,000.00 - \$60,000,000.00.

Estimated fees for Consultant services shall be 8 percent of the construction cost. No reimbursable expenses will be allowed.

f. PROJECT SCHEDULE:

The Project Schedule will be dependent upon the date of final approval of funding by the legislature and the date of final execution of the consultant contract by the Department of Administration. The following scheduled dates are preliminary:

Bid Phase 1: Demolition/Conversion/Utilities

Combined Schematic/Design Development Phase: July 19, 2004 - October 1, 2004

Construction Documentation Phase: October 1, 2004 - November 30, 2004

Bidding period: November 30, 2004 - December 17, 2004

Construction Phase: January 3, 2005 - May 31, 2005

Bid Phase 2: New Housing and Remodeling

Schematic Design Phase: July 19, 2004 - October 18, 2004

Design Development Phase: October 18, 2004 - January 24, 2005

Construction Document Phase: January 24, 2005 - April 29, 2004

Bidding Period: April 29, 2005 - May 20, 2005

Construction Phase: June 3, 2005 - December, 2006

State Contracts

g. PROJECT PRE-DESIGN INFORMATION:

Project Master Plan and Pre-design information will be made available to the selected Designer.

h. PROJECT INFORMATIONAL MEETING/SITE VISIT:

An informational meeting is scheduled for Wednesday, April 7, 2004 at 9:00 a.m. in the Master Control Building at MCF - Faribault 1101 Linden Lane, Faribault, Minnesota 55021-6400. Phone (507) 334-0700, Fax (507) 334-4538.

The meeting will include a tour of the proposed project areas and review of the scope of work. After the meeting, questions can be submitted via e-mail or fax to the SAO Project Manager by April 8, 2004 and will be answered by April 9, 2004.

Contact Bruce Reiser, Phone: (507) 334-0703 to confirm your intent to attend the meeting at least one day prior to the meeting. Bring a driver's license for identification. Participants will be required to walk through a metal detector; no cell phones, knives, firearms, lighters, tobacco products will be allowed.

i. STATE DESIGNER SELECTION BOARD SCHEDULE:

<i>Project Information Meeting and/or Site Visit:</i>	Wednesday, April 7, 2004, 9:00 a.m.
<i>Project Proposals Due:</i>	Monday, April 12, 2004, by 1:00 p.m.
<i>Project Shortlist:</i>	Tuesday, April 27, 2004
<i>Project Interviews and Award:</i>	Tuesday, May 11, 2004

j. PROJECT CONTACT (S)

Questions concerning the project should be referred to the Project Manager:

William C. Montgomery, AIA, State Architect's Office
301 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155-1625
Phone: (651) 296-8808 **Fax:** (651) 296-7650
E-mail address: bill.montgomery@state.mn.us

k. SAMPLE CONTRACT:

The successful responder will be required to execute the State's Basic Services Agreement which contains the State's standard contract terms and conditions, include insurance requirements and compliance with Designer Procedures Manual, Design Guidelines and Computer Aided Drafting (CAD) Guidelines. Copies are available on **Web Site** www.sao.admin.state.mn.us.

2. PROPOSAL REQUIREMENTS

- a. 12 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 in ink (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 www.sao.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 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,

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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
TOTAL			

(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 www.sao.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 inter-

est 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. 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** www.sao.admin.state.mn.us.

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

i. 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.

Department of Administration

State Designer Selection Board

Request for Proposals for Designer Selection for a New 150-Bed Segregation Unit at MCF-Stillwater (Project 04-03)

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, **1:00 p.m. Monday, April 19, 2004** to:

Terry Lewko, Executive Secretary
State Designer Selection Board
Department of Administration
State Architect's Office
301 Centennial Office Building
658 Cedar Street
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.j.

1. PROJECT 04-03

The Department of Administration of the State of Minnesota intends to provide improvements for the Department of Corrections (DOC) facility in Bayport, MN (MCF - Stillwater).

Based on a Pre-design recently completed, the project will consist of design and construction of the following facilities within the security perimeter:

- Demolition of an existing historically significant abandoned building (old Health Services building).
- New Addition of a 150-Bed Segregation Housing Unit on the site of the demolished structure.
- Conversion of the existing 112-bed segregation unit to general population housing.
- Associated expansion and remodeling of mechanical, electrical, security and communication systems.
- Co-ordination of owner furnished FF&E installation.

All parts of MCF-Stillwater are on the Historic Register and all proposed modifications must be reviewed and approved by the Historical Society.

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The entire project (design & construction) is to be funded through the Capital Building Project Request process, FY 2004. The designer selection process is being initiated to insure the project process can begin upon notice of funding of the project. It is the intent of the State to award the contract to the selected designer if, and only if, funding is obtained for the project in the current legislative session. It is expected that the level of funding, if any, will be determined as early as mid-May, 2004 or as late as mid-July, 2004.

It is the goal of this RFP to solicit proposals from qualified designers for pre-selection (shortlisting) by the State Designer Selection Board. The Board intends to conduct detailed interviews with the pre-selected designers before making a final selection.

The facility website can be found at www.doc.state.mn.us/facilities/stillwater.htm.

b. REQUIRED CONSULTANT SERVICES:

Services shall be delivered in accordance with the Basic Services Agreement and Consultant Designers Procedures Manual (available at the SAO web site: www.sao.admin.state.mn.us). Provide the following services:

1. Schematic Design
2. Design Development
3. Construction Documents
4. Construction Administration
5. Post Construction/Warranty Period

c. SERVICES PROVIDED BY OTHERS:

The Owner may contract directly for, or arrange to provide:

1. Historical American Building Survey (HABS).
2. Site survey, geo-technical, environmental and materials testing programs.
3. Construction Documents quality control review consultation.
4. Exterior envelope inspection services.
5. Owner's Representative Services.

d. SPECIAL CONSIDERATIONS: Design Team Requirement:

1. Prior experience with Corrections facilities design and construction preferred.
2. Prior experience with security design in corrections facilities preferred.
3. Prior experience with projects implemented at accelerated schedules preferred.
4. Design teams are to include qualified specialists or sub-consultants for the following specialties:
 - Construction cost estimating and scheduling
 - Utility/Site work
 - Structural Engineering
 - Mechanical & Electrical engineering
 - Health Services/Medical design
 - Historic Preservation
 - Fire Protection Systems
 - Security Systems design
 - Sustainable Design (Buildings, Benchmarks and Beyond requirements)

e. PROJECT BUDGET/FEES:

The project budget will be determined upon final funding approved by the legislature. Current construction cost estimate based on the Pre-design is \$15,000,000.00.

Estimated fees for Consultant services shall be 8 percent of the construction cost. No reimbursable expenses will be allowed.

f. PROJECT SCHEDULE:

The Project Schedule will be dependent upon the date of final approval of funding by the legislature and the date of final execution of the consultant contract by the Department of Administration. The following scheduled dates are preliminary:

<i>Schematic Design Phase:</i>	mid-July, 2004 - mid-October, 2004
<i>Design Development Phase:</i>	mid-October, 2004 - mid-January, 2005
<i>Construction Document Phase:</i>	mid-January 24, 2005 - mid-April, 2005
<i>Bidding Period:</i>	end-April, 2005 - mid-May, 2005
<i>Construction Phase:</i>	June, 2005 - December, 2006

g. PROJECT PRE-DESIGN INFORMATION:

Project Master Plan and Pre-design information will be made available to the selected Designer.

h. PROJECT INFORMATIONAL MEETING/SITE VISIT:

An informational meeting is scheduled for Tuesday, April 13, 2004 at 9:00 a.m. in the Administration Building at MCF - Stillwater, 970 Pickett Street North, Bayport, MN 55003.

The meeting will include a tour of the proposed project areas and review of the scope of work. After the meeting, questions can be submitted via e-mail or fax to the SAO Project Manager by April 14, 2004 and will be answered by April 15, 2004.

Contact Doug Greene, Phone: (651) 779-2812, Fax: (651) 351-3603 to confirm your intent to attend the meeting at least one day prior to the meeting. Bring a driver's license for identification. Participants will be required to walk through a metal detector; no cell phones, knives, firearms, lighters, tobacco products will be allowed.

i. STATE DESIGNER SELECTION BOARD SCHEDULE:

<i>Project Information Meeting and/or Site Visit:</i>	Tuesday, April 13, 2004, 9:00 a.m.
<i>Project Proposals Due:</i>	Monday, April 19, 2004, by 1:00 p.m.
<i>Project Shortlist:</i>	Tuesday, May 4, 2004
<i>Project Interviews and Award:</i>	Tuesday, May 11, 2004

j. PROJECT CONTACT (S)

Questions concerning the project should be referred to the Project Manager:

William C. Montgomery, AIA, State Architect's Office
301 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155-1625
Phone: (651) 296-8808 **Fax:** (651) 296-7650
E-mail address: bill.montgomery@state.mn.us

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3. PROPOSAL CONTENTS**a. COVER**

- Project name and number
- Prime firm name, address, telephone number, fax number
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Single face letter with original signature in ink (on at least one copy) of principal of prime firm, including:

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- Legal status
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State Contracts

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

For each team member provide:

- Name and position in firm, include name of firm
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- Responsibility on this project
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- Registration (including specialty if engineer)

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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.

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- Photographs, sketches and/or plans
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Briefly summarize your team's unique qualifications for this project.

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TOTAL			

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

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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.

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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.

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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

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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. 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** www.sao.admin.state.mn.us.

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

i. 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 Universities

Anoka-Ramsey Community College/Coon Rapids Campus

FOR SALE: Mobile Sawdust/Welding Fumes Collector

Anoka-Ramsey Community College/Coon Rapids Campus is seeking sealed bids for a mobile sawdust/welding fumes collector M/N CSJ0406 manufactured by General Resource Corp.

455 CFM
30 gal air receiver
1 HP 120v single phase
9' Flex Arm

For specification questions or to arrange a time to view the collector call Kirk Young at (763) 576-4600, **Fax#** (763) 422-3341 or **Email:** kirk.young@anokaramsey.edu.

Send sealed bids to:

ARCC
c/o: Roger Freeman
11200 Mississippi BLVD
Coon Rapids, MN 55433

Sealed bids must be received by April 16, 2004 by 4:30pm. Bids will be opened April 19 at noon on the Coon Rapids campus loading dock.

Minnesota State Colleges and Universities

Dakota County Technical College

Request for Proposals for One Used Articulated Haul Truck

NOTICE IS HEREBY GIVEN that Dakota County Technical College will receive proposals for one used articulated haul truck. Proposal specifications will be available on March 29, 2004 from the Dakota County Technical College Purchasing Department, 1300 145th St. East, Rosemount, MN 55068. **Phone** (651) 423-8236.

Sealed proposals must be received by Pat Adams at Dakota Technical College by 2:00 p.m., April 12, 2004.

Dakota Technical College reserves the right to reject any or all proposals or portions thereof, or to waive any irregularities or informalities in proposals received.

Minnesota State Colleges and Universities

Office of the Chancellor

Request for Information (RFI) on Management Information System (MIS) Design and Construction Capital Improvement Program

Minnesota State Colleges and Universities, Office of the Chancellor, plans on implementing a Management Information System (MIS) to manage its Capital Bond, Revenue Fund, and Higher Education Asset Preservation and Repair (HEAPR) design and construction program. To aid in the implementation of this new system, information is being requested from vendors relative to how their products could meet these needs.

The Minnesota State Colleges and Universities is the fifth-largest higher education system in the U.S. and is comprised of 32 two-year and four-year state colleges and universities at 53 campuses throughout the state. The Office of the Chancellor has oversight responsibilities for design and construction of projects throughout the system. The Capital Improvement Program includes more than \$250 million in ongoing active design or construction projects.

The MIS should provide: an easy interface for entering data relevant to particular projects; the ability to track schedules that are entered by architects and/or contractors and report when projects are ahead or behind schedule; a system to enter and track pay applications from various vendors, consultants, and contractors; budget reporting on a project basis with the ability to roll up to the campus, college/university, and system levels; cross reference budgets across multiple funding years and sources; tracking and reporting at a project level for correspondence, meeting minutes, look ahead schedules, submittals, RFI's, PR's, etc.; and other requirements to successfully manage a design and construction program. Interface with the State accounting system is not envisioned for initial implementation; however, vendor experience with such interfaces should be addressed.

The full Request for Information is available by contacting Mailor Moua at mailor.moua@so.mnscu.edu or by writing to Minnesota State Colleges and Universities, Attn: Mailor Moua, 500 Wells Fargo Place, 30 East 7th Street, St. Paul, MN 55101.

Responses to this RFI are requested by April 15, 2004.

Minnesota State Colleges and Universities

Winona State University

Request for Sealed Bids for Printing *Currents Magazine* Spring 2004

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for the printing of their *Currents Magazine* Spring 2004.

Bid specifications will be available March 29, 2004 from the Winona State University Purchasing Department, PO Box 5838, 205 Somsen Hall, Winona, MN 55987 by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 p.m., April 13, 2004.

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

Department of Employment and Economic Development

Request for Proposals for Professional Services to Conduct Arbitrage Rebate Accounting Services

NOTICE IS HEREBY GIVEN that the Department of Employment and Economic Development (DEED) requests proposals to conduct arbitrage rebate accounting services for the tax exempt bond issuances of the Minnesota Public Facilities Authority for the Authority's bond year ending March 1, 2004, with the option to renew the contract annually through the bond year ending March 1, 2008.

DEED will select a contractor from the responders on the basis of expressed understanding of project objectives, work plan, qualification and experience of the company, qualification and experience of company personnel assigned to the project, and cost detail.

All proposals must be received no later than: 2:00 PM Central Time, Monday, April 19, 2004.

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.

State Contracts

Prospective responders should request the complete Request for Proposals by contacting:

MN Department of Employment & Economic Development

Mr. Steve Walter

500 Metro Square

121 7th Place East

Saint Paul, MN 55101-2146

phone: (651) 296-6221

fax: (651) 296-8833

e-mail: steve.walter@state.mn.us

Minnesota Forest Resources Council

Request for Letter of Interest to Participate in the Review of the Science Pertaining to Forest Riparian Management

The Minnesota Forest Resources Council (Council) is soliciting the names of scientists who are interested and meet the specific criteria listed below to participate in the review and discussion of riparian science with the intent of developing guidelines related to riparian management. Existing guidelines were published in April 1999 by the Council to promote sustainable forest management in Minnesota. This proposed review will consist of 6 to 8 meetings over a 16 month period beginning in late summer or early fall 2004.

The criteria for participation are:

- PhD preferred
- Has experience in one or more of the following areas:
 - Aquatic ecology
 - Fisheries biology
 - Hydrology
 - Silviculture
 - Soils
 - Wetlands ecology
 - Wildlife biology (non-game)
 - Wildlife biology (game)
- Has published peer reviewed research findings within the last 2-3 years
- Has a minimum of five-years of applied Lake States experience in specialty area (preferred but not mandatory)

Members of the scientific community who have an interest in participating on this science committee (7-9 members) are requested to submit a letter of intent and a resume for Council review to:

Jenna Fletcher, MN Forest Resources Council

2003 Upper Buford Circle

St. Paul, MN 55108

Phone: (651) 603-0109

Fax: (651) 603-0110

e-mail: flet0042@umn.edu

The current riparian guidelines can be reviewed on the Council web pages (www.frc.state.mn.us/guidebook/Riparian.pdf), (www.frc.state.mn.us/guidebook/GGs1.pdf) on pages 26-37, and (www.frc.state.mn.us/guidebook/GGs2.pdf) on pages 38-47. To receive a copy of the process the committee will use or if you would like more information about the process, contact Jenna Fletcher.

Names and resumes must be received by Jenna Fletcher no later than Monday, April 26, 2004. As part of your submission, please indicate if you will require compensation, and how much, to participate.

Department of Health

Notice of Request for Proposals for Statewide Youth Advocacy and Engagement

The Minnesota Department of Health, Health Promotion and Chronic Disease Division, Tobacco Prevention and Control (TP&C) Program is issuing a Request for Proposal (RFP) and soliciting proposals from organizations that have experience in youth empowerment and a strong background in Minnesota teen-focused marketing. Applicants will also need to have the skills necessary to

develop a statewide Manipulation 101 Speakers Bureau through recruitment, training and oversight of teen and young adult presenters. Applicants must also have the capacity to handle all storage, maintenance, and insurance costs associated with this contract.

MDH is seeking proposals for an initial 24-month period beginning in May 2004 through April 2006, with an opportunity to negotiate and renew the contract through December 31, 2008 based on satisfactory performance, fulfillment of the contract requirements, and availability of funds. During the initial 24 months, the approximate budget for this project will be \$300,000. However, a specific budget will be discussed and negotiated. Work is proposed to start after May 4, 2004.

A copy of the complete Request for Proposal and accompanying documents can be obtained from the MDH [website www.health.state.mn.us](http://www.health.state.mn.us) (Announcements) or by mail from this office through April 9, 2004. **A written request (by direct mail, email or fax) is required to receive the Request for Proposal.** After April 9, 2004, the Request for Proposal must be picked up in person at the address listed below. The Request for Proposal can be obtained from:

Carol Ault
Tobacco Prevention and Control
Minnesota Department of Health
85 East 7th Place, Suite 400
St. Paul, Minnesota 55101
Phone: (651) 215-8952
Fax: (651) 215-8958
Email: tpcweb@health.state.mn.us

Questions regarding the RFP should be directed to Cindy Borgen at (651) 281-9807 or cindy.borgen@health.state.mn.us.

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:00 PM Central Daylight Time on April 19, 2004. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

Department of Labor and Industry

Notice of Request for Proposals to Provide Medical Case Management, Utilization Review and Bill Payment Services for Claims

The Minnesota Department of Labor and Industry, Special Compensation Fund is soliciting proposals from qualified vendors to provide medical case management, utilization review and bill payment services for uninsured employer, bankrupt self-insured employer and asbestosis claims. These services must be provided in accordance with all applicable workers' compensation laws and administrative rules and within the specifications provided in the Request for Proposal.

Proposals are due no later than 2:00 p.m. on Friday, April 16, 2004. To request a copy of the complete Request for Proposal, contact:

James Feckey, Director
Special Compensation Fund
Minnesota Department of Labor and Industry
443 Lafayette Road
St Paul, MN 55155
Phone: (651) 284-5455

Board of Medical Practice

Call for Consultants to Provide Specialized Coursework for Persons Regulated by the Board of Medical Practice

The Board of Medical Practice retains consultants to provide specialized coursework for individuals under Board disciplinary and/or corrective action.

This coursework includes medical record keeping, physician patient boundaries, pharmacology and physician interpersonal communication issues.

The consultant is required to provide the Board with a written report regarding course completion.

The individual(s) who attend the course(s) will be responsible for making payment to the consultant(s).

State Contracts

The purpose of this contract is to ensure that confidential or private data provided by the Board to the course providers is maintained in accordance with the Data Practices Act.

In compliance with *Minnesota Statutes* §16C.08, the availability of this contracting opportunity is being offered to state employees. State employees who are able and available to perform the aforementioned contract requirements should submit their request for consideration by April 26, 2004.

If you or your agency is interested in providing any coursework training on the above materials, please contact the Board. We request you send a letter with your name/agency, coursework summary information, address, telephone number, and **hourly rate for the board's informational purposes** to:

Board of Medical Practice
Attn: Ruth Martinez
2829 University Avenue SE, Suite 400
Minneapolis, MN 55414-3246

The Board will review each applicant's qualifications and contact those individuals whose consultant services the board requires.

Board of Medical Practice

Call for Consultants to Provide Medical Expertise to Support Licensure/Registration and Complaint Review Functions of the Board of Medical Practice

The Minnesota Board of Medical Practice retains consultants to provide medical expertise to the Licensure and Complaint Review Units regarding review of applications for licensure/registration and assessment of medical information and records concerning complaints involving regulated practitioners.

The work consists of reviewing, analyzing and interpreting information pertaining to eligibility for licensure, complaint information, medical records, and responses by practitioners to board investigations. The consultant is expected to provide the Board the following services:

- (1) Written and/or oral interpretation of complaint data; an outline of pertinent medical issues, along with recommendations concerning obtaining additional information or utilizing consultants; review and interpretation of consultant reports; review and interpretation of medical information concerning compliance with disciplinary orders including, but not limited to supervising practitioner reports, support group reports, and toxicology information.
- (2) Review and assessment of medical and credentialing data related to an applicant's eligibility for licensure including but not limited to information on substance abuse, physical/mental illness or impairment, disciplinary action by a state or federal agency or professional association, and malpractice information.
- (3) Be available to the Complaint Review Committee, Board Staff, and AGO to discuss written and/or oral reports, recommendations and interpretations of medical information.

The consultant may expect to attend one meeting of the Board's Complaint Review Committee, where the practitioner under investigation is present. The consultant may also be requested to testify at an administrative disciplinary hearing on behalf of the Complaint Review Committee, if deemed necessary by the Committee.

The Board is currently expanding its consultant resource list. If you are interested in acting as a consultant for the Board, please send a letter with your name, area(s) of practice and expertise, current curriculum vitae, address, telephone number, and hourly rate to:

Board of Medical Practice
Attn: Ruth Martinez
2829 University Avenue SE, Suite 400
Minneapolis, MN 55414-3246

In compliance with *Minnesota Statutes* §16C.08, the availability of this contracting opportunity is also being offered to state employees. All interested parties should submit their request for consideration by April 26, 2004.

The Board will review each applicant's qualifications and contact those individuals whose consultant services the board requires.

Board of Medical Practice

Call for Consultants to Provide Independent Opinion on Care Provided by Persons Regulated by the Board of Medical Practice

The Minnesota Board of Medical Practice regularly retains consultants to provide an independent opinion regarding the care rendered by practitioners who are the subject of complaint investigations.

The work consists of reviewing patient records and other information pertaining to the matter reported to the Board. The consultant is expected to provide the Board with a written report of their review within four to six weeks of receipt of the materials.

The written report consists of:

- A summary of the care provided
- A statement of the expected or standard of care
- An opinion as to whether the care provided had met the minimum standard of care

The consultants may expect to attend one meeting of the Board's Complaint Review Committee, where the practitioner under investigation is present. The consultant may also be requested to testify at an administrative disciplinary hearing on behalf of the Complaint Review Committee.

The Board is currently expanding its consultant resource list. If you are interested in acting as a consultant for the Board, please send a letter with your name, area(s) of practice and expertise, current curriculum vitae, address, telephone number, and hourly rate to:

Board of Medical Practice
Attn: Ruth Martinez
2829 University Avenue SE, Suite 400
Minneapolis, MN 55414-3246

In compliance with *Minnesota Statutes* §16C.08, the availability of this contracting opportunity is also being offered to state employees. All interested parties should submit their request for consideration by April 26, 2004.

The Board will review each applicant qualifications and contact those individuals whose consultant services the board requires.

Board of Medical Practice

Call for Consultants to Provide Comprehensive Evaluation of Practitioners Regarding Their Ability to Practice Medicine Safely

The Minnesota Board of Medical Practice retains consultants to provide a comprehensive evaluation of practitioners who are the subject of complaint investigations regarding their ability to practice medicine with reasonable skill and safety.

The work consists of:

1. Reviewing patient records and other information pertaining to the matter reported to the Board.
2. Reviewing medical literature concerning care and treatment of certain medical conditions, or concerning practice standards in specified areas of expertise.
3. Conducting intensive outpatient or partial hospital program assessment of the practitioner including, but not limited to neuropsychological testing, mental and physical examination and/or chemical dependency evaluation.
4. Professional services maybe provided for up to five days of evaluation if deemed necessary by the Board and consultant.
5. Providing a written report of the evaluation, along with conclusions and recommendations, within four to six weeks of receipt of the materials, or as determined by the Board.

If necessary, the consultant will be available to provide expert testimony to the Board's Complaint Review Committee, and as required to testify at an administrative disciplinary hearing on behalf of the Complaint Review Committee. Also, the consultants will meet and have telephone conferences with the Board's staff and attorneys, as deemed necessary.

The Board is currently expanding its consultant resource list. If you are interested in acting as a consultant for the Board, please send a letter with your name, area(s) of practice and expertise, current curriculum vitae, address, telephone number, and hourly rate to:

Board of Medical Practice
Attn: Ruth Martinez
2829 University Avenue SE, Suite 400
Minneapolis, MN 55414-3246

State Contracts

In compliance with *Minnesota Statutes* §16C.08, the availability of this contracting opportunity is also being offered to state employees. All interested parties should submit their request for consideration by April 26, 2004.

The Board will review each applicant qualifications and contact those individuals whose consultant services the board requires.

Public Employees Retirement Association

Notice of Request for Proposal (RFP) for Professional Services for the Production of Annual PERA Personal Benefit Statement of Account

The Public Employees Retirement Association of Minnesota (PERA) requests proposals from qualified vendors to produce the annual PERA Personal Benefit Statement of Account (PBS). Qualified vendors will be required to design, print, and finish the product for mailing of the Fiscal Year statements.

Established by the Minnesota Legislature in 1931, PERA administers three defined benefit plans. PERA's membership includes over 60,000 retirees, survivors and dependents; 33,000 inactive members; and 155,000 active members. The PBS is mailed annually to those active members with a balance in their account and a valid address on file with PERA.

The statement produced must allow for flexibility for the addition of variable information required to be disseminated to the different audiences within the membership who depend upon PERA for concise, up-to-date and accurate information regarding their pension plan. Vendors must ensure the integrity and protection of each member's private data and be able to develop programs to extract this personal data, merge it with the variable text of the statement and guarantee PERA that the data for each member is included in the correct member's statement.

At a minimum the statement must include the following:

- Member Personal Data
- Account Balance and Transaction Data
- Service Credit Data
- Estimate Calculations
- Data Change Form
- Beneficiary Data

To receive a complete copy of the RFP, please mail or fax your request to:

Sandy Stolt, Administrative Secretary
Public Employees Retirement Association
60 Empire Drive, Suite 200
St. Paul, MN 55103-2088
(651) 296-8392 (fax)

Proposals must be received no later than 2:00 p.m. on April 30, 2004. Late proposals will not be considered.

Department of Transportation

Engineering Services Division

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 applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the 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 North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE:

APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation

Engineering Services Division

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 Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult.

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

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.

Dakota County Community Services Administration

Notice of Request for Proposal for Guardianship/Conservatorship Services

NOTICE IS HEREBY GIVEN that Dakota County Social Services, Adult Services and Developmental Disabilities Sections, is soliciting proposals from interested and qualified parties for the purpose of providing Guardianship/Conservatorship Services for adults who are deemed incapable of meeting their medical, nutrition, clothing, shelter, or safety needs (also called "protected persons") AND who have been deemed indigent. (Reference: *Minnesota Statutes 524.5* - Minnesota Uniform Guardianship Protective Proceedings Act.) Services will be funded by Dakota County Social Services.

The goals of Guardianship/Conservatorship Services are as follows:

- All people have a right to self-determination. However, individuals who are deemed protected persons may be unable to exercise this right. They may require assistance with decision-making. This is the role of the Guardian/Conservator.
- The Guardian/Conservator:
 - A. makes decisions regarding the personal, medical and financial affairs of the protected person, within Limitations imposed by the Court;
 - B. prevents the abuse, exploitation, or self-neglect of the protected person;
 - C. maximizes the protected person's involvement in decisions; and
 - D. advocates for and protects the rights of the protected person.

Non-State Contracts & Grants

Contracts may or may not arise as a result of submitting a Request for Proposal. Any contractual agreements are subject to approval by the Dakota County Social Services and the Dakota County Board of Commissioners and funding availability.

A complete copy of the RFP is available through the Dakota County Internet **website** at www.co.dakota.mn.us click on E-Government and select RFP on the menu or by contacting obtained by contacting:

Carla Skog, Contract Support Specialist
Dakota County Community Services
1 West Mendota Road, Suite 500
West Saint Paul MN 55118-4773
Phone: (651) 554-5807
Fax: (651) 554-5948
Email: Carla.Skog@co.dakota.mn.us

The deadline for responses is 4:30 P.M. (CST) on Wednesday, April 21. Late proposals may not be accepted. Faxed proposals will not be accepted.

Metropolitan Council

Notice of Invitation for Bids (IFB) for the Fabrication and Delivery of Industrial Control Panels

Reference Number 04P032

The Metropolitan Council (Council) is requesting bids for fabrication and assembly of open industrial control panels (back panels) for one hundred thirty (130) Council wastewater metering stations.

The tentative schedule for this procurement is as follows:

<i>Issue Invitation for Bids</i>	March 26, 2004
<i>Bids Due</i>	April 20, 2004
<i>Award Contract</i>	May 2004

All firms interested in submitting bids for this contract and desiring to receive an IFB package are invited to make a request by e-mail, fax, mail or phone to:

Sunny Jo Emerson
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1499
Fax: (651) 602-1083
E-mail: sunnyjo.emerson@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals for MCES Maintenance Management System Support

RFP Number 04P026

NOTICE IS HEREBY GIVEN that the Metropolitan Council is soliciting proposals for its Environmental Services Division for Architect/Engineer or Professional/Technical services.

The successful proposer will provide an Access database listing of all preventative maintenance instructions from vendor supplied operation and maintenance manuals for equipment added by three major sewage treatment plant improvements The successful proposer is to provide Architect/Engineer oversight of the work.

The estimated value of this contract is in the range of \$150,000 to \$250,000 and the expected term is about one year. This contract is PFA grant funded and has M/WBE and SBRA subcontracting goals.

Non-State Contracts & Grants

The *tentative* schedule for this process is:

<i>RFP Issue Date</i>	March 30, 2004
<i>Proposals Due</i>	April 29, 2004
<i>Consultant Selection</i>	May, 2004
<i>Contract Award</i>	May -June, 2004
<i>Term of Contract Ends</i>	June, 2005

The Metropolitan Council owns, operates and provides sewage treatment services to the seven-county Twin Cities Metro Region. All firms interested in this project should submit a written request for a copy of the RFP through:

Harriet Simmons, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
Mears Park Centre
230 E. Fifth Street
St. Paul, MN 55101

Phone: (651) 602-1086 / **Fax:** (651) 602-1138 / **E-mail:** harriet.simmons@METC.state.mn.us

Please provide the name of **one** contact person; complete company name; address / city / state / zip along with phone / fax / cell phone and pager numbers as well as e-mail information if you wish to be placed on the Solicitation List. **All other inquiries** regarding this procurement shall be directed by e-mail to Hugh McConnell at: hugh.mcconnell@metc.state.mn.us. **Any other contact with Council employees on this matter throughout the entire solicitation process risks vendor disqualification.**

Metropolitan Council

Notice of Request for Proposals (RFP) 2003, 4, 5, A-87 Cost Allocation Report

Contract Number 04P031

The Metropolitan Council is requesting proposals for preparation of a Cost Allocation Plan for the years 2003, 2004, and 2005 that meets OMB A-87 requirements for filing with federal grantor agencies.

<i>Issue Request for Proposals</i>	March 29 2004
<i>Receive Proposals</i>	April 29, 2004
<i>Contract negotiated, executed, NTP</i>	May, 2004

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Harriet Simmons, Senior Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101

PHONE: (651) 602-1068 **FAX:** (651) 602-1138

e-mail: harriet.simmons@metc.state.mn.us

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Minnehaha Creek Watershed District

Request for Qualifications for Legal Services

The Minnehaha Creek Watershed District, a political subdivision established to Chapter 103D - *Minnesota Statutes*, is conducting a bi-annual review of its needs for legal services and the most effective way of meeting those needs.

Experienced lawyers or law firms who wish to be considered as potential service providers are asked to write, describing their level of experience and proposed fee structure. A *Scope of Services* is available by contacting the address below or at www.minnehahacreek.org.

Non-State Contracts & Grants

Send responses to:

Mr. Eric Evenson, District Administrator
Minnehaha Creek Watershed District
18202 Minnetonka Boulevard
Deephaven, Minnesota 55391
Telephone: (952) 471-0590
Facsimile: (952) 471-0682

Deadline: April 27, 2004

Northstar Corridor Development Authority

Notice of Request for Proposals for Legal Services for Commuter Rail Negotiations

NOTICE IS HEREBY GIVEN that the Northstar Corridor Development Authority requests proposals to provide legal services for commuter rail negotiations. The Northstar Corridor is a 40-mile transportation corridor that follows Trunk Highway 10/47, linking downtown Minneapolis and Big Lake, Minnesota. The purpose of this work is to prepare for and negotiate long-term agreements with the Burlington Northern Santa Fe (BNSF) relating to capacity improvements, railroad usage rights, construction, risk and liability allocation and operations. Work on this project would commence May 10, 2004, and continue through the completion of negotiations and execution of agreements with BNSF by December 31, 2006. The maximum contract amount for the period ending December 31, 2004 is \$200,000. Amounts for subsequent years will be subject to available funding from federal, state, and local sources.

Anticipated project schedule is:

<i>Issue Request for Proposals</i>	March 25, 2004
<i>Pre-proposal Conference, 2:00 p.m. CDT</i>	April 5, 2004
<i>Questions due, 12:00 noon CDT</i>	April 12, 2004
<i>Proposals Due: 4:00 p.m. CDT</i>	April 21, 2004
<i>Interviews, if any</i>	April 27, 2004
<i>Selection of Proposer(s) by NCDA</i>	May 6, 2004
<i>NCDA Authorization to Execute Agreement(s)</i>	May 6, 2004

All firms interested in receiving an RFP Package are invited to submit an e-mail or written request to:

Tim Yantos, Project Director
Anoka County Administration
2100 3rd Avenue
Anoka, MN 55303
Phone: (763) 323-5692
Fax: (763) 323-5682
E-mail: Tim.yantos@co.anoka.mn.us

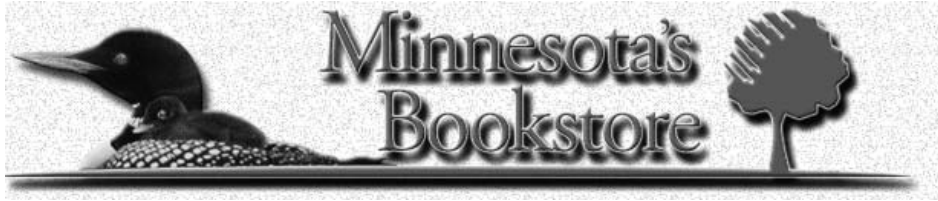
NOTE: The RFP is not available in electronic form.

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 the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.



Minnesota's Bookstore is part of the Minnesota [Department of Administration](#). We sell publications produced by Minnesota state agencies, including Minnesota Statutes and Rules, the [State Register](#), and a wide variety of business, professional, and recreational publications and products. We also sell [mailing lists](#) of professionals and companies licensed by the State of Minnesota.

Find Us: Directions to Minnesota's Bookstore

From the north, coming into St. Paul on I-35E South (e.g., from Maplewood, Roseville)

Take the Pennsylvania Avenue exit as you enter the downtown St. Paul area. At the bottom of the exit, turn left at the stop sign and go under I-35. At the next stop sign, go straight; this will take you into the Williams Hill Business Center on Phalen Boulevard. Turn right at Olive Street. Minnesota's Bookstore is located in the last building on the left at 660 Olive Street. Free parking is available in front of the building [the entrance to the bookstore faces north].

From the south, coming into St. Paul on I-35E North (e.g., from Burnsville, Lakeville)

Take the 11th Street exit as you enter the downtown St. Paul area. Stay on 11th Street, and turn left on Robert Street. Continue on Robert Street until reaching University Avenue, and turn right. Stay on University Avenue as it passes Regions Hospital and goes under I-35E. Turn left on Olive Street into the Williams Hill Business Center. Minnesota's Bookstore is located in the first building on the right at 660 Olive Street. Free parking is available in front of the building [the entrance to the bookstore faces north].

From the south, coming into St. Paul on Hwy 52 North (e.g., from West St. Paul, South St. Paul, Inver Grove Heights)

Follow Highway 52 across the Mississippi River. At the intersection with 7th Street, the highway becomes Lafayette Road. Continue north. After passing the Savoy Restaurant, Department of Human Services, Natural Resources and Pollution Control Agency Buildings, turn left on University Avenue. Stay on University Avenue for two blocks and turn right on Olive Street into the Williams Hill Business Center. Minnesota's Bookstore is located in the first building on the right at 660 Olive Street. Free parking is available in front of the building [the entrance to the bookstore faces north].

From the east, coming into St. Paul on I-94 West (e.g., from Woodbury, Hudson)

Take the 12th Street exit as you enter the downtown St. Paul area. At the top of the exit, move to the far right lane, and turn right on Jackson Street. Stay on Jackson Street past Regions Hospital, until reaching University Avenue, then turn right. Stay on University Avenue as it passes Regions Hospital and goes under I-35E. Turn left on Olive Street into the Williams Hill Business Center. Minnesota's Bookstore is located in the first building on the right at 660 Olive Street. Free parking is available in front of the building [the entrance to the bookstore faces north].

From the west, coming into St. Paul on I-94 East (e.g., from Minneapolis)

Take the Marion Street exit as you enter the downtown St. Paul area. At the top of the Marion Street exit ramp, turn left. Stay on Marion until reaching University Avenue, and turn right. Stay on University Avenue as it passes Regions Hospital and goes under I-35E. Turn left on Olive Street into the Williams Hill Business Center. Minnesota's Bookstore is located in the first building on the right at 660 Olive Street. Free parking is



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A circular logo featuring a white recycling symbol (three chasing arrows forming a triangle) centered within a solid black circle.

Printed on recycled paper
20% post-consumer waste

Complete attached order blank. Please include sales tax. Include either your VISA/MasterCard, American Express or Discover credit card number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order.

Merchandise may be returned if it is in resalable condition.

State Register and other subscriptions do not require sales tax or postage and handling fees.

Subtotal	Add:
Up to \$25.00	\$3.00
\$25.01 - \$50.00	\$5.00
\$50.01 - \$100.00	\$7.00
\$100.01 - \$1,000.00	\$10.00



Bookstore hours: 8:00-5:00 Monday-Friday

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American Express/VISA/MasterCard/Discover No.			TOTAL	
Signature		Expiration Date	Telephone (During Day)	

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