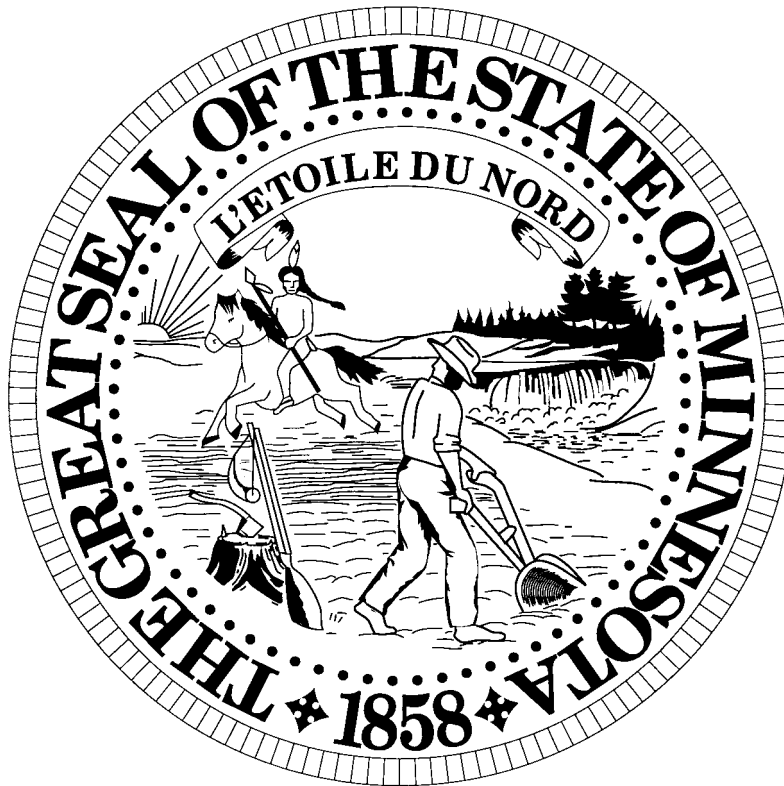


State of Minnesota

# State Register

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# State Register

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# Minnesota Rules: Amendments and Additions

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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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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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5205.0010 (proposed exempt) .....

5205.0010 (adopted exempt) .....

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5207.0010; .0020; .0250 s.5 (adopted exempt repealer) .....

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5221.4030 (adopted exempt) .....

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(adopted) .....

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**.1100; .1150; .1900 (adopted expedited emergency)** .....

6232.0800 (adopted expedited emergency) .....

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(adopted expedited emergency) .....

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6232.0900; .1100 s. 5 (repealed expedited emergency) .....

6232.2800; .2900; .3055 (adopted expedited emergency) .....

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(adopted) .....

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889 .0750; .0755; .0800; .0850; .1200; .1300; .1750; .1800; .1900; .2000;

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7001.0650; .0730; **7002.0075; 7005.0100; 7007.0200; .0300; .0950;**

.1110; .1130; .1300; **7008.4000; .4110; 7011.0913; .1260; .1265;**

.7030; .7040; .7060; .7080; .7090; .7100; .7120; .7140; .7160;

.7180; .7200; .7235; .7240; .7260; .7280; .7290; .7300; .7320;

.7340; .7360; .7370; .7380; .7385; .7390; .7400; .7410; .7420;

.7460; .7480; .7485; .7520; .7560; .7580; .7600; .7610; .7620;

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.7730; .7740; .7760; .7770; .7780; .7800; .7820; .7840; .7860;

.7880; .7900; .7905; .7910; .7920; .7930; .7935; .7940; .7960;

.7980; .8000; **7017.0200; .2018; 7019.3000; 7045.0120**

(proposed) .....

7001.0650; .0730; **7002.0075; 7005.0100; 7007.0200; .0300; .0950;**

.1110; .1130; .1300; **7008.4000; .4110; 7011.0913; .1260; .1265;**

.7030; .7040; .7060; .7080; .7090; .7100; .7120; .7140; .7160;

.7180; .7200; .7235; .7240; .7260; .7280; .7290; .7300; .7320;

.7340; .7360; .7370; .7380; .7385; .7390; .7400; .7410; .7420;

.7460; .7480; .7485; .7520; .7560; .7580; .7600; .7610; .7620;

.7640; .7650; .7660; .7665; .7670; .7675; .7680; .7700; .7720;

.7730; .7740; .7760; .7770; .7780; .7800; .7820; .7840; .7860;

.7880; .7900; .7905; .7910; .7920; .7930; .7935; .7940; .7960;

.7980; .8000; **7017.0200; .2018; 7019.3000; 7045.0120**

(adopted) .....

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7007.4010 s. 11a, 20; **7011.7220; .7440 (repealed)** .....

7035.0300; .0450; .2535; .2855; .2860 (adopted) .....

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7406.0100; .0300; .0310; .0330; .0350; .0355; .0360; .0370; .0380;

.0450; .0475; .0500; .0700; .0900; .1000; .2700 (proposed) .....

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7410.0400; .0410; .1810 (adopted) .....

7411.0100; .0200; .0210; .0200; .0230; .0250; .0260; .0270; .0275;

.0280; .0295; .0305; .0325; .0335; .0340; .0345; .0355; .0365;

.0410; .0435; .0515; .0520; .0525; .0530; .0535; .0540; .0545;

.0555; .0565; .0570; .0620; .0630; .0640; .0645; .0650; .0655;

.0670; .0690; .0850; .1800; .1850; .1875; .1900; .1925; .1975;

.1985; .2000 (proposed) .....

7411.0210; .0280; .0295; .0305; .0340; .0365; .0530; .0545; .0630;

.0850; .1800; .1850; .1975 (proposed) .....

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7501.0900; **7502.0420 (adopted)** .....

7502.0420 (proposed) .....

7502.0420 (adopted) .....

7502.0420 s. 1 (proposed repealer) .....

7502.0420 s. 1 (repealed) .....

Public Utilities Commission

7829.2550 (proposed) .....

Gambling Control Board

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.0100; .0110; .0120; .0130; .0140; .0150; **7862.0010; 7863.0010;**

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# Proposed Rules

## Comments on Planned Rules or Amendments

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

## Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rules. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record is then closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

## Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rules Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

## Minnesota Gambling Control Board

### Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for a Hearing are Received

**Proposed Amendments to Rules Governing Gambling: General Provisions, *Minnesota Rules*, parts 7861.0010 to 7861.0150; Bingo Hall Licenses, *Minnesota Rules* part 7862.0010; Gambling Equipment Distributors, *Minnesota Rules* parts 7863.0010 to 7863.0060; Gambling Equipment Manufacturers, *Minnesota Rules* parts 7864.0010 to 7864.0030; and Gambling Licensees; Disciplinary Actions, *Minnesota Rules* parts 7865.0010 to 7865.0050.**

**Introduction:** The Minnesota Gambling Control Board intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 PM on Wednesday, July 28, 2004 a public hearing will be held in the Gambling Control Board Office Training Room, 1711 West County Road B, 300S, Roseville, Minnesota 55113 starting at 9:00 am on Wednesday, August 18, 2004. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after July 28, 2004 and before August 18, 2004.

**Agency Contact Person:** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is Bernice Caruth, Minnesota Gambling Control Board, 1711 West County Rd B, #300S, Roseville MN 55113, **Telephone:** (651) 639-4030, **Fax:** (651) 639-4032, **Email:** [bernice.caruth@gcb.state.mn.us](mailto:bernice.caruth@gcb.state.mn.us). TTY users may use the Minnesota Relay Service by calling 711 and asking to place a call to the Gambling Control Board at (651) 639-4030.

**Subject of Rules and Statutory Authority:** The proposed rules in Chapter 7861 pertain to definitions commonly used in the lawful gambling industry by organizations, bingo halls, distributors, distributor salespersons, linked bingo game providers, and manufacturers. Chapter 7861 also contains licensing and permit qualifications pertaining to licensed, exempt, and excluded organizations; regulatory guidelines and requirements for the conduct of the five forms of lawful gambling, and also provides guidelines and requirements for an organization's operations, accounts, and reports. Part 7861.0150 pertaining to Technical Assistance Requirements is being repealed in its entirety. The proposed rules in Chapter 7862 pertain to licensing qualifications for bingo hall licenses and the proposed changes are primarily elimination of duplicative and unnecessary language. Proposed rule language in Chapter 7863 pertains to licensed distributors, licensed distributor salespersons, and the newly authorized class of license for linked bingo game providers. The language pertaining to distributors and distributor salespersons is primarily elimination of unnecessary language, clarification of existing language, and amendments to include the new class of license for distributor salespersons. The portion of Chapter 7863 which pertains to linked bingo game providers recognizes and establishes licensing, operation, and reporting requirements for this new class of license authorized by the legislature, and licensing language is similar to licensing language contained in other parts of the Board's rules. In Chapter 7864, proposed rule language pertaining to manufacturers eliminates unnecessary language and clarifies existing language. Also, this chapter eliminates outdated manufacturing standards and amends it with new manufacturing standards to keep it up-



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# Proposed Rules

to-date and flexible with changing technology, regulatory requirements, and industry demands. Finally, the proposed language in Chapter 7865 provides clarifying language and adds new variance to board rules language.

The Board's statutory authority to adopt these rules is set forth in the following statutory cites: *Minnesota Statutes* 349.151, subdivisions 4(a), 4(b), and 13; *Minnesota Statutes* 349.154, subdivision 1; *Minnesota Statutes* 349.162, subdivision 5(b); *Minnesota Statutes* 349.163, subdivisions 1 and 6; *Minnesota Statutes* 349.1635; *Minnesota Statutes* 349.165, subdivision 2; *Minnesota Statutes* 349.167, subdivision 4; *Minnesota Statutes* 349.169; *Minnesota Statutes* 349.17, subdivisions 5 and 8; *Minnesota Statutes* 349.1711, subdivision 4; *Minnesota Statutes* 349.19, subdivisions 1, 8 and 10; *Minnesota Statutes* 349.191, subdivision 3; *Minnesota Statutes* 349.211, subdivision 3, and *Minnesota Statutes* 14.055.

The proposed rules are available on the Board's **web site** at [www.gcb.state.mn.us](http://www.gcb.state.mn.us). A free copy of the proposed rules is also available upon request from the agency contact person listed above.

**Comments:** You have until 4:30 PM on Wednesday, July 28, 2004 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing:** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 PM on Wednesday, July 28, 2004. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the Board when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want to make to the proposed rules.

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

**Alternative Format/Accommodation:** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications:** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the Board or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedures under *Minnesota Rules*, part 1400.2110 has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing:** The hearing scheduled for August 18, 2004 will be canceled if the Board does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the Board will notify you before the scheduled hearing whether or not the proposed hearing will be held. You may also call the agency contact person at (651) 639-4030 after July 28, 2004 to find out whether the hearing will be held.

**Notice of Hearing:** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge George Beck is assigned to conduct the hearing. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone** (612) 341-7601 and **FAX** (612) 349-2665.

**Hearing Procedure:** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the Board and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings not later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

# Proposed Rules

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The Board requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness:** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable costs of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the Board.

**Lobbyist Registration:** *Minnesota Statutes*, Chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone** (651) 296-5148 or 1-800-657-3889.

**Adoption Procedure if no Hearing:** If no hearing is required, the Board may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the Board to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing:** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the Board adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order:** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 10 June 2004

Thomas Barrett  
Executive Director

## Department of Transportation

### Division of State Aid for Local Transportation

#### Proposed Permanent Rules Relating to Transportation State Aid

#### DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

#### Proposed Permanent Rules Governing State Aid Operations, *Minnesota Rules*, Chapter 8820

**Introduction.** The Department of Transportation intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on July, 28, 2004, a public hearing will be held in the Minnesota Department of Transportation (Mn/DOT) Training and Conference Center, Room 1, 1900 West County Road I, Shoreview, Minnesota, 55126, starting at 9:00 on August 9, 2004. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after July 28, 2004 and before August 9, 2004.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Paul H. Stine, Division of State Aid for Local Transportation, Mail Stop 500, 395 John Ireland Blvd., St. Paul, Minnesota, 55155, **telephone** (651) 296-9973, **FAX** (651) 282-2727.

**Subject of Rules and Statutory Authority.** *Minnesota Statutes*, section 162.02, subdivision 2, and section 162.09, subdivision 2, grant the Commissioner the authority to promulgate rules to govern state-aid programs.

The primary reason for the rule changes at this time is that many diverse rule changes have been suggested by city and county engineers as well as Mn/DOT staff since the previous rule changes were adopted in September of 2000. In general, the proposed changes update the State Aid Operations Rules for various financial issues, technical changes, or to clarify existing rules. Proposed amendments to the rules include: the limitation of non-significant subgrade correction for reconditioning projects, defining the delegated contract process, state aid route designation processing, adjusting maintenance payments, advance funding, storm water runoff structure eligibility, bridge abutment protection, bridge width, bridge paving, bridge height, Natural Preservation Route standards, and construction project phasing. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above.

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# Proposed Rules

**Comments.** You have until 4:30 p.m. on July 28, 2004, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 28, 2004. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for August 9, 2004, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 296-9973 after July 28, 2004 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge George Beck is assigned to conduct the hearing. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone** (612) 341-7601, and **FAX** (612) 349 2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five working day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

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

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**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: June 15, 2004

Carol Molnau, Lt. Governor/Commissioner  
Minnesota Department of Transportation

## 8820.0100 DEFINITIONS.

[For text of subs 1 to 2, see M.R.]

Subp. 2a. **Agency agreement.** "Agency agreement" means an agreement between a city, county, or other governmental unit and the commissioner by which the city, county, or other governmental unit may appoint the commissioner as the agent, with respect to federally funded projects, to accept and receive federal funds made available for projects and to let contracts or provide oversight to city, county, or other governmental unit contracts, in accordance with law for the construction or improvement of local streets or roads or other construction projects.

[For text of subs 2c to 13a, see M.R.]

Subp. 13b. **Reconditioning.** "Reconditioning" includes resurfacing, replacement, or rehabilitation of the pavement structure to extend the life of the roadway and effectively address critical safety and operations needs through minor improvements to the existing facility. Reconditioning projects generally utilize the existing horizontal and vertical alignment, may entail minor widening or geometric improvement, and normally require little or no additional right-of-way. ~~Replacement or rehabilitation of the pavement structure does not include significant subgrade correction.~~ Reconditioning may include changes in vertical or horizontal alignment involving no more than 20 percent of the length of the project. Work does not normally extend beyond the existing ditch bottom.

[For text of subs 13c to 22, see M.R.]

## 8820.0600 SELECTION OF ROUTES.

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

Subp. 2. **County and municipal designations.** The highway and street systems are to be selected and designated in accordance with ~~law are:~~ Minnesota Statutes, chapter 162.

~~A. a county state aid highway system of a size determined by the county screening board, excluding the length of former trunk highways that have reverted to the county pursuant to law on and after July 1, 1965, and the length of former municipal state aid streets in cities whose population fell below 5,000 under the 1980 or 1990 federal census; and~~

~~B. a municipal state aid street system not exceeding 20 percent of the total length of city streets and county roads within the jurisdiction of an urban municipality plus the length of all trunk highways reverted or turned back to the jurisdiction of the urban municipality pursuant to law on and after July 1, 1965, plus the length of county highways reverted or turned back to the jurisdiction of the urban municipality pursuant to law on or after May 11, 1994.~~

~~Subp. 3. **Certain one way streets.** For an undivided, one way street with a minimum width of 26 feet and with no parking lane or with a maximum width of 46 feet with parking available on one side of the street, the chargeable length allowed for municipal state aid street length purposes is one half of the length of the one way street.~~

## 8820.0800 ROUTE DESIGNATIONS.

Subpart 1. **Resolution and certification.** With regard to route designations, county state-aid highways (CSAH) and municipal state-aid streets (MSAS) must be selected by the respective boards of county commissioners or governing bodies of urban municipalities. The highway or street selections must be reviewed by the district state-aid engineer of that area and the engineer's rec-

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

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ommendation must be filed with the commissioner. Upon preliminary approval of the commissioner, the respective boards or governing bodies shall establish the route by designation. For MSAS routes to be designated on county roadways, the designation must be approved in the form of a resolution by the county board and the resolution filed with the commissioner. After receipt of each board action requesting designation, the commissioner shall approve all or part of the highway or street designations that comply with the criteria set out in this chapter. The commissioner shall certify to the respective boards of county commissioners or governing bodies of urban municipalities the approved portion of the highway or street designation. Highways or streets so approved become a part of the ~~county state-aid highway~~ CSAH system or the ~~municipal state-aid street~~ MSAS system, subject to additions or revisions as may be, from time to time, requested and approved.

[For text of subps 1a to 3, see M.R.]

## 8820.1200 COMPILATION AND NOTICE OF APPORTIONMENT.

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

Subp. 2. **Notice of annual apportionment.** Not later than ~~January 25~~ February 1 of each year, the commissioner shall certify the annual apportionment to each respective county or urban municipality.

## 8820.1400 MAINTENANCE, CONSTRUCTION, AND TURNBACK ACCOUNTS; STATE-AID PAYMENTS.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Additional advances.** On or about July 1 of each year, the commissioner shall release an additional advance from the respective maintenance accounts listed below:

A. from the regular account of each county:

~~(1) 40 percent of the available maintenance allotment, after reduction for bond interest if any, from the regular account of each county; or~~

(2) 50 percent of the available maintenance allotment, after reduction for bond interest if any, but only if the county makes the request before January 1 and agrees to file an annual maintenance expenditures report by August 1 of the following year;

B. from the municipal account of each county:

~~(1) 40 percent of the maintenance allotment from the municipal account of each county if requested prior to January 1; or~~

(2) 50 percent of the maintenance allotment but only if the county makes the request before January 1 and agrees to file an actual maintenance expenditures report by August 1 of the following year; and

C. from the municipal account of each urban municipality:

(1) 40 percent of the available maintenance allotment, after reduction for bond interest if any; or

(2) the entire remaining available amount, after reduction for bond interest if any, to those urban municipalities receiving the minimum maintenance allocation specified in subpart 3.

[For text of subps 7 and 8, see M.R.]

## 8820.1500 CONSTRUCTION FUNDS.

Subp. 2. **State-aid contracts.** Upon receipt of an abstract of bids ~~and~~, a certification as to the execution of a contract that includes a requirement for bond, and a payment request, the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the contract. Upon further receipt of a signed supplemental agreement for a major addition to the contract, or appraised values for additional right-of-way costs, the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the supplemental agreement or right-of-way appraised value. The commissioner shall keep the remaining percentage of the state-aid share of the contract, except of approved right-of-way claims which will be paid in full upon proof of acquisition and availability of funds, until the project is 95 percent or more completed as substantiated and requested by the county or city engineer.

Upon receipt of the final project acceptance and final cost determination by the county or city engineer, and upon concurrence of project acceptance by the district state aid engineer, the commissioner shall promptly release from the funds available any remaining money due to the state-aid portion of the contract.

Subp. 3. **Federal-aid contracts.** Under authority of an agency agreement ~~with the governing body of a county or urban municipality~~ and acting as its agent in federal-aid operations, the commissioner ~~shall~~ may release from available state-aid funds ~~95 percent of the county's or urban municipality's share of the entire contract obligation for immediate transfer to the state-aid agency account; to be used in paying up to 100 percent of the county's or urban municipality's eligible state-aid-eligible share of the partial estimates and for advancing the federal share of those estimate payments.~~ The commissioner shall keep the remaining percentage of the contract cost of the project until the final cost is determined and the project accepted by the district state aid engineer. When other than state aid funds are to be used for depositing in the state aid agency account, any contract obligations for which the commissioner is not reimbursed by the federal government, county, or urban municipality. When the commissioner is also contracting for work as

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agent for a county or urban municipality, and when the county or urban municipality is using funds other than federal aid funds, state or state-aid funds, or transportation revolving loan funds, 100 percent of the local governmental share of the contract amounts amount to be paid by those other funds must be deposited in the state-aid agency account before the contract is awarded.

Subp. 4. **Force account agreements.** Upon receipt of an approved force account agreement and a ~~report of state-aid contract payment request~~, the commissioner shall promptly release from funds available for these approved projects 95 percent of the agreement amount. The commissioner shall keep the remaining percentage of the agreement amount until the project is 95 percent or more completed as substantiated and requested by the county or city engineer, or until the final cost is determined and the project accepted by the district state-aid engineer.

[For text of subs 5 to 8, see M.R.]

Subp. 9. **Advance from county state-aid highway fund.** When the commissioner approves a request from the county board for constructing an approved county state-aid project requiring county state-aid highway funds in excess of the county's available balance, the county may request to advance funds from the county state-aid highway fund. The request for an advance must be in the form of a resolution. The commissioner shall restore the county state-aid fund ~~out of subsequent county construction account apportionments or turnback account apportionments~~ in accordance with the terms and conditions specified in the approved request.

The county screening board shall recommend to the commissioner procedures ~~for prioritizing requests~~ for advance funding ~~and a minimum balance for the county state-aid highway account, below which no further advances may be granted.~~

Subp. 9a. **Advance from town bridge account.** When the commissioner approves a request from the governing body of a county for the replacement, reconstruction, or rehabilitation of a town bridge requiring funds in excess of the county's available town bridge account, the commissioner shall reimburse those expenditures in accordance with the terms and conditions specified in the approved request. ~~The request for advance encumbrance must be submitted with the Report of State Aid Contract.~~

[For text of subp 10, see M.R.]

Subp. 10b. **Advance from municipal state-aid street fund.** When the commissioner approves a request from the governing body of an eligible urban municipality for constructing an approved municipal state-aid project requiring municipal state-aid street funds in excess of the urban municipality's available balance, then, subject to limits of the law, the urban municipality may request to advance funds from the municipal state-aid street fund. The request for an advance must be in the form of a resolution. The commissioner shall restore the municipal state-aid street fund ~~out of subsequent urban municipal construction account apportionments or turnback account apportionments~~ in accordance with the terms and conditions specified in the approved request. The amount of the advance must not exceed \$500,000 or the last year's apportionment whichever is greater, except that in no case may the advance exceed three times the last year's apportionment.

The municipal screening board shall recommend to the commissioner procedures ~~for prioritizing requests~~ for advance funding ~~and a minimum balance for the municipal state-aid street account, below which no further advances may be granted.~~

[For text of subs 11 to 12, see M.R.]

## 8820.1600 ANNUAL STATEMENTS.

Within 30 days after the close of each year, the commissioner shall ~~submit~~ make available to each county or urban municipality annual statements as to the status of its respective state-aid accounts.

## 8820.2700 MAINTENANCE REQUIREMENTS.

Subpart 1. **Standards.** The commissioner shall require a reasonable standard of maintenance on state-aid routes within the county or urban municipality, consistent with available funds, the existing street or road condition, and the traffic being served. This maintenance must be considered to include:

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

F. the installation of route markers on county state-aid highways ~~as follows:~~

~~(1) route markers must be a minimum of 16 inches by 16 inches square with black letters or numerals on a white background; or~~

~~(2) wherever county road authorities elect to establish and identify a special system of important county roads, the route marker must be of a pentagonal shape and must consist of a reflectorized yellow legend with county name, route letter, and number, and a border on a blue background of a size compatible with other route markers as required by the Minnesota Manual on Uniform Traffic Control Devices as adopted under Minnesota Statutes, section 169.06.~~

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# Proposed Rules

[For text of subps 2 and 3, see M.R.]

## 8820.2800 CONSTRUCTION REQUIREMENTS.

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

Subp. 2. ~~Plans and estimates~~ **Eligibility for funding.** A project is eligible for funding under the following conditions, as applicable:

A. Plans and estimates for each state-aid construction project must be submitted for review. Each plan must show the subsequent stages required for the completion of the improvement, portions of which may be covered by later contracts or agreements. Only those projects for which final plans are approved by the state-aid engineer before opening bids or approving a force account agreement are eligible for state-aid construction funds, except as provided in subpart 8.

B. Force account work is eligible for state-aid funding once a force account agreement is signed by the state-aid engineer, including costs that occur before force account agreement approval.

C. Design-build projects are eligible for funding if, prior to the opening of design-build proposals, the state-aid engineer approves required project information. Among the information required must be project location, project termini, types of work to be performed, and standards to be used.

[For text of subps 3 to 8, see M.R.]

## 8820.3100 GENERAL STATE-AID LIMITATIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 7a. **Bicycle paths and sidewalks.** Payment for a bicycle path or sidewalk must be made when requested by urban municipalities, but only if the bicycle path or sidewalk is located within the permanent right-of-way of a state-aid-eligible route or within an easement generally parallel with a state-aid route. County state-aid funds may be spent on bicycle paths or sidewalks as a match to federal-aid funds or on bicycle paths or sidewalks that are both a part of an adopted bicycle path plan and are located within the permanent right-of-way of a state-aid route or within an easement generally parallel with a state-aid route. County municipal state-aid funds may be spent on bicycle paths or sidewalks located within the permanent right-of-way of a state-aid route or within an easement generally parallel with a state-aid route.

[For text of subps 8 and 9a, see M.R.]

Subp. 10. **Landscaping.** The extent of state-aid participation in landscaping is limited to five percent of the total construction allocation in any year. Landscaping includes, but is not limited to:

- A. items such as trees when exceeding two-to-one replacement, shrubs, ground covers, and mulch; and
- B. retaining walls, fences, and other landscaping appurtenances when only decorative in function.

The extent of participation also includes excess costs for functional but ornamental features such as, but not limited to, ornamental fences and railings, brick pavers, and aesthetic surface treatments, and internally lit street signs. Excess cost is the cost in excess of a functional, standard item. Seeding, with mulch and fertilizer, and sodding are considered normal grading items.

## 8820.9920 GEOMETRIC DESIGN STANDARDS; RURAL AND SUBURBAN UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for rural and suburban undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Pro- jected ADT	Lane Width	Shoulder Width	In- slope	Recovery Area	Design Speed	Sur- facing	Struc- tural Design Strength	Bridges to Remain (f) Width <del>Curb-Curb</del> Curb to Curb
(b)		<del>(h)</del> (g)	(c)	(d)	(e) <del>(g)</del>	(i)	(h)	
	feet	feet	rise: run	feet	mph		tons	feet
0-49	11	1	1:3	7	30- 60	Agg.		22

# Proposed Rules

50-149	11	3	1:4	9	40-60	Agg.		22
150-749	12	4	1:4	15	40-60	Paved	9	28
750-1499	12	4	1:4	25	40-60	Paved	9	28
1500 and over	12	<del>6(h)</del> (g)	1:4	30	40-60	Paved	10	30

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) For rural divided roadways, use the geometric design standards of the Mn/DOT Road Design Manual, with a minimum ten tons structural design and minimum 40 mph design speed.

(b) Use the existing traffic for highways not on the state-aid system.

(c) Applies to slope within recovery area only.

(d) Obstacle-free area (measured from edge of traffic lane). Culverts with less than 30-inch vertical height allowed without protection in the recovery area.

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the ADT exceeds 749 or the bridge clear width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

For roadways in suburban areas as defined in part 8820.0100, the recovery area may be reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over. Wherever the legal posted speed limit is 40 mph or less, the recovery area may be reduced to a width of ten feet.

(e) Subject to terrain. In suburban areas, the minimum design speed may be equal to the current legal posted speed where the legal posted speed is 30 mph or greater.

(f) Inventory rating of H 15 is required. A bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.

~~(g) Design speed of 30 mph allowed for highways not on the state-aid system.~~

~~(h)~~ Shoulders are required to be a minimum width of eight feet for highways classified as minor arterials and principal arterials with greater than 1,500 ADT projected.

~~(i) Roadways not on the state-aid system are not subject to the minimum structural design strength requirements.~~ (h) Phased projects must be constructed to attain design strength within three years of completion of final grading. In suburban areas, the minimum structural design strength is nine tons or ten tons as needed for system continuity.

Approach sideslopes must be 1:4 or flatter when the ADT exceeds 400.

HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges ~~is the sum of the lane and shoulder widths plus four feet~~ must be no less than either the minimum required lane plus shoulder width or the proposed lane plus shoulder width, whichever is greater, but in no case less than the minimum lane widths plus four feet, and in no case less than required per Minnesota Statutes, section 165.04.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

**8820.9922 GEOMETRIC DESIGN STANDARDS; NEW BRIDGE, BRIDGE REPLACEMENT, OR BRIDGE REHABILITATION PROJECTS AND APPROACH ROADWAYS ON RURAL OR SUBURBAN UNDIVIDED ROADWAYS THAT ARE NOT ON THE STATE-AID SYSTEM.**

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# Proposed Rules

New bridge, bridge replacement, or bridge rehabilitation projects and approach roadways on rural or suburban undivided roadways that are not on the state-aid system must meet or exceed the minimum dimensions indicated in the following design chart.

<u>Existing ADT</u> (a)	<u>Lane Width</u> (feet)	<u>Shoulder Width</u> (feet)	<u>Inslope</u> (b) (rise: run)	<u>Recovery Area</u> (c) (feet)	<u>Design Speed</u> (e) (mph)
0-49	11	1	1:3	7	30-60
50-149	11	3	1:4	9	30-60
150-400	12	4	1:4	15(d)	30-60

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population, land use, benefit/cost analysis, traffic mix, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) For existing ADT greater than 400, part 8820.9920 standards apply.

(b) Applies to slope within recovery area only.

(c) Obstacle-free area (measured from edge of traffic lane). Culverts with less than 30-inch vertical height allowed without protection in the recovery area.

(d) For roadways in suburban areas, the recovery area may be reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over. Wherever the legal posted speed limit is 40 miles per hour or less, the recovery area may be reduced to a width of ten feet.

(e) Subject to terrain.

HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in no case less than the minimum lane width plus four feet, and in no case less than required per *Minnesota Statutes*, section 165.04.

At the discretion of the local governmental agency, bridge structures of minimum 20-foot clear width may be constructed where existing ADT is less than 50, potential for increasing ADT is low, and the local government agency finds that the bridge width can operate effectively at that width for the expected life of the bridge.

## **8820.9926 GEOMETRIC DESIGN STANDARDS: RURAL AND SUBURBAN UNDIVIDED; RECONDITIONING PROJECTS.**

### Subpart 1. Minimum reconditioning standards.

Reconditioning projects for rural or suburban undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart. See part 8820.0100, subpart 13b, for the description of activities allowed.

Existing ADT	Statutory or Regulatory Posted Speed	Lane Width (Paved)	Combined Lane (Paved) and Shoulder Width
<del>Below 750</del> 1-749	Under 50 mph	10 feet	11 feet
<del>Below 750</del> 1-749	50 mph or over	10 feet	12 feet
750 and over <del>749</del>	Under 50 mph	10 feet	12 feet
750 and over <del>749</del>	50 mph & over	11 feet	14 feet

# Proposed Rules

Engineering judgment may be used to choose a lane or shoulder width dimension other than the widths indicated in the chart for roadways. Factors to consider include safety, speed, population/land use, benefit/cost analysis, traffic mix, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

Widths of bridges to remain in place must equal roadway pavement width. Bridges narrower than these widths may remain in place provided that the bridge does not qualify for federal-aid bridge funds. H 15 inventory rating is required.

Any highway that was previously built to state-aid or state standards, that was granted a variance to standards in effect at the time of construction or reconstruction, or that is a trunk highway turnback, may be reconditioned.

The proposed structural design strength must be a minimum of seven tons.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

## 8820.9936 GEOMETRIC DESIGN STANDARDS, URBAN; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for urban roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Functional Classification and Projected Traffic Volume	Design Speed	Lane Width (a)	Curb Reaction Distance (e)	Parking Lane Width
	mph	feet	feet	feet
Collectors or Locals with ADT < 10000*	30-40	(b) 11	2	8
	over 40	12	2	10
Collectors or Locals with ADT ≥ 10000 and Arterials	30-40	(b) 11	(c) 4	10
	over 40	12	(c) 4	(d) 10

(a) One-way turn lanes must be at least ten feet wide, except 11 feet is required if the design speed is over 40 mph.

(b) Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used.

(c) May be reduced to two feet if there are four or more traffic lanes and on one-way streets.

(d) No parking is allowed for six or more traffic lanes or when the posted speed limit exceeds 45 mph.

(e) Curb reaction must be provided only where parking is not provided.

One-way streets must have at least two through-traffic lanes.

When a median is included in the design of the two-way roadway, a one-foot reaction distance to the median is required on either side of the median. Minimum median width is four feet.

Urban design roadways must be a minimum nine tons structural design, or ten tons if needed for system continuity. Phased projects must be constructed to attain design strength within three years of completion of final grading.

Roadways not on the state-aid system are not subject to the minimum structural design strength requirements.

The minimum curb-to-curb width of a new bridge must have a curb-to-curb width equal to be the required street width, but in no case less than required per Minnesota Statutes, section 165.04. HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges and a minimum of HS 18 loading is required for all rehabilitated bridges. Where the new bridge approach roadway includes elements for the accommodation of

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# Proposed Rules

pedestrians or bicycles, the new bridge width must also provide for pedestrians or bicycles unless pedestrians or bicycles are otherwise accommodated.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance.

Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when the posted speed is 40 to 45 mph. A ten-foot clearance from the driving lane must be provided when the posted speed exceeds 45 mph.

For volumes greater than 15,000 projected ADT\*, at least four through-traffic lanes are required.

\*Additional average daily traffic may be allowed if a capacity analysis demonstrates that level of service D or better is achieved at the higher traffic volume. If the capacity analysis demonstrates that additional lanes are required only during peak traffic hours, then each additional driving lane may be used as a parking lane during nonpeak hours.

“Level of service” has the meaning given it in the Highway Capacity Manual, Special Report 209, as revised and published by the Transportation Research Board of the National Research Council, Washington, D.C. The definition is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

## **8820.9946 GEOMETRIC DESIGN STANDARDS, URBAN; RECONDITIONING PROJECTS.**

Subpart 1. **Two-way streets.** In the following design chart, total width is from face-to-face of curbs.

Reconditioning projects for two-way urban roadways must meet or exceed the minimum dimensions indicated in the chart.

Number of Through Lanes, Functional Class, and Present Traffic Volume	Total Width with No Parking (feet)	Total Width with Parking on One Side (feet)	Total Width with Parking on Both Sides (feet)	Proposed Structural Design Strength (tons)
2-Lane Collector or Local with ADT < 10000	26	32	38	(b) 9
4-Lane Collector or Local with ADT < 10000	44	52	60	(b) 9
2-Lane Collector or Local with ADT ≥ 10000 or 2-Lane Arterial (a)	26	32	42	9
4-Lane Collector or Local with ADT ≥ 10000 or 4-Lane Arterial	44	54	64	9
6-Lane Collectors or Arterials	66	(c)	(c)	9

(a) Permissible for present traffic volumes less than 15,000 ADT.

(b) When ADT is less than 5,000, seven tons is allowable.

(c) No parking is allowed.

When a median is included in the design of the two-way roadway, a one-foot reaction distance to the median is required on either side of the median. Minimum median width is four feet.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb

# Proposed Rules

reaction distance.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Subp. 2. **One-way streets.** In the following design chart, total width is from face-to-face of curbs. Reconditioning projects for one-way urban roadways must meet or exceed the minimum dimensions indicated in the chart.

Number of Through Lanes and Functional Class	Present ADT	Total Width with No Parking (feet)	Total Width with Parking on One Side (feet)	Total Width with Parking on Both Sides (feet)	Proposed Structural Design Strength (tons)
2-Lane Collector or Local with ADT < 10000	< 5000	21	29	37	7
	5000 - 10000	23	31	39	9
2-Lane Collector or Local with ADT ≥ 10000 or 2-lane Arterial	< 15000	23	31	39	9
	≥ 15000	24	32	40	9
3-Lane Arterial or Collector	All	34	42	50	9

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

[For text of subp 3, see M.R.]

## 8820.9956 VERTICAL CLEARANCES FOR UNDERPASSES.

Underpass projects must meet or exceed the minimum dimensions indicated in the following design chart.

	Rural-Suburban Design, Vertical Clearance (feet-inches)	Urban Design, Vertical Clearance (feet-inches)
Highway under Roadway Bridge	16-4	14-6
Highway under Railroad Bridge	16-4	14-6

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# Proposed Rules

Highway under Pedestrian Bridge	17-4	<del>14-6</del> 15-6 (a)
Highway under Sign Structure	17-4	<del>14-6</del> 15.6 (a)
Railroad under Roadway Bridge <sup>⊛</sup> (b)	22-0	22-0

(a) For replacement of skyway structures, the minimum clearance over traveled way is the existing structure clear height.

⊛ (b) Variances to the required minimum may be granted by the commissioner of transportation. That approval eliminates the need for a state-aid variance.

**8820.9981 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION PROJECTS.**

Subpart 1. **Type I route.** New or reconstruction projects for type I natural preservation routes, designated natural forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Sur-face Type	Design Speed	Lane Width	Shoul-der Width	In-slope	Recov-ery Area	Design Strength	Bridge to Remain
	<del>mph</del> (mph)	<del>feet</del> (feet)	<del>feet</del> (feet)	<del>rise:</del> (rise: run)	<del>feet</del> (feet)	<del>tons</del> (tons)	<del>feet</del> (feet)
			(a)	(b)	(c)		(d)
Aggre-gate	30	11	1	1:3	3		22
Paved	30	11	2	1:3	<del>4</del> 9	9	22

(a) If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable. The designer will provide a four-foot paved shoulder if the route is a popular bicycle route.

(b) Applies to slope within recovery area only. Other design features, such as guardrails or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.

(c) Obstacle-free area (measured from edge of traffic lane).

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the ADT exceeds 749 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

(d) Inventory rating of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.

HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths plus four feet.

Ditch depths and widths must be kept to the minimum required to function hydraulically and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless otherwise required for special conditions.

Curb and gutter may be used in lieu of a ditch section under the paved option. The lane width, shoulder width, and recovery area must be maintained.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart applies only where the projected ADT is less than 100, unless the route has been designated as a natural preservation route.

# Proposed Rules

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Subp. 2. **Type II route.** New or reconstruction projects for type II natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Surface Type	Design Speed	Lane Width	Shoulder Width	In-slope	Recovery Area	Design Strength	Bridge to Remain
	<u>mph</u> (mph)	<u>feet</u> (feet)	<u>feet</u> (feet)	<u>rise:</u> (rise: run)	<u>feet</u> (feet)	<u>tons</u> (tons)	<u>feet</u> (feet)
			(a)	(b)	(c)		(d)
Aggregate	30	11	2	1:3	9		<del>24</del> <u>22</u>
Paved	40	<del>12</del> <u>11</u>	<del>4</del> <u>3</u>	1:4	<del>10</del> <u>9</u>	9	<del>24</del> <u>22</u>

(a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within recovery area only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the recovery area when the ADT exceeds 400.

(c) Obstacle-free area (measured from edge of traffic lane).

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the ADT exceeds 749 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

(d) Inventory rating of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds. HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than 30 feet.

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the recovery area, and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart may be applied only where the projected ADT is less than 300, unless the route has been designated as a natural preservation route.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Subp. 3. **Type III route.** New or reconstruction projects for type III natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Surface Type	Design Speed	Lane Width	Shoulder Width	In-slope	Recovery Area	Design Strength	Bridge to Remain
	<u>mph</u> (mph)	<u>feet</u> (feet)	<u>feet</u> (feet)	<u>rise:</u> (rise: run)	<u>feet</u> (feet)	<u>tons</u> (tons)	<u>feet</u> (feet)

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# Proposed Rules

	(a)	(b)	(c)	(d)			
Aggregate	30	12	3	1:4	10	9	24
Paved (e)	30	12	4	1:4	10	9	24
Paved	40	12	4	1:4	15	9	24

(a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas which will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within recovery area only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the recovery area when the ADT exceeds 400.

(c) Obstacle-free area (measured from edge of traffic lane).

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the ADT exceeds 749 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

(d) Inventory rating of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

(e) This standard may be applied only when the project is located in a subdivided area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of another level of these standards.

HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than 32 feet.

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the recovery area, and to provide for adequate snow storage when a standard ditch would negatively affect the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

## **8820.9986 MINIMUM GEOMETRIC DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; RECONDITIONING PROJECTS.**

Reconditioning projects for natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

### TYPE I, II, OR III ROUTE

Proposed Design Strength	Pavement Width	Shoulder-to-Shoulder Width
(tons)	(feet)	(feet)
7	22 <u>(a)</u>	26 <u>(a)</u>

(a) Natural preservation routes may be reconditioned to existing pavement and shoulder widths.

Widths of bridges to remain in place must equal pavement width. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds. H 15 loading is required.

# Proposed Rules

## 8820.9995 MINIMUM BICYCLE PATH STANDARDS.

### Minimum Bicycle Path Standards

For Off-Road Design, the following shall apply:

Minimum <del>Surfacing</del> Surface Width (two-way)	8 ft (b)
Shoulder/Clear Zone	2 ft (c)
Inslope	1:2 (rise:run)
Design Speed	20 mph (d)
Vertical Clearance	10 ft

(a) For on-road bicycle facilities, the appropriate tables in the Minnesota Bicycle Transportation Planning and Design Guidelines are recommended for design purposes.

(b) Ten feet is desired for a combined bicycle/pedestrian path. Five feet is required for a one-way bicycle path.

(c) The shoulder/clear zone should be carried across bridges and through underpasses 12 feet or less in clear width. Lead-in guardrail should be provided when shoulders are not carried over bridges.

(d) Use a 30 mph design speed for grades longer than 500 feet and greater than four percent, from the uphill point where the grade equals four percent to 500 feet beyond the downhill point where the grade becomes less than four percent. The maximum allowable grade is 8.3 percent.

**INCORPORATION BY REFERENCE:** Part 8820.9936: "Level of service" has the meaning given it in the Highway Capacity Manual, Special Report 209, as revised and published by the Transportation Research Board of the National Research Council, Washington, D.C. The definition is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155.

## 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.

## Board of Accountancy

### Adopted Permanent Rule Amendments Relating to Licensing and Regulation of Accountants

The rules proposed and published at *State Register*, Volume 28, Number 37, pages 1113-1124, March 15, 2004 (28 SR 1113), are adopted with the following modifications:

#### 1105.0700 REFUNDING FEES.

Fees must be refunded if an application is rejected prior to processing. Once an application for examination or reexamination has been processed or approved by the board or third-party administrator on behalf of the board, the fee specified in part 1105.0600, item P, may not be refunded. The fee may be applied to a subsequent examination within six months, after which the fee is for-

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feited. The fee specified in part 1105.0600, item Q, is refundable based on the refund policy of the third-party administrator.

## **1105.1200 COMMUNICATIONS.**

An applicant, licensee, or registrant shall respond to communications from the board, committees of the board, or the attorney general on behalf of the board within 30 days of the mailing of communications, unless an earlier response is requested within the communications. An applicant, licensee, or registrant shall appear before the board, committees of the board, or the attorney general on behalf of the board when requested to do so and provide copies of all pertinent records, including handwriting samples, to assist the board in its deliberations. Communications must be addressed to "Executive Secretary, Board of Accountancy." An applicant, licensee, or registrant shall sign an authorization letter giving the board access to ~~files or other~~ information relating to a board investigation that is held by ~~others~~ any federal, state, or other local government agency, or professional organization, the subject matter of which pertains to conduct as described in *Minnesota Statutes*, section 326A.08, subdivision 5, paragraph (a), clause (10), when requested to do so by the board or by the attorney general on behalf of the board.

## **1105.1600 APPLICATIONS FOR EXAMINATION.**

Subpart 1. **Forms; due date.** Applications to take the certified public accountant (CPA) examination must be made on a form provided by the board and filed with the board or the examination administrator designated by the board. In the case of a nonresident, the application must be supported by a statement that the applicant is currently, or will have been within the 90 days preceding or following the date of the CPA examination applied for, a resident of Minnesota, attending a school in Minnesota in which the applicant is seeking education designed to qualify the applicant to sit for the CPA examination, or working in Minnesota for the purpose of obtaining qualifying experience. The term "examination administrator" as used in this chapter consists of the examination delivery vendor, NASBA, AICPA, the board's administrative services vendor for the examination, or any combination of one or more of these parties.

Subp. 2. **Completion of filing.** An application is not considered filed until the application fee and examination fee required by this chapter and all required supporting documents have been received by the board or examination administrator, including proof of identity as determined by the board, official transcripts, and proof that the applicant has completed the education requirement. ~~The term "examination administrator" as used in this chapter consists of the examination delivery vendor, NASBA, AICPA, the board's administrative services vendor for the examination, or any combination of one or more of these parties.~~

## **1105.2600 EXPERIENCE REQUIRED FOR INITIAL CERTIFICATE ON OR AFTER JULY 1, 2006.**

The experience required to be demonstrated for issuance of an initial certificate pursuant to *Minnesota Statutes*, section 326A.03, subdivision 6, must comply with items A to E.

B. The applicant's experience must be verified to the board by a licensee as defined in the act or from another state. Acceptable experience includes employment in industry, government, academia, or public practice. The board shall consider such factors as the complexity and diversity of the work appropriate for an applicant receiving an initial certificate.

E. A "licensee," as used in this part and part 1105.2800, is an individual who holds, at the date of verification, a "valid certificate" as defined in part ~~1105.6500~~ 1105.6550, item A, or an unexpired certificate that has a certificate status of "inactive."

## **1105.2700 EXPERIENCE REQUIRED FOR CPA EXAMINATION AND INITIAL CERTIFICATE UNTIL JULY 1, 2006.**

Subp. 4. **Qualifying self-employment.** The board shall consider self-employment experience obtained by an applicant to meet the requirements of *Minnesota Statutes*, section 326A.03, subdivision 8, if an applicant shows to the satisfaction of the board that the applicant's qualifying self-employment is consistent with the intent in subpart 1 and has included experience or education in:

## **1105.3000 CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS FOR RENEWAL OF CERTIFICATE.**

The requirements of continuing professional education in items A to K apply to the renewal of certificates pursuant to *Minnesota Statutes*, section 326A.04, subdivision 4.

J. A licensee seeking renewal of a certificate with inactive status shall show the completion of at least 120 hours of continuing professional education complying with this chapter during the three-year period ~~ended~~ ending June 30 preceding renewal with a minimum of 20 hours in each year, if the licensee had a certificate with an active status at the time of making a timely filed renewal application requesting an inactive status.

K. Licensees granted an initial certificate with an active status have no continuing professional education hour requirement for the year ~~ended~~ ending June 30 during which the initial certificate was granted. The 120-hour requirement in item A is not effective for these licensees until the June 30 following the third anniversary of the initial certificate issuance, at which time at least 120 hours of CPE complying with this chapter must be completed. The 20-hour requirement in item A is not effective for these licensees until the June 30 following the first anniversary of the initial certificate issuance.

## **1105.3800 INITIAL ISSUANCE OF CERTIFICATE ON OR AFTER JANUARY 1, 2003.**

F. for initial certificate applications received on or after July 1, 2006:

(1) until January 1, 2009, for those ~~where~~ whose initial sitting for the examination required by *Minnesota Statutes*, sec-

# Adopted Rules

tion 326A.03, was before July 1, 2006:

(a) ~~upon the completion of~~ completed the experience required by part 1105.2700 and *Minnesota Statutes*, section 326A.03, subdivision 5, or has two years of experience of the type required by part 1105.2600 and *Minnesota Statutes*, section 326A.03, subdivision 6, paragraph (b); and

(b) ~~upon completion of~~ completed the education required by part 1105.1500, subpart 2, and *Minnesota Statutes*, section 326A.03, subdivision 2; or

(2) for those whose initial sitting for the examination required by *Minnesota Statutes*, section 326A.03, was on or after July 1, 2006:

(a) ~~upon completion of~~ completed the experience required by part 1105.2600 and *Minnesota Statutes*, section 326A.03, subdivision 6, paragraph (b); and

(b) ~~upon completion of~~ completed the education required by part 1105.2900; and *Minnesota Statutes*, section 326A.03, subdivision 6, paragraph (a); and

## 1105.4000 APPLICATION FOR FIRM PERMIT.

I. The application for a firm permit shall contain a representation from the firm that it has complied with part 1105.7850, item F.

## 1105.4300 QUALITY REVIEW AS CONDITION FOR RENEWAL OF PERMIT.

B. Before December 15, 2004, a quality review oversight committee shall be appointed by the board to monitor the report acceptance bodies designated by the board in part 1105.5300 and report to the board whether their programs meet the requirements in this chapter and the act. The oversight committee must be constituted and act according to subitems (1) to ~~(5)~~ (6).

(3) It must provide the board with an assessment of the effectiveness of the report acceptance bodies designated in part 1105.5300, item B, and the quality review process. In addition, the committee must provide to the board the names of those licensees and firms that the committee obtained in part 1105.5300, item D, ~~subitems (1) and (2). The committee shall also report to the board the names of any licensees and firms it believes should be subject to discipline described in part 1105.5400, item B, and the names of any licensee or firm it believes are not meeting the terms, conditions, and remedial actions, if any, required by the report acceptance body.~~

(5) It must obtain the information required by part 1105.5300, item D, by December ~~15~~ 31 of each year.

(6) It must determine through its oversight of the report acceptance bodies that the verification specified in part 1105.4700, item C, was part of the quality review standards under which the reviews were conducted.

## 1105.4700 QUALITY REVIEW STANDARDS.

[For text of ~~items~~ item B ~~and C~~, see M.R.]

C. ~~The A system review level quality review conducted~~ must include verification that the individuals in the firm who are responsible for supervising attest ~~and compilation~~ services and who sign or authorize someone to sign the accountant's report on financial statements on behalf of the firm have met the competency requirements set out in professional standards. The competency requirement is contained in the documents incorporated by reference in item A. The verification required by the reviewer in a quality review shall determine whether:

(1) the firm's quality control policies and procedures require such individuals to gain and maintain relevant competencies to conduct attest services; and

(2) in the reviewer's judgment such policies and procedures are being followed.

## 1105.5300 QUALIFICATION OF REPORT ACCEPTANCE BODIES.

D. The report acceptance bodies specified in item B shall provide to the Quality Review Oversight Committee established in part 1105.4300, item B, or to the board if so requested, by December ~~15~~ 31 of each year:

~~(1) the names of the licensees and firms that have undergone a quality review during the calendar year ending December 15 and had the letter specified in part 1105.5400, item A, subitem (2), issued by the report acceptance body;~~

~~(2) the names of all licensees and firms that have not met the terms, conditions, and remedial actions required by the report acceptance body as of December 15; and~~

~~(3) a statement that all quality reviews for which the report acceptance body has issued the letter specified in part~~

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# Adopted Rules

~~1105.5400, item A, subitem (2), have contained the verifications specified in part 1105.4700, item C, and have contained a review of the firm's audit documentation retention and destruction policy required by part 1105.7850, item F.~~

E. The report acceptance bodies specified in item B shall allow the Quality Review Oversight Committee established in part 1105.4300, item B, ~~full~~ access to the quality review process that is subject to oversight consistent with *Minnesota Statutes*, section 326A.05, subdivision 8, paragraph (e). The Quality Review Oversight Committee shall treat all information to which it has access as confidential and shall not communicate to the board information that would divulge the identity of a licensee, registrant, or firm. Such information shall be used solely for the purpose of evaluating the effectiveness of report acceptance bodies designated by the board in item B.

~~F. Report acceptance bodies may request exemption from the requirements of item D, subitems (1) and (2), or E, providing the exemption request is for the period ending prior to April 1, 2005.~~

## **1105.5400 REPORT TO BOARD.**

A. Within 30 days of receipt of the letter described in subitem (2), but no later than the date specified in part 1105.5000, each firm that is scheduled to report that year shall submit the following material to the board:

Except as specified in part 1105.4800, item B, a written report, including any responses by the firm attached to the report, on inspections conducted by the Public Company Accounting Oversight Board submitted to the board shall meet the requirements of this part. Nothing in this part requires a firm to submit the Public Company Accounting Oversight Board inspections report to the board, providing a quality review encompassing the firm's public company attest clients has been conducted and submitted to the board in accordance with parts 1105.4600 to 1105.5500 or in accordance with standards adopted by the AICPA or the Public Company Accounting Oversight Board within the previous three years.

## **1105.6400 FICTITIOUS FIRM NAMES.**

D. the name is likely to mislead or deceive because it omits relevant facts. The following are examples, but are not inclusive:

(2) the firm name includes a nonowner firm employee or the name or initials of any other nonowners, except as permitted in *Minnesota Statutes*, section 326A.10, paragraph (h);

## **1105.7450 MISLEADING RAP FIRM NAMES AND FICTITIOUS RAP FIRM NAMES.**

C. A fictitious RAP firm name, that is, one not consisting of the names or initials of one or more present or former partners, members, or shareholders, may not be used by a RAP firm unless the name has been registered with and approved by the board as not being false or misleading. A firm name is considered false or misleading if:

(4) the name is likely to mislead or deceive because it omits relevant facts. The following are examples, but are not inclusive:

(b) the firm name includes a nonowner firm employee or the name or initials of any other nonowner, except as permitted in *Minnesota Statutes*, section 326A.10, paragraph (h);

## **1105.7800 CODE OF PROFESSIONAL CONDUCT.**

A. The *AICPA Code of Professional Conduct* published by the American Institute of Certified Public Accountants and revised as of ~~November 2003~~ February 2004 is incorporated by reference. The *Code of Professional Conduct* is subject to frequent change and is available through the state law library.

## **1105.7850 RETENTION AND CONTENT OF AUDIT DOCUMENTATION.**

E. Any documents required to be retained by this part must be retained in accessible form such that a reviewer may read the information contained in the documents.

# Department of Health

## Adopted Permanent Rules Relating to Home Care and Hospice Service

The rules proposed and published at *State Register*, Volume 28, Number 10, pages 235-270, September 8, 2003 (28 SR 235), are adopted with the following modifications:

### **4664.0010 LICENSURE.**

Subpart 1. **License issued.** If a hospice provider complies with the requirements of this chapter and *Minnesota Statutes*, sections 144A.75 to 144A.755, the commissioner shall issue to the hospice provider a certificate of licensure that contains:

- A. the licensee's name ~~and address~~;
- B. the provider's name and address, ~~if different from item A~~;
- C. the beginning and expiration dates;
- D. a unique license number;

# Adopted Rules

E. the type of license; and

~~E. F.~~ the number of authorized beds for the residential hospice or hospices, if applicable.

## 4664.0030 HOSPICE BILL OF RIGHTS AND NOTIFICATION OF SERVICE CHARGES.

Subp. 2. **Content of notice.** In addition to the text of the bill of rights in *Minnesota Statutes*, section 144A.751, subdivision 1, the written notice to the patient must include the following:

C. the telephone number and address of the Office of the Ombudsman for Older Minnesotans; ~~and~~

D. the licensee's name, address, telephone number, and name or title of the person to whom problems or complaints may be directed; and

E. if the hospice provider operates a residential hospice facility, the written notice to each residential hospice patient must include the number and qualifications of the personnel, including both staff persons and volunteers, employed by the provider to meet the requirements of part 4664.0390 on each shift at the residential hospice facility.

## 4664.0060 ACCEPTANCE OF PATIENTS; DISCONTINUANCE OF SERVICES.

Subp. 3. **Fines.** For each violation of the following subparts, the stated fine shall be assessed:

A. subpart 1, ~~\$350~~ \$500; and

## 4664.0070 GOVERNING BODY.

Subp. 2. **Administrator.** A licensee must designate an ~~individual administrator~~ who is responsible for the day-to-day management of the hospice program. The administrator must have defined lines of responsibility and authority and be responsible for the overall management of the hospice. The administrator is responsible to the governing body for:

## 4664.0190 HEALTH INFORMATION MANAGEMENT.

Subp. 7. **Transfer.** If a hospice patient transfers to another hospice provider or other health care practitioner or provider or is admitted to an inpatient health care facility, a hospice provider, upon request of the hospice patient or as otherwise authorized by law, must send a copy or summary of the hospice patient's record to the new provider or facility or to the patient.

## 4664.0330 INPATIENT CARE.

Subpart 1. **Short-term inpatient care.** A hospice provider must ensure that inpatient care is available for pain control, symptom management, and respite purposes and is provided in a ~~participating Medicare or Medicaid facility licensed hospital, a nursing home,~~ or a residential hospice facility. Inpatient care must be provided directly or under arrangement with one or more hospitals, nursing homes, or residential hospice facilities.

## 4664.0370 BUILDING CLASSIFICATION.

Subpart 1. **Building classification.** Notwithstanding the Minnesota State Building Code and the Minnesota State Fire Code, new construction and existing buildings converted to residential hospice facility use must:

A. meet the requirements for Group R, Division 3 occupancy, if serving five or less persons, or Group R, Division 4 occupancy, if serving six to 12 persons, under the ~~Uniform International~~ Building Code as incorporated by reference under chapter 1305;

## 4664.0390 RESIDENTIAL HOSPICE FACILITY STAFFING.

Subpart 1. **Requirements.** A hospice provider that operates a residential hospice facility must ensure that:

B. by six months after the effective date of this part, each shift at the residential hospice facility includes a licensed nurse who provides, supervises, or monitors direct care, if the facility is licensed for five or more beds;

C. if the facility is licensed for four or fewer beds, at all times the residential hospice facility either:

(1) has on the premises a licensed nurse who provides, supervises, or monitors direct care; or

(2) has on call a licensed nurse who is able to be on the premises within 20 minutes of a request and has on the premises a home health aide who has completed a standardized medication administration training program for unlicensed personnel that is offered through a Minnesota postsecondary educational institution and that includes instruction on all of the tasks specified in part 4664.0265, subpart 1, items B and C;

D. the residential hospice facility has the number and type of personnel sufficient to meet the total needs of the hospice patients. At all times when the residential hospice facility has five or more residential hospice patients, the residential hospice facility must have on the premises two staff persons, or one staff person and one volunteer, ~~must be on the premises at all times; and~~

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# Adopted Rules

At all times when the residential hospice facility has four or fewer residential hospice patients, the residential hospice facility must either:

(1) have on the premises two staff persons or one staff person and one volunteer; or

(2) have on the premises one staff person and have one staff person or one volunteer on call and able to be on the premises within 20 minutes of a request;

~~D.~~ E. a registered nurse ~~must be~~ is on call whenever a registered nurse is not on duty; and

F. the residential hospice facility maintains for at least three years documentation to demonstrate that the residential hospice facility is in compliance with the requirements of this part.

Subp. 2. **Fines.** ~~A fine of \$500 shall be assessed~~ For each violation of ~~this part.~~ the following items in subpart 1, the stated fine shall be assessed:

A. item A, \$500;

B. item B, \$500;

C. item C, \$500;

D. item D, \$500;

E. item E, \$500; and

F. item F, \$50.

## **4664.0430 PATIENT CARE AREAS.**

Subp. 3. **Patient bedroom.** A bedroom must be an exterior room with at least one window, which is easily opened to the outside. The floor of the bedroom at the exterior wall must be at or above grade. The windowsill must be no more than 30 inches above the floor. ~~Bedrooms must be either private or semiprivate (two bed) rooms~~ Each bedroom must have no more than two beds. Each bedroom must provide at least 100 square feet of useable floor area for ~~each bed~~ a hospice patient in a private room or 80 square feet for each hospice patient in a double room. No basic interior room dimension may be less than nine feet. ~~In multibed rooms, there must be at least three feet of clear space at the foot and both sides~~ The shape of the bedroom must allow for the capability of a bed arrangement that provides at least three feet of floor space at both sides and the foot end of each bed. A bedroom must provide an individual enclosed wardrobe or closet space for each hospice patient. The wardrobe or closet must be accessible for use by each hospice patient. A bedroom or bathroom must be equipped with an individual towel bar for each hospice patient. A bedroom must have provisions to ensure visual privacy for treatment and visiting. A room with access only through a kitchen, bathroom, or bedroom will not be approved as a hospice patient bedroom.

Subp. 10. **Call system.** An electrical hardwired or wireless electronic call system must be provided in each hospice patient bedroom and bathroom. If the tub or shower is in a room separate from a bathroom, a call system must be provided in the tub or shower room.

## **Department of Public Safety**

### **Adopted Permanent Rules Relating to Chemical Tests for**

The rules proposed and published at *State Register*, Volume 28, Number 44, pages 1359-1360, May 3, 2004 (28 SR 1359), are adopted as proposed.

## Appointments

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

## Department of Public Safety

### Notice of Appointment of Commissioner Michael Campion

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Tim Pawlenty appointed Michael Campion Commissioner of the Minnesota Department of Public Safety effective June 17, 2004. He had formerly been serving as Acting Commissioner since his appointment April 16, 2004.

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

- *Minnesota Statutes*, Chapters 12, 168-71, 299A-299I, 340
- *Minnesota Rules* 7400-7599

Commissioner Michael Campion resides at 4236 Rice Street, Vadnais Heights, Minnesota 55126, Ramsey County, Congressional District Four.

He can be reached at the Minnesota Department of Public Safety, North Central Life Tower, Suite 1000, 445 Minnesota Street, St. Paul, MN 55101. Telephone (651) 296-6642. Internet home page: <http://www.dps.state.mn.us>

## Official Notices

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

## Department of Human Services

### Aging Initiative - Continuing Care for the Elderly

### Public Notice Regarding Changes to Payment Rates Related to Nursing Facilities Participating in the Medical Assistance Program

**NOTICE IS HEREBY GIVEN** to recipients, providers of services, and the public of certain payment rate changes related to nursing facilities participating in the Medical Assistance (MA) Program that the 2004 Minnesota Legislature enacted during the 2004 legislative session. This notice is published pursuant to 42 *United States Code* § 1396(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish changes in MA institutional payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates.

Pursuant to the Governor's biennial budget, the Department proposed changes to the nursing facility rate-setting system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which nursing facility residents, trade associations, providers, facility employee union representatives, and the general public were invited to attend. The legislature considered the public's input and enacted legislation changing the rate-setting system as follows:

- Effective July 1, 2004, the Department may negotiate planned nursing facility closures with payment incentives, as long as the proposals have no cost to the state. In determining if a proposal has a cost to the state, the Department will consider both the savings and the costs that may be expected as a result of a planned closure. *Laws of Minnesota 2004*, Chapter 194, Section 2
- Effective August 1, 2004, if certain criteria are met, the Commissioners of Health and Human Services may approve new nursing facilities to be licensed and certified. *Laws of Minnesota 2004*, Chapter 218.

The changes are estimated to be budget neutral for State Fiscal Year 2005 (July 1, 2004 through June 30, 2005).

The Department anticipates adding these changes to its MA State plan. Individual nursing facility payment rates are available by contacting the Nursing Facility Rates and Policy Division, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, MN 55155-3836; **phone** (651) 296-7123.

## Department of Human Services

### Children and Family Services — Children's Mental Health Division

#### Public Notice of Changes in Children's Rehabilitative Mental Health Services and Rates

**NOTICE IS HEREBY GIVEN** to recipients, providers of services under the Medical Assistance (MA) Program, and to the public of MA changes and clarifications to children's rehabilitative mental health services and rates. This notice is published pursuant to 42 CFR §447.205, which requires public notice of significant proposed changes in methods and standards for setting payment rates for MA services.

*Laws of Minnesota 2003*, First Special Session, chapter 14, article 4, sections 4-6, 8-9, and 24, and *Laws of Minnesota 2004*, chapter 228, article 1, sections 41 and 42 require that the current MA array of children's mental health rehabilitative services (day treatment, psychotherapy, family community support, professional home-based mental health, and therapeutic support of foster care) be restructured into component parts under two service packages: children's therapeutic services and supports, and crisis response services. Notice of this change was first published on June 30, 2003 at 27 SR 1877-1878. The restructuring will be effective July 1, 2004 and upon federal approval.

Redesigning children's MA mental health rehabilitative services results in:

- removal of the current requirement of county contracting for some mental health rehabilitative services
- additional providers of children's mental health rehabilitative services
- provider enrollment linked to uniform statewide provider qualification standards
- expanded eligibility for children's mental health rehabilitative services, ensuring earlier and continued intervention

Though the rates for children's MA mental health rehabilitative services are unchanged, effective July 1, 2004 and upon federal approval, payment for services provided through day treatment will be restructured into component parts, resulting in payments reflective of the actual service components provided. The service components include: individual psychotherapy, family psychotherapy, group psychotherapy, individual skills training, family skills training and group skills training.

Payment for psychotherapy services provided by mental health professionals (doctoral and master level) or mental health practitioners (supervised by doctoral and master level mental health professionals), for family skills training, and for group skills training will remain at the lower of the submitted charge or 75.6% of the 50th percentile of 1999 charges. Payment for individual skills training remains the lower of the submitted charge or \$12.03 per 15 minute unit, the rate effective for individual skills training provided on or after February 18, 2004.

The Department is also clarifying that MA children's mental health rehabilitative services provided by a facility of the Indian Health Service or by a facility owned or operated by a tribe or tribal organization operating as a "638" facility (because it is funded by either Title I of the Indian Self-Determination and Education Assistance Act, P.L. 93-638, as amended, or by Title V of the Indian Self-Determination and Education Assistance Act, P.L. 106-260) are paid the federal "encounter" rate negotiated between the Indian Health Service and Centers for Medicare & Medicaid Services (U.S. Department of Health and Human Services).

Pursuant to 42 CFR §447.205(c)(5), the Department must provide an address where written comments may be sent and reviewed by the public. Written comments and requests for information (including the full text of the proposed services and rates) may be sent to:

Karry Udvig  
Children's Mental Health Division  
Minnesota Department of Human Services  
444 Lafayette Road North  
St. Paul, Minnesota 55155-3860  
**email:** [karry.udvig@state.mn.us](mailto:karry.udvig@state.mn.us)

## Department of Human Services

### State Operated Services Division

#### Notice of State Fiscal Year 2005 Medical Assistance Final Disproportionate Payment Adjustments and Payment Rates for the State Regional Treatment Centers

**NOTICE IS HEREBY GIVEN** to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of final State Fiscal Year 2005 disproportionate population adjustments (DPAs) and payment rates for Regional Treatment Centers under the MA Program. This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish final payment rates for institutional providers, the methodolo-

# Official Notices

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gies underlying the establishment of such rates, and the justification of such rates.

In conjunction with the State Fiscal Year 2005 (July 1, 2004 through June 30, 2005) budget for Regional Treatment Centers, as appropriated by the legislature, payment rates are determined in accordance with *Minnesota Statutes*, §246.50, subdivision 5.

The DPAs for admissions occurring during State Fiscal Year 2005 as published on June 1, 2004 at 28 SR 1522-1523 are final and effective July 1, 2004.

Final State Fiscal Year 2005 payment rates, in effect as of July 1, 2004, are as follows:

Facility	Adult Mental Illness	Mental Retardation	Psychopathic Personality	Nursing Facility
Anoka	\$459			
·Anoka Transition Services	\$240			
·Bloomington Community Unit	\$186			
·Como Community Unit	\$204			
Brainerd	\$523			\$527
Fergus Falls	\$857			
Eveleth	\$488			
MSH <sup>1</sup>	\$465			
MSH Transition Services	\$156			
Southern Region <sup>2</sup>	\$683			
Minnesota Extended Treatment Options		\$821		
Minnesota Sex Offender Program <sup>3</sup>			\$286	
Ah-Gwah-Ching				\$405

<sup>1</sup> Minnesota Security Hospital on the St. Peter facility campus

<sup>2</sup> Willmar facility and the 38-bed satellite program on the St. Peter facility campus

<sup>3</sup> Moose Lake facility and the 100-bed satellite program on the St. Peter facility campus

Questions and comments may be directed to:

Lynn Glancey  
Department of Human Services  
State Operated Services Division  
444 Lafayette Road North  
St. Paul, MN 55155-3826  
**Phone:** (651) 582-1875  
**Email:** [Lynn.Glancey@state.mn.us](mailto:Lynn.Glancey@state.mn.us)

## Minnesota Department of Labor and Industry

### Division of Workers' Compensation

#### **REQUEST FOR COMMENTS on Possible Amendment to Rules Governing: Pharmacy Services and Fees, *Minnesota Rules*, part 5221.0700 and 5221.4070; and Certified Managed Care Plans, *Minnesota Rules*, chapter 5218**

**Subject of Rules.** The Minnesota Department of Labor and Industry requests comments on its possible amendment to rules governing pharmacy services and fees. Although amendment of all rules governing pharmacy billing and payment are being considered, the department is specifically considering changing the maximum fees for payment of drugs and supplies prescribed for treatment of workers' compensation injuries in *Minnesota Rules* part 5221.4070. The department is also considering amendments to the rules governing certified managed care plans under *Minnesota Statutes* § 176.1351. Although all aspects of the certified managed



care rules may be considered for amendment, the department is specifically considering the following amendments: eliminating the requirement in *Minnesota Rules* 5218.0600 prohibiting certified managed care plans from negotiating fees with its participating providers; accepting credentialing or approval by established credentialing organizations or other state agencies in lieu of some requirements in the certified managed care rules; clarifying how pharmacies fit into certified managed care plan networks; amending managed care plan reporting and filing requirements; revising the requirements for utilization and peer review; and clarifying application of the employee notice requirements in *Minnesota Rules* part 5218.0250.

**Persons Affected.** The rule amendments would likely affect participants in the workers' compensation system, including injured employees; employers; workers' compensation insurers; pharmacies, and hospitals and other health care providers that dispense drugs or fill prescriptions for injured workers; workers' compensation certified managed care plans; and health care providers who treat injured workers covered by certified managed care plans.

**Statutory Authority.** *Minnesota Statutes* § 176.136, subdivisions 1(a) and 1b(c), and § 176.83, subdivision 4, authorize the commissioner to establish maximum fees for services, articles and supplies used to treat work-related injuries. *Minnesota Statutes* §176.1351, subdivision 6 authorizes the commissioner to adopt rules necessary to implement certified managed care plans. *Minnesota Statutes* § 176.83, subdivisions 1 and 15 authorize the commissioner to adopt, amend or repeal rules to implement the workers' compensation law, and to prescribe forms and other reporting procedures to be used by providers and others subject to the workers' compensation law.

**Public Comment.** Interested persons or groups may submit comments or information about these possible rules in writing or orally until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rules. The department does not contemplate appointing an advisory committee to comment on the possible rules

**Rules Drafts.** The department has not yet prepared a draft of the possible rule amendments. Drafts of the amendments, when available, will be posted on the department's **Web site** at <http://www.doli.state.mn.us>.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rule amendments when they are prepared and requests for more information about these possible rules should be directed to: Kate Berger, Legal Services, Minnesota Department of Labor and Industry, 443 Lafayette Road No., St. Paul, MN 55155. Comments can also be submitted to Ms. Berger by **phone** at (651) 284-5295; by **fax** at (651) 284-5725; or by **e-mail** at [kate.berger@state.mn.us](mailto:kate.berger@state.mn.us). TTY users may call the department at (651) 297-4198. Questions about these possible rules can also be directed to Sandra Keogh, Compliance Services, by **phone** at (651) 284-5173 or by **e-mail** at [sandra.keogh@state.mn.us](mailto:sandra.keogh@state.mn.us).

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

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: June 28, 2004

Scott Brener, Commissioner  
Department of Labor and Industry

## 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.

## Minnesota Department of Agriculture

### Notice of Availability of Grant Funds for Dairy Profitability Enhancement Teams

Grants to Dairy Profitability and Enhancement Teams are available from the Minnesota Department of Agriculture, as authorized by the *Laws of Minnesota 2003*, Chapter 128, for regional or statewide organizations to administer one-on-one educational delivery teams to provide appropriate new technologies, including rotational grazing and other sustainable agriculture methods, appli-

# State Grants & Loans

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cable to small and medium sized dairy farms to enhance the financial success and long-term sustainability of dairy farms in the state. Dairy development and profitability enhancement teams are encouraged to engage in activities including, but not limited to, improving milk quality, comprehensive financial analysis, risk management education, enhanced milk marketing tools and technologies, five-year business plans, and design and engineering costs. Activities must be spread throughout the dairy producing regions of the state. Applicants are strongly encouraged to coordinate risk management education and use of milk marketing tools and technologies through Minnesota Department of Agriculture's risk management program and certified risk management instructors.

These teams must consist of farm business management instructors, dairy extension specialists, and dairy industry partners to deliver the informational and technological services. These teams must report semiannually to the program director on the aggregate changes in producer financial stability, productivity, product quality, animal health, environmental protection, and other performance measures attributable to the program. Information reported must be sufficient to establish regional and statewide performance benchmarks for the dairy industry a format that maintains the confidentiality of business information related to any single dairy producer. Grants to individual producers must not be used for capital improvements or for the start up of a new dairy enterprise.

Grants will be awarded July 12, 2004 to June 30, 2005. There is approximately \$700,000 in grant funds available.

Interested parties wishing to apply for grant funds must submit an application to:

David Weinand  
Minnesota Department of Agriculture  
90 West Plato Boulevard  
St. Paul, MN 55107-2094  
(651) 215-3946  
*David.Weinand@state.mn.us*

Two copies of the application must be received by 4:00 pm C. D. T. on July 6, 2004. At the Department's discretion, applicants may be asked to meet with the Department or submit clarification. Questions concerning the grant application should be directed to David Weinand.

Grant funds will be withheld from grantees that fail to submit reports. Applicants must include participants from the areas of extension and farm business management on the diagnostic teams. Preference will be given to those applicants whose proposals are aimed at small and medium sized farms, show low administrative cost versus services delivered to dairy producers and also for innovative ideas for delivering information and technology to dairy producers.

## 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](http://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

#### Subscribe to the *State Register*

Printed (hard) copies to the *State Register* will NO LONGER be available after Vol. 28, #52. Only subscriptions via E-mail will be available, beginning with Volume 29, #1 - July 6, 2004.

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

#1 - LINKS - instant contact, saves you time and effort.

#2 - INDEX - fast and easy finding articles you need.

#3 - CONTRACTS & GRANTS - current list of contracts, grants, loans, and non-state public contracts open for bid.

Have the *State Register* E-MAILED to you the Friday afternoon it is published. Subscribe today. Cost is \$180 for an entire year, SAVE \$80 from the cover price. Contact: Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155; **Telephone:** (651) 297-8774; **FAX:** (651) 297-8260; **E-mail:** [jessie.rahmeyer@state.mn.us](mailto:jessie.rahmeyer@state.mn.us).

## **Department of Administration**

### **Real Estate Management Division**

#### **Notice of Request for Bid for Lease of State-Owned Building Located at 168 Aurora to Operate a Child Care Program**

**NOTICE IS HEREBY GIVEN** that the Department of Administration is requesting bids for the lease of a state-owned building located at 168 Aurora Avenue (SW Quadrant of Rice Street and Aurora Avenue) in St. Paul to operate a child care program. For a copy of the bid form and requirements, go to [www.admin.state.mn.us](http://www.admin.state.mn.us) or e-mail a request to [Kathy.Meyer@state.mn.us](mailto:Kathy.Meyer@state.mn.us) or fax a request to (651) 215-6245.

Two Leased Premises inspections are scheduled on the dates and times below. A Leased Premises Inspection by the bidder is mandatory for submitting a bid. Bids submitted by bidders that have not inspected the Leased Premises will be rejected. The bidder must sign up, at least 2 days in advance, for a Leased Premises inspection at one of the inspection dates and times below by contacting (651) 296-6674.

- a. Tuesday, July 6, 2004, 9:30 a.m. at the Leased Premises
- b. Thursday, July 8, 2004, 9:30 a.m. at the Leased Premises

Additional non-required inspections are allowed provided the bidder schedules a mutually agreed upon time and date by contacting (651) 296-6674.

To be eligible to submit a bid, interested persons or firms must send a "non-binding letter of intent to submit a bid" no later than 4:30 p.m. Thursday, July 22, 2004 by e-mail to [Kathy.Meyer@state.mn.us](mailto:Kathy.Meyer@state.mn.us) or by fax to (651) 215-6245. Only those persons or firms submitting this letter will be eligible to submit a bid and receive changes regarding the bid or responses to questions about this request for bid. The "non-binding letter of intent to submit a bid" must include (1) a subject line of "Bid to Lease State-Owned Building to Operate Child Care Program," (2) a statement that potential responder intends to submit a proposal, and (3) a contact person, phone number, fax number and email address.

All bid proposals must be received in the Real Estate Management Division, Administration Building, 50 Sherburne Avenue, Room 309, St. Paul, MN 55155 no later than 2:30 p.m., Central Daylight Time, on Thursday August 12, 2004, as indicated by a notation made by the receptionist on receipt of proposal at the address noted in the bid requirements.

Late proposals will not be considered.

## **Department of Administration**

### **State Designer Selection Board**

#### **Request for Proposals for Designer Selection for Education Sciences Building Rehabilitation, University of Minnesota, Minneapolis Campus (Project 04-09)**

##### **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, July 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.h.

##### **1. PROJECT 04-09**

**a. PROJECT DESCRIPTION:** The University of Minnesota intends to enter into a contract with an architectural/engineering team to provide complete design and construction administration services for the rehabilitation of the Education Sciences Building, formerly called the Mineral Resources Research Center. This adaptive use project will convert a structure that was originally built

# State Contracts

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for use as a mining and minerals research laboratory into office, research, and instructional space for the College of Education and Human Development.

The 82-year-old building, located in the Historic Knoll District of the Minneapolis Campus and adjacent to the Mississippi River corridor, contains approximately 62,000 gross square feet of space.

The project will involve complete rehabilitation of the building. The exterior (roof, windows, and walls) will be restored, all code deficiencies will be corrected, new building systems (HVAC, electrical, plumbing, fire suppression, and telecommunications) will be installed, and the interior will be reconfigured. Construction of an additional floor is proposed within the large two-story space originally designed to accommodate large-scale mining equipment. The building is listed on the *National Register of Historic Places* as a contributing element to the Knoll Historic District. The form and detailing of materials are important defining elements of the building's overall character and must be retained and preserved. The Secretary of the Interior's *Standards for Treatment of Historic Properties*, 1995 will be used for development of appropriate rehabilitation plans. Minnesota Historical Society and National Park Service compliance reviews for all restoration/rehabilitation plans will be required.

A predesign study for the project has been completed and will be used as the basis for detailed programming and scope definition.

**b. REQUIRED CONSULTANT SERVICES:** The scope of services required for the project includes full architectural/engineering services including architectural, mechanical, electrical, structural, civil, landscape architectural, interior design, scheduling, cost estimating, and construction administration services.

**c. PROJECT BUDGET/FEEs:** The construction budget is estimated to be approximately \$13,900,000. The total project costs, including all fees, permits, and other non-construction costs, have been fixed at a maximum of \$20,000,000. The maximum designer fees available for all phases of the project, including basic services, programming, interior design, FF&E design, voice/data design, and construction phase services is 8.5% of the estimated construction costs plus reimbursable expenses. Final total fees shall be negotiated with the selected consultant.

**d. SPECIAL CONSIDERATIONS:** The design team shall have applicable prior experience in the design and construction of similar projects, preferably in a research University setting. Specific experience should include:

- Adaptive reuse of historically significant structures
- Involvement with the Construction Manager at Risk delivery method
- Involvement with and direction of building advisory committees

The design team shall provide examples of recently completed projects for review by the selection committee, and a list of clients for similar projects worked on within the last five years along with the names, phone numbers and addresses of contact persons.

**e. PROJECT SCHEDULE:** The initiation of design work is dependent upon approval of funding by the legislature. If funding is approved in the summer of 2004, the preliminary implementation schedule anticipates completion of completion of design and construction documents by April 2005, a construction start in June 2005, and substantial completion by July 2006. This schedule may be accelerated by working with a Construction Manager.

**Project Predesign Information:** The predesign study for Education Sciences is available for review on the Capital Planning & Project Management **website** at [www.cppm.umn.edu](http://www.cppm.umn.edu).

**f. PROJECT INFORMATIONAL MEETING (S) /SITE VISIT (S):** Prior to interviews, a mandatory informational meeting and building tour will be conducted for firms short-listed for interviews by the State Designer Selection Board. Short-listed firms will be contacted directly by the University of Minnesota to confirm the location, date, and time of the meeting and tour.

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

<i>Project Information Meeting and/or Site Visit:</i>	None
<i>Project Proposals Due:</i>	Monday, July 19, 2004, by 1:00 p.m.
<i>Project Shortlist:</i>	Tuesday, July 27, 2004
<i>Project Information Meeting for Shortlisted firms:</i>	To be Set by user agency
<i>Project Interviews and Award:</i>	Tuesday, August 10, 2004

**h. PROJECT CONTACT (S):**

Orlyn Miller  
Capital Planning & Project Management  
400 Donhowe Building  
319 15th Avenue SE  
Minneapolis, MN 55455  
(612) 624-7501  
[om@umn.edu](mailto:om@umn.edu)

i. **SAMPLE CONTRACT:** None

## 2. PROPOSAL REQUIREMENTS

- a. 13 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

# State Contracts

except that photographs, sketches and/or plans are to be for only that portion of the work for which firm was responsible.

**g. APPROACH/METHODOLOGY**

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

**h. UNIQUE QUALIFICATIONS**

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

**i. OTHER REQUIREMENTS**

- A statement of commitment to enter into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.
- A statement indicating that consultants listed have been contacted and have agreed to be a part of the team.
- A complete Affidavit of Non-collusion. (Not counted as part of the 20 faces)
- If appropriate, provide a list of all entities that create a conflict of interest (see 5.b.)
- A completed Affirmative Action Data Page regarding compliance with Minnesota Human Rights Requirements. A copy of the form is available on **Web Site** <http://www.dsb.admin.state.mn.us>, click on forms. (Not counted as part of the 20 faces)
- A list of all State, Minnesota State Colleges and Universities (MnSCU) and University of Minnesota 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, MnSCU or University of Minnesota operating funds, or by funding raised from the private sector or individuals by state/user agencies, MnSCU or the University of Minnesota; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies, MnSCU or the University of Minnesota 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, 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** <http://www.dsb.admin.state.mn.us>, click on forms.

**b. CONFLICTS OF INTEREST**

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

## **c. DISPOSITION OF RESPONSES**

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

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

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

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

## **d. CONTINGENCY FEES PROHIBITED**

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

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

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

## **f. STATE EMPLOYEES**

In compliance with *Minnesota Statutes* § 16C.08 Subd. 2. (b) (1), the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this Request for Proposals.

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

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

## **h. HUMAN RIGHTS REQUIREMENTS**

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

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

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

# State Contracts

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## Department of Administration

### State Designer Selection Board

#### Request for Proposals for Designer Selection for Kolthoff Hall Renovation, University of Minnesota, Minneapolis Campus (Project 04-10)

##### 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, July 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.h.

##### **1. PROJECT 04-10**

**a. PROJECT DESCRIPTION:** The University of Minnesota intends to enter into a contract with an architectural/engineering team to provide complete design and construction administration services for the renovation of Kolthoff Hall, a 35-year-old building located the Historic Mall District of the Minneapolis Campus. Kolthoff Hall contains approximately 155,000 gross square feet of space and houses research and teaching labs for the Department of Chemistry.

Although the structure is sound, the building systems are in need of renewal. The entire HVAC and electrical systems need to be upgraded to safely support contemporary teaching and research activities. In addition, correction of code deficiencies, installation of a fire suppression system, and renewal of interior finishes are necessary to extend the useful life of the facility. Remodeling of approximately 10,000 square feet is necessary to convert obsolete teaching labs into modern research labs to support new initiatives in chemical biology. The renovation will have to be accomplished in stages while the building remains occupied.

A predesign study complying with University and Minnesota Department of Administration predesign requirements must be completed before design may be initiated. A feasibility study completed in April 2004 evaluated the cost effectiveness of alternatives for providing HVAC capacity to support existing and additional fume hoods that are needed for teaching and research labs. This study will be used as the basis for detailed programming and defining the scope of work.

**b. REQUIRED CONSULTANT SERVICES:** The scope of services required for the project includes full architectural/engineering services including mechanical, electrical, structural, architectural, interior design, scheduling, cost estimating, and construction administration services. Prior to initiating design, the design team will be asked to conduct engineering studies and predesign investigations to establish a detailed scope of work consistent with the available construction budget. The April 2004 feasibility study will be used as a starting point for the selected design team.

**c. PROJECT BUDGET/FEES:** The construction budget is estimated to be approximately \$17,300,000. The total project costs, including all fees, permits, and other non-construction costs, have been fixed at a maximum of \$24,000,000. The maximum designer fees available for all phases of the project, including basic services, programming, interior design, FF&E design, voice/data design, and construction phase services is 8.5% of the estimated construction costs plus reimbursable expenses. Final total fees shall be negotiated with the selected consultant.

**d. SPECIAL CONSIDERATIONS:** The design team shall have applicable prior experience in the design and construction of similar projects, preferably in a research University setting. Specific experience should include:

- Design and construction of research laboratories and related mechanical systems
- Design and management of complex, staged renovation activities in buildings that remain occupied during construction
- Involvement with the Construction Manager at Risk delivery method
- Involvement with and direction of building advisory committees

The design team shall provide examples of recently completed projects for review by the selection committee, and a list of clients for similar projects worked on within the last five years along with the names, phone numbers and addresses of contact persons.



**e. PROJECT SCHEDULE:** The initiation of the predesign and design work is dependent upon approval of funding by the legislature. If funding is approved in the summer of 2004, the preliminary implementation schedule anticipates completion of pre-design by October 2004, completion of design and construction documents by May 2005, and a construction start in June 2005. Substantial completion will be dependent upon the construction staging plan developed during the design phase.

**Project Information:** The feasibility study for Kolthoff Hall is available for review on the Capital Planning & Project Management **website** at [www.cppm.umn.edu](http://www.cppm.umn.edu).

**f. PROJECT INFORMATIONAL MEETING (S) /SITE VISIT (S):** Prior to interviews, a mandatory informational meeting and building tour will be conducted for firms short-listed for interviews by the State Designer Selection Board. Short-listed firms will be contacted directly by the University of Minnesota to confirm the location, date, and time of the meeting and tour.

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

<i>Project Information Meeting and/or Site Visit:</i>	<b>None</b>
<i>Project Proposals Due:</i>	<b>Monday, July 19, 2004, by 1:00 p.m.</b>
<i>Project Shortlist:</i>	<b>Tuesday, August 3, 2004</b>
<i>Project Information Meeting for Shortlisted firms:</i>	<b>To be Set by user agency</b>
<i>Project Interviews and Award:</i>	<b>Tuesday, August 24, 2004</b>

**h. PROJECT CONTACT (S):**

Roger Wegner, Project Manager  
Capital Planning & Project Management  
400 Donhowe Building  
319 15th Avenue SE  
Minneapolis, MN 55455  
(612) 626-4646  
[wegne002@umn.edu](mailto:wegne002@umn.edu)

**i. SAMPLE CONTRACT:** None

**2. PROPOSAL REQUIREMENTS**

- a. 13 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

# State Contracts

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For each team member provide:

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

## **e. TEAM ORGANIZATION**

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

## **f. PROJECT EXPERIENCE**

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

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

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

## **g. APPROACH/METHODOLOGY**

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

## **h. UNIQUE QUALIFICATIONS**

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

## **i. OTHER REQUIREMENTS**

- A statement of commitment to enter into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.
- A statement indicating that consultants listed have been contacted and have agreed to be a part of the team.
- A complete Affidavit of Non-collusion. (Not counted as part of the 20 faces)
- If appropriate, provide a list of all entities that create a conflict of interest (see 5.b.)
- A completed Affirmative Action Data Page regarding compliance with Minnesota Human Rights Requirements. A copy of the form is available on **Web Site** <http://www.dsb.admin.state.mn.us>, click on forms. (Not counted as part of the 20 faces)
- A list of all State, Minnesota State Colleges and Universities (MnSCU) and University of Minnesota 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, MnSCU or University of Minnesota operating funds, or by funding raised from the private sector or individuals by state/user agencies, MnSCU or the University of Minnesota; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies, MnSCU or the University of Minnesota 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, 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** <http://www.dsbcb.admin.state.mn.us>, click on forms.

##### b. CONFLICTS OF INTEREST

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

##### c. DISPOSITION OF RESPONSES

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

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

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

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

##### d. CONTINGENCY FEES PROHIBITED

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

##### e. ORGANIZATIONAL CONFLICTS OF INTEREST

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

# State Contracts

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## **f. STATE EMPLOYEES**

In compliance with *Minnesota Statutes* § 16C.08 Subd. 2. (b) (1), the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this Request for Proposals.

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

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

## **h. HUMAN RIGHTS REQUIREMENTS**

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

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

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

## **Department of Administration**

### **State Designer Selection Board**

### **Request for Proposals for Designer Selection for Life Sciences Building Renovation, University of Minnesota, Duluth Campus (Project 04-11)**

#### **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, July 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.h.

#### **1. PROJECT 04-11**

**a. PROJECT DESCRIPTION:** The University of Minnesota intends to enter into a contract with an architectural/engineering team to provide complete design and construction administration services for the renovation of the Life Science Building. The project will renew space for:

- Instructional labs, research labs, laboratory support facilities, and faculty and staff offices for portions of the Biology Department
- Classrooms, instructional labs, research labs, faculty and staff offices for the recently initiated Pharmacy Program in Duluth.

The project will involve complete renovation of the 36-year-old building, which contains approximately 72,600 gross square feet of classrooms, laboratories, offices, and greenhouse space. All code deficiencies will be corrected, building systems (HVAC, electrical, plumbing, fire suppression, and telecommunications) will be upgraded or replaced, elevators and restrooms will be upgraded.

ed, and the interior will be reconfigured to meet the needs of the Pharmacy and Biology programs. The windows will be replaced and the roof and walls will be repaired as necessary.

A predesign study for the project has been completed and will be used as the basis for detailed programming.

**b. REQUIRED CONSULTANT SERVICES:** The scope of services required for the project includes full architectural/engineering services including architectural, mechanical, electrical, structural, civil, interior design, scheduling, cost estimating, and construction administration services.

**c. PROJECT BUDGET/FEES:** The construction budget is estimated to be approximately \$10,100,000. The total project costs, including all fees, permits, and other non-construction costs, have been fixed at a maximum of \$14,000,000. The maximum designer fees available for all phases of the project, including basic services, programming, interior design, FF&E design, voice/data design, and construction phase services is 8.0% of the estimated construction costs plus reimbursable expenses. Final total fees shall be negotiated with the selected consultant.

**d. SPECIAL CONSIDERATIONS:** The design team shall have applicable prior experience in the design and construction of similar projects, preferably in a research University setting. Specific experience should include:

- Design and construction of teaching and research laboratories and related mechanical systems
- Design and construction of classrooms with ITV capability
- Involvement with the Construction Manager at Risk delivery method
- Involvement with and direction of building advisory committees

The design team shall provide examples of recently completed projects for review by the selection committee, and a list of clients for similar projects worked on within the last five years along with the names, phone numbers and addresses of contact persons.

**e. PROJECT SCHEDULE:** The initiation of design work is dependent upon approval of funding by the legislature. If funding is approved in the summer of 2004, the preliminary implementation schedule anticipates completion of design and construction documents by June 2005, a construction start in August 2005, and substantial completion by December 2006. Construction cannot begin until the adjacent Swenson Laboratory Science Building is completed, allowing the Life Science Building to be vacated in July 2005.

**Project Information:** The predesign study for the Life Science Building is available for review on the Capital Planning & Project Management **website** at [www.cppm.umn.edu](http://www.cppm.umn.edu).

**f. PROJECT INFORMATIONAL MEETING (S) /SITE VISIT (S):** Prior to interviews, a mandatory informational meeting and building tour will be conducted for firms short-listed for interviews by the State Designer Selection Board. Short-listed firms will be contacted directly by the University of Minnesota to confirm the location, date, and time of the meeting and tour.

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

<i>Project Information Meeting and/or Site Visit:</i>	None
<i>Project Proposals Due:</i>	Monday, July 19, 2004, by 1:00 p.m.
<i>Project Shortlist:</i>	Tuesday, August 3, 2004
<i>Project Information Meeting for Shortlisted firms:</i>	To be Set by user agency
<i>Project Interviews and Award:</i>	Tuesday, August 24, 2004

**h. PROJECT CONTACT (S):**

John Rashid, Project Manager  
Facilities Management  
241 Darland Administration Building  
1049 University Drive  
Duluth, Minnesota 55812  
(218) 726-6930  
[jrashid@d.umn.edu](mailto:jrashid@d.umn.edu)

**i. SAMPLE CONTRACT: None**

**2. PROPOSAL REQUIREMENTS**

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

# State Contracts

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## 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** <http://www.dsb.admin.state.mn.us>, click on forms. (Not counted as part of the 20 faces)
- A list of all State, Minnesota State Colleges and Universities (MnSCU) and University of Minnesota 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, MnSCU or University of Minnesota operating funds, or by funding raised from the private sector or individuals by state/user agencies, MnSCU or the University of Minnesota; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies, MnSCU or the University of Minnesota 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, 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** <http://www.dsb.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

# State Contracts

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requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

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

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

## **d. CONTINGENCY FEES PROHIBITED**

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

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

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

## **f. STATE EMPLOYEES**

In compliance with *Minnesota Statutes § 16C.08 Subd. 2. (b) (1)*, the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this Request for Proposals.

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

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

## **h. HUMAN RIGHTS REQUIREMENTS**

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

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

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

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

### **Metropolitan State University**

#### **Request for Proposals for CCTV Security Equipment**

**NOTICE IS HEREBY GIVEN:** That Metropolitan State University is requesting proposals for the CCTV Security Equipment, Infrastructure Cabling & Paging Systems at the Minneapolis Community & Technical College Parking Ramp.

**PROPOSAL DUE:** July 6, 2004 2:00 P.M



**SEALED BIDS WILL BE RECEIVED AT:** Metro State University, Attn: Natalie Ennis, 700 East 7th St St. Paul MN, 55106 Founders Hall Room 329. There will be a bid opening to follow.

**MANDATORY PRE-BID MEETING:** will be held at Minneapolis Community and Technical College, 1501 Hennepin Ave, Minneapolis MN, 55403, Room T11, in the basement of the "T" building, on June 29, 2004 at 2:00 pm.

**INFORMATION:** In general, the work will include the installation of CCTV security equipment. There will also be Technology Cabling, overhead paging equipment and fire-stopping needs associated with this project.

Cabling Contractor must be certified in Bosch CCTV systems.

Bidding documents may be obtained from Cad Engineering Supply, Maple Grove, MN, Telephone Number (763) 315-8711. Fee for bidding documents is non-refundable. Bidding documents will be available on or after June 15th, 2004.

Base Bids will be received as follows: A single lump sum for all the work included in the base proposal and separate lump sums for each alternate bid.

*The Technology work shall be closely coordinated with the General and Electrical Contractors onsite.*

Proposal Guarantee (Proposal Bond) in the amount of 5% of the Proposal must accompany each proposal submitted.

## Department of Public Safety

### Office of Communications

#### Notice of Request for Proposal for Entities Wishing to Support the "Helmet Challenge"

The Minnesota Department of Public Safety (DPS) is seeking proposals for entities wishing to support the DPS 2004 "Helmet Challenge" an unprecedented event designed to showcase the benefits of wearing a motorcycle helmet other than the obvious benefit of crash protection. Supporters are needed to provide up to 50 new full-face motorcycle helmets for challenge participants selected by DPS and to provide a banquet at the end of the challenge. For this challenge, the DPS will carefully select 50 new or returning riders identified as those who don't wear helmets, and provide them with the new, properly fitted, full-faced helmets, which the participants will wear every time they ride from September 1-21, 2004. Results, interview, comments and a call to action will be publicized through a television investigative report and DPS news releases to new media and industry publications. Details are contained in a complete Request for Proposal that may be obtained by contacting Sandy Jadwin.

**Contact:** Sandy Jadwin  
**Telephone:** (651) 296-6652  
**Address:** Department of Public Safety  
Office of Communications  
444 Cedar Street, Suite 155  
St. Paul, MN 55101-5155  
**E-mail:** [sandy.k.jadwin@state.mn.us](mailto:sandy.k.jadwin@state.mn.us)  
**Fax:** (651) 215-1111

Final date for submitting proposals is 2:30 p.m. CDT on Wednesday, July 7, 2004. Late proposals will not be considered. All costs for helmets and/or banquet are to borne by the selected contractor(s) providing these services.

## Supreme Court

### District Courts

#### Request for Proposals for a Contract for Internet Access to Legal Research Databases for Court Personnel

**NOTICE IS HEREBY GIVEN** that the State of Minnesota, through its District Courts, requires Internet access to a variety of primary and secondary source legal research databases from Minnesota and other jurisdictions. Experience has indicated that access to automated legal databases can provide timely, extensive, efficient, and cost effective access to legal materials for judges, law clerks, and other court employees. The district courts request proposals from vendors who are able to provide such access to court offices throughout the state as described in Appendix I, Request for Proposals.

This is not a request for a bid but a request for a proposal that could become the basis for negotiations leading to a contract for court access to vendor compiled and designed legal research databases and services and/or vendor written materials available on-line as outlined in Appendix I, the Request for Proposals. A sample Contract Provisions is attached and other documents relative to the request are attached as additional appendices. The state is not obligated to respond to any proposal submitted nor is it legal-

# State Contracts

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ly bound in any manner whatsoever by the submission of a proposal. The state reserves the right to cancel or withdraw the request for proposal at any time if it is considered to be in its best interest. In the event the request for proposals is cancelled or withdrawn for any reason, the state shall have no liability to any proposer for any costs or expenses incurred in connection with this request for proposals or otherwise. The state also reserves the right to reject any or all proposals, or parts of proposals, to waive any informalities therein, and to extend proposal due dates.

Copies of the complete Request for Proposals can be obtained from the Legal Counsel Office of the State Court Administrator, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155 or by calling (651) 297-7802.

For more information contact:

Brian Jones  
First Judicial District Administration  
1560 West Highway 55  
Hastings, MN 55033  
(651) 438-4325

This is the only person designated to answer questions regarding this request for Proposals.

The deadline for the submission of proposals is July 1, 2004.

Dated: June 11, 2004

Judith L. Rehak  
Senior Legal Counsel  
State Court Administration  
Minnesota Supreme Court

## 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](http://www.dot.state.mn.us/consult).

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

## Metropolitan Airports Commission

### Public Notice for Qualifications Statements for Legal Services

The Metropolitan Airports Commission (MAC) is requesting qualifications statements from firms or persons interested in representing MAC as general/labor & employment law outside counsel as set forth in the Request for Qualifications, which is available for review at the Commission's General Office.

To request a copy of the "Request for Qualifications for Legal Services" which outlines the selection process, contact the Legal Department of the MAC at (612) 794-4466. The qualifications statements are due on or before 4:00 p.m. on Monday, July 26, 2004.

## Metropolitan Council

### Notice of Request for Proposals (RFP) for Architectural/Engineering Services for Interceptor Rehabilitation Projects

#### Contract Number 04P015

The Metropolitan Council is soliciting proposals for architectural/engineering services for Interceptor Rehabilitation Projects to support the Council's Environmental Services Division in completing smaller projects on an as-needed basis.

The Council intends to execute architectural/engineering services contracts with four Proposers that are able to provide these services. Each contract will have a maximum value of \$200,000 and a term of three years. The contracts will be structured to allow the Council to request specific professional services, generally valued at less than \$50,000, on an as-needed basis by issuing Work Orders. Each Work Order will include a specific scope of services, specified cost for the services, and a designated Council Project Manager.

Note this is a second notice of this ad, correcting the issue and receive dates. If you have previously requested this RFP it will automatically be sent to you.

The *tentative* schedule for this procurement is:

<i>Issue Request for Proposals</i>	<b>June 29, 2004</b>
<i>Proposal Due Date</i>	<b>July 29, 2004</b>
<i>Selection of Firms</i>	<b>August, 2004</b>
<i>Execution of Contracts</i>	<b>August, 2004</b>

# Non-State Contracts & Grants

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All firms interested in providing these services should request a copy of the Request for Proposals. Send or fax requests to:

Amanda Houston, Administrative Assistant  
Contracts and Procurement Unit  
Metropolitan Council  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
**PHONE:** (651) 602-1585  
**FAX:** (651) 602-1083  
**e-mail:** [amanda.houston@metc.state.mn.us](mailto:amanda.houston@metc.state.mn.us)

## Metropolitan Council

### Request for Proposals (RFP) for Employee Benefits Consultant Services

#### Metropolitan Council RFP/Contract Number 04P065

The Metropolitan Council is requesting proposals for consulting and actuarial assistance in the marketing, design and administration of employee insurance benefits, including analysis and recommendation in the areas of: Government Compliance, Program Evaluation, Labor Negotiations, New Developments and Strategies, Tax Strategies, Analysis and Actuarial Conditions, and Vendor Management.

The anticipated solicitation schedule is shown below.

<i>Issue Request for Proposals</i>	<b>June 21, 2004</b>
<i>Receive Proposals</i>	<b>1:00 PM on Wednesday, July 25, 2004</b>
<i>Evaluation of Proposals</i>	<b>July 2004</b>
<i>Award of Contract</i>	<b>August 2004</b>
<i>Period of Performance</i>	<b>August 2004 - August 2007</b>

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

Harriet Simmons  
Contracts and Procurement Unit  
Metropolitan Council Environmental Services  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1086  
**Fax:** (651) 602-1083  
**E-mail:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

Note: The RFP is **NOT** available in electronic form.

## Metropolitan Council

### Advertisements for Sealed Bids for MCES Wastewater Services Project

**NOTICE IS GIVEN THAT** on July 20, 2004 at 2:00 P.M. the Metropolitan Council will receive and publicly open separate sealed bids for MCES Wastewater Services Project Number 970630 at their office at 230 East 5th Street, St. Paul, MN, 55101-1634. Sealed bids should be delivered to Mears Park Centre, 2nd Floor Receptionist.

The Work of this Project includes the installation of a Two-ton per day Oxygen Generator, an Oxygen Holding Tank, a Submersible Pump, 2000 feet of 2" Pipe, 200 feet of 18" Pipe, electrical controls, wiring, and all related valves, fittings and accessories. The Council will pre-purchase a portion of the equipment, details are in the bid specifications.

The estimated construction cost is between \$240,000 and \$340,000.

Bidding Documents may be obtained at a non-refundable cost of \$25.00 per set from the Metropolitan Council, Attn: Sunny Jo Emerson at 230 East 5th Street, St. Paul, MN 55101-1634, (651) 602-1499.

A Pre-Bid Meeting will be held at the Metro Wastewater Treatment Plant at 2400 Childs Road, St. Paul MN 55106, on July 14, 2004 at 10:30 a.m. Attendees should report to the West Guard Shack.

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## Non-State Contracts & Grants

Direct inquiries to the COUNCIL's Project Manager, Steve Greenwood at (651) 602-8763.

*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 Bidding Documents or any modifications to them. If a contract for the Project is awarded in excess of \$100,000, the requirements of *Minnesota Rules*, Part 5000.3530 will be applicable. Additional pertinent information is contained in the Bidding Documents.

### **Metropolitan Transit - Metropolitan Council**

#### **Sealed Bids Solicited for Hiawatha-Lake Park and Ride Construction (Phase I)**

##### **Procurement No. 6687**

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for construction of a 218 stall park-ride lot on the southeast corner of the intersection of Lake Street and Hiawatha Avenue in Minneapolis. This work will involve excavation, trucking, grading, concrete replacement, and bituminous placement. The Metropolitan Council has established a goal of 14% Disadvantaged Business Enterprise participation for this contract.

Sealed bids are due by 2:00 p.m. on July 8, 2004. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council  
Metro Transit Purchasing Department  
515 N. Cleveland Avenue  
St. Paul, MN 55114  
(612) 349-5070

### **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](http://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.

**CUMULATIVE SUBJECT MATTER INDEX Vol. 28, July 7, 2003 -- June 28, 2004**

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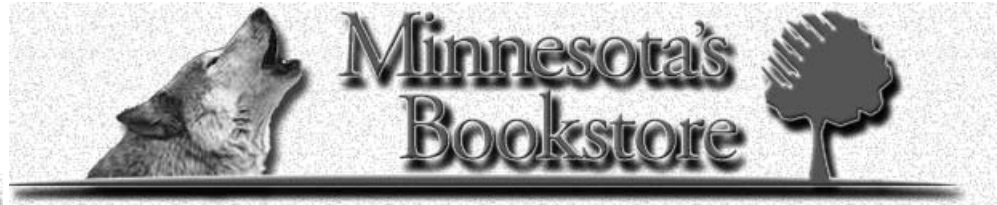
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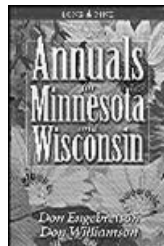


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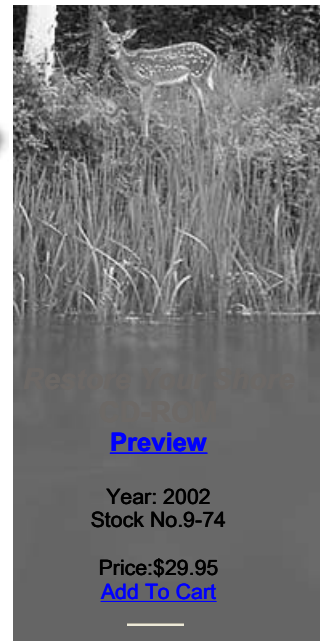


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