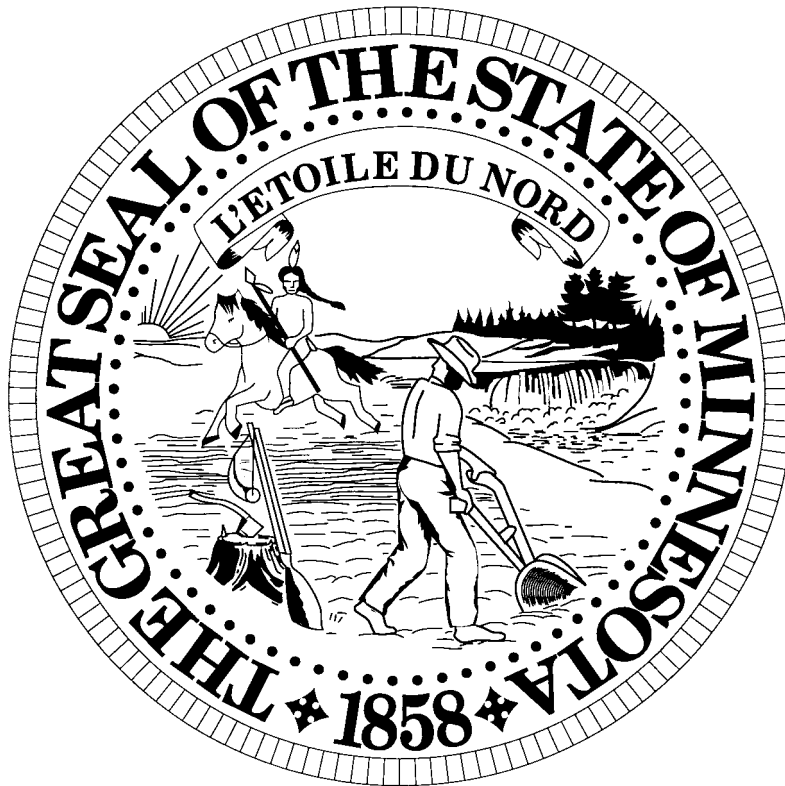


Minnesota

State Register

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the
Department of Administration – Communications Media Division

Monday 11 August 2003
Volume 28, Number 6
Pages 113 - 138

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules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

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"Affidavit of Publication" costs \$10.00 and includes a notarized "Affidavit" and a copy of the issue.

Printing Schedule and Submission Deadlines

Vol. 28 Issue Number	PUBLISH DATE	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Both Adopted and Proposed RULES
#6	Monday 11 August	Noon Tuesday 5 August	Noon Wednesday 30 July
#7	Monday 18 August	Noon Tuesday 12 August	Noon Wednesday 6 August
#8	Monday 25 August	Noon Tuesday 19 August	Noon Wednesday 13 August
#9	TUESDAY 2 SEPTEMBER	Noon Tuesday 26 August	Noon Wednesday 20 August

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Carol L. Molnau, Lt. Governor (651) 296-3391	Patricia Awada, State Auditor (651) 297-3670	
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Legislative Information

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State Capitol, Room 231, St. Paul, MN 55155
Website: www.senate.leg.state.mn.us/departments/secretary/seninfo.htm

House Information Office (651) 296-2146
State Office Building, Room 175, 100 Constitution Ave., St. Paul, MN 55155
Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498
U.S. Government Printing Office – Fax: (202) 512-1262
Website: http://www.access.gpo.gov/su_docs/aces/aces140.html

Minnesota State Court System

Court Information Office (651) 296-6043
Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155
Website: www.courts.state.mn.us

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Individual copies and subscriptions to the <i>State Register</i> and <i>Solicitations Announcements</i> are available through Minnesota's Bookstore, (651) 297-3000, or (800) 657-3757.	

Minnesota Rules: Amendments and Additions

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

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

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

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

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

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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 State Arts Board

Proposed Permanent Rules Relating to Assistance to the Arts

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules Governing: Additional Requirements and Processes for Institutional Support Program, *Minnesota Rules*, Part 1900.1510; Additional Requirements and Processes for Presenter Support Program, *Minnesota Rules*, Part 1900.1710; Process for an Organization to Receive Council Designation Through Challenge to an Existing Council, *Minnesota Rules*, Part 1900.3210; Reporting Requirements, *Minnesota Rules*, Part 1900.4110

Introduction. The Minnesota State Arts 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. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until Wednesday, September 10, 2003.

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: Sue Gens, Minnesota State Arts Board, Park Square Court, Suite 200, 400 Sibley Street, Saint Paul, Minnesota 55101.

Phone: (651) 215-1604 or (800) 866-2787

TTY: (651) 215-6235

FAX: (651) 215-1602

E-mail: sue.gens@arts.state.mn.us

Subject of Rules and Statutory Authority. The proposed rules are about additional requirements and processes for institutional support program, *Minnesota Rules*, part 1900.1510; additional requirements and processes for presenter support program, *Minnesota Rules*, part 1900.1710; process for an organization to receive council designation through challenge to an existing council, *Minnesota Rules*, part 1900.3210; and reporting requirements (for regional arts councils), *Minnesota Rules*, part 1900.4110. The statutory authority to adopt the rules is *Minnesota Statutes*, section 129.D04, Subdivision 1. Proposed rules also are published in the *State Register*, were attached to mailed notices, and are available on the Arts Board's **Web site:** <http://www.arts.state.mn.us>

Comments. You have until 4:30 p.m. on Wednesday, September 10, 2003, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed and the reason for the comments. 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 September 10, 2003. Your written request for a public hearing must include your name and address. You must identify the portion of the pro-

Proposed Rules

posed 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. 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, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, 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.

Statement of Need and Reasonableness. A statement of need and reasonableness is 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 be reviewed on the board's **Web site**: <http://www.arts.state.mn.us>. Printed copies of the statement may be obtained from the agency at the cost of reproduction.

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, Saint Paul, Minnesota 55155, telephone (651) 296-5148 or 1 (800) 657-3889.

Adoption and Review of Rules. 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.

Dated: 30 July 2003

Robert C. Booker
Executive Director

1900.1510 ADDITIONAL REQUIREMENTS AND PROCESSES FOR INSTITUTIONAL SUPPORT PROGRAM.

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

Subp. 5. **Eligibility requirements.** Institutional support applicants must meet the additional eligibility requirements in items A to G to apply for funds.

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

G. For applications submitted for Minnesota State Arts Board fiscal years 2002 and 2003 support, an applicant's unrestricted revenue over a two-year period must consist of at least five percent charitable arts support calculated by determining the dollar amount of charitable arts support donated over a two-year period and determining the percentage the charitable arts support represents in relation to the applicant's total unrestricted revenue, excluding investment income, received over the two-year period. This requirement must be evidenced by the applicant's most recently completed certified audits.

For applications submitted for Minnesota State Arts Board fiscal year 2004 and all subsequent years' support, an applicant's unrestricted revenue over a two-year period must consist of at least ten percent charitable arts support calculated by determining the dollar amount of charitable arts support donated over a two-year period and determining the percentage the charitable arts support represents in relation to the applicant's total unrestricted revenue, excluding investment income, received over the two-year period. This requirement must be evidenced by the applicant's most recently completed certified audits.

[For text of subps 6 to 8, see M.R.]

1900.1710 ADDITIONAL REQUIREMENTS AND PROCESSES FOR PRESENTER SUPPORT PROGRAM.

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

Subp. 5. **Additional eligibility requirements.**

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

C. In addition to the requirements in items A and B, all institutional presenter support applicants must also meet the requirements in subitems (1) to (3).

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

(3) For applications submitted for Minnesota State Arts Board fiscal years 2002 and 2003 support, an applicant's unrestricted revenue over a two-year period must consist of at least five percent charitable arts support calculated by determining the dollar amount of charitable arts support donated over a two-year period and determining the percentage the charitable arts support represents in relation to the applicant's total unrestricted revenue, excluding investment income, received over the two-year period. This requirement must be evidenced by the applicant's most recently completed certified audits.

For applications submitted for Minnesota State Arts Board fiscal year 2004 and all subsequent years' support, an applicant's unrestricted revenue over a two-year period must consist of at least ten percent charitable arts support calculated by determining the dollar amount of charitable arts support donated over a two-year period and determining the percentage the charitable arts support represents in relation to the applicant's total unrestricted revenue, excluding investment income, received over the two-year period. This requirement must be evidenced by the applicant's most recently completed certified audits.

[For text of subps 6 and 7, see M.R.]

1900.3210 PROCESS FOR AN ORGANIZATION TO RECEIVE COUNCIL DESIGNATION THROUGH CHALLENGE TO AN EXISTING COUNCIL.

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

Subp. 3. **Change in preliminary biennial plan due date.** If the competing organization's challenge is accepted, the existing council must be notified in writing by February 10 that the challenge has been accepted and that the existing council's preliminary biennial plan will be due on April 1 instead of ~~June~~ May 15.

[For text of subps 4 to 7, see M.R.]

1900.4110 REPORTING REQUIREMENTS.

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

Subp. 2. **Annual plan update.** By ~~June~~ May 15 of the first year of the biennium, each council must submit to the board an annual plan update which confirms that there will be no changes in the council's biennial plan for the coming year or outlines anticipated changes to the biennial plan for the coming year.

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

Revenue Notices

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

Department of Revenue

Revenue Notice # 03-08: Sales and Use Tax - Detective, Security, Burglar and Fire Alarm, and Armored Car Services - Revocation of Revenue Notices # 92-06 and # 03-07

Detective, security, burglar, fire alarm, and armored car services are taxable under *Minnesota Statutes*, section 297A.61, subdivision 3, paragraph (g), clause (6), item (iv). In administering this provision, the Department of Revenue will apply the licensing statutes pertaining to these types of services (except for burglar and fire alarm services) to determine whether particular services are taxable. Those services that are required to be licensed are taxable, regardless of whether the business that performs the services is in fact licensed.

Detective Services

Taxable detective services are services provided by an individual, partnership, or corporation that is required to be licensed under *Minnesota Statutes*, sections 326.32 to 326.339 when the individual, partnership, or corporation is in the business of investigating to obtain information for others. Investigating means to discover, verify or confirm information through surveillance, interviews, or physical contacts. Investigating does not mean to obtain information available through public or other records unless performed as part of a taxable detective service.

The following services are examples of taxable detective services:

- investigating crimes, wrongdoings, or threats against the government of the United States or of any state, county, or municipal subdivision

Revenue Notices

- investigating the identity, habits, conduct, movements, whereabouts, transactions, reputation, or character of any person or organization
- investigating the credibility of witnesses or other persons
- investigating the location or recovery of lost or stolen property
- investigating the origin of and responsibility for libels, losses, accidents, or damage or injuries to persons or property
- investigating the affiliation, connection, or relationship of any person, firm, or corporation with any organization, society, or association, or with any official, representative, or member thereof
- investigating the conduct, honesty, efficiency, loyalty, or activities of employees, persons seeking employment, agents, or contractors and subcontractors
- obtaining through investigation evidence to be used before any authorized investigating committee, board of award, board of arbitration, administrative body, or officer or in preparation for trial of civil or criminal cases
- investigating the identity or apprehension of persons suspected of crimes or misdemeanors

Security Services

Security services are services provided by an individual, partnership, or corporation that is required to be licensed under *Minnesota Statutes*, sections 326.32 to 326.339 when the individual, partnership, or corporation is in the business of providing security services are taxable.

The following services are examples of taxable security services:

- protecting persons or their property
- preventing the theft of goods, merchandise, or money
- preventing the misappropriation or concealment of goods, merchandise, money, or other valuable things or procuring the return of those things
- responding to any alarm signal device, burglar alarm, television camera, still camera, or a mechanical or electronic device installed or used to prevent or detect burglary, theft, shoplifting, pilferage, losses, or other security measures
- controlling motor traffic on public streets, roads, and highways for the purpose of escorting a funeral procession and oversized loads
- providing management and control of crowds for safety and protection

Exempt Detective and Security Services

Services performed by the following businesses or individuals are specifically exempted from the licensing requirements under *Minnesota Statutes*, section 326.3341 or are excluded from the definition of a “security guard” under *Minnesota Statutes*, section 326.32, subdivision 13, paragraph (b), and are therefore nontaxable services:

- an employee while providing security or conducting an investigation of a pending or potential claim against the employee's employer
- an auditor, accountant, or accounting clerk performing audits or accounting functions
- an attorney while performing the duties of an attorney or an investigator employed exclusively by an attorney or a law firm engaged in investigating legal matters
- a licensed insurance adjuster engaged in the business of adjusting insurance claims
- a licensed collection agency or finance company doing investigations relating to the business of the agency or company
- a person obtaining and furnishing financial or credit information or information on the personal habits of applicants for insurance, indemnity bonds, or commercial credit
- a person temporarily employed under statute or ordinance by political subdivisions to provide protective services at social functions
- a person employed to perform primarily maintenance or custodial functions

The services performed by the following businesses or individuals are specifically exempt under *Minnesota Statutes*, section 297A.61, subdivision 3, paragraph (g), clause (6), item (iv), and the undesignated paragraph immediately following item (viii):

- an off-duty peace officer within the jurisdiction the peace officer normally serves
- a nonprofit organization performing monitoring and electronic surveillance of persons on in-home detention by court order or direction of the Minnesota Department of Corrections
- a partnership or association for another partnership or association if one of the entities owns or controls more than 80 percent of the voting power of the equity interest in the other entity
- members of an affiliated group of corporations who are eligible to file a consolidated tax return for federal income tax purposes

- an employee for an employer

The following are examples of services that are not taxable if they are the only services provided and are not performed as part of a taxable detective or security service:

- collecting payment for a debt
- court testimony
- courthouse record retrieval services
- credit rating checks
- credit reporting services
- damage appraisals
- expert witness services
- financial background checks
- finger printing
- insurance services such as loss prevention, insurance reporting, or insurance research
- lien searches
- negotiations for insurance claim settlements
- medical security system monitoring for individuals
- process server services
- repossession services
- restaurant inspections that provide information on cleanliness, quality, and timeliness of service
- service of notice or other document to a witness or any other person in connection with any criminal, civil, or administrative litigation, including filing court documents (garnishments and warrants)
- soliciting any debtor to pay bills
- inspecting and securing buildings by contractors for property owners

Burglar and Fire Alarm Services

Taxable burglar and fire alarm services under *Minnesota Statutes*, section 297A.61, subdivision 3, paragraph (g), clause (6), item (iv) are not licensed in Minnesota. Thus, the following are examples of taxable services typically performed by the industry:

- Monitoring burglar and fire alarms and smoke detectors (electronic signal or visual devices)
- Maintaining burglar and fire alarms and smoke detectors (routine tasks ensuring reliability, but not including repairs)
- Testing burglar and fire alarms and smoke detectors
- Responding to burglar alarms (this item is also included as a taxable service under the heading "Security Services")

Armored Car Services

Taxable armored car services under *Minnesota Statutes*, section 297A.61, subdivision 3, paragraph (g), clause (6), item (iv) are those for the protection of persons or property requiring a protective agent to be licensed under *Minnesota Statutes*, section 326.338, subdivision 4, clause (3).

Revocation of Previous Revenue Notices

Revenue Notice # 92-06: Sales and Use Tax - Detective and Security Services; and Revenue Notice # 03-07: Sales and Use Tax - Burglar and Fire Alarm, Detective, Security, and Armored Car Services - Revocation of Revenue Notice # 92-06, are hereby revoked.

Publication Date: August 11, 2003

Raymond R. Krause
Assistant Commissioner

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.

Board of Animal Health

Notice of Quarterly Meeting

The Board of Animal Health will hold its quarterly meeting on Wednesday, September 10th, 2003 at 9:30 a.m. at the Best Western - Apache 1517 - 16th St SW, Rochester, MN 55902.

Minnesota Pollution Control Agency

Public Notice of Intent to Reissue for the State Disposal System Permit MNG960000

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) proposes to reissue State Disposal System (SDS) General Permit (general permit) authorization to land apply wastes generated from food and beverage processing facilities. These wastes are generally suitable for use as soil amendments and provide plant nutrients. Examples of facilities that may qualify for coverage under this general permit are dairy processors, meat and poultry processors, vegetable processors, soft drink and beer manufacturers, and other miscellaneous food and beverage industries.

This general permit will provide timely reissuance without the delay of individual permit issuance procedures and will cover approximately 40 facilities. The general permit has a duration of approximately five years. The public comment period begins August 11, 2003, and ends at 4:30 p.m. on September 10, 2003.

The authority to develop and issue a general permit is based on the 1979 Environmental Protection Agency (EPA) promulgated revisions to the National Pollutant Discharge Elimination System (NPDES) program regulations, which created a class of permits called general permits. The general permits are issued under 40 CFR § 122.28 and *Minnesota Rules* 7001.0210. General permits can be issued in NPDES approved states if the approved state program includes general permit activities. EPA approved the General Permit Program of the MPCA on December 15, 1987.

Persons wishing to land apply or store an industrial by-product under the terms of this general permit shall submit an SDS Permit application and meet all applicability criteria listed below. Facilities which do not meet all of these applicability criteria listed below will be evaluated for issuance of individual NPDES/SDS Permit under *Minnesota Rules* ch. 7001.

Characterization of the industrial by-product at the time of permit application must indicate that all of the eligibility requirements in this part would be met:

1. The industrial by-product cannot be a hazardous waste;
2. Concentration of any of the analytes in the industrial by-products cannot exceed the limits identified in Table 1. By-products cannot be diluted or mixed with other materials before this determination has been made.

Table 1. Concentration limits for industrial by-products.

Analyte	mg/kg (dry weight basis)
Total Arsenic	41
Total Cadmium	39
Total Copper	1500
Total Lead	300
Total Mercury	5
Total Molybdenum	75
Total Nickel	420
Total Selenium	100
Total Zinc	2800
Total dioxin equivalents	10 ppt
Total Polychlorinated biphenyls	6

Official Notices

3. Annual application rates of industrial by-product cannot cause the limits for the specified analytes in Table 2 to be exceeded.

Table 2. Annual application rate limits.

Analyte	lb/acre/year
Sodium	170
Arsenic	1.8
Cadmium	1.7
Copper	67.0
Lead	13.0
Mercury	0.76
Nickel	19.0
Selenium	4.5
Zinc	125.0

The following industrial by-products would not qualify for coverage under this permit:

- a. Silage leachate generated during the storage of sweet corn silage;
- b. Egg shells;
- c. Industrial by-products from the processing of sugar;
- d. Animal manures and paunch manure;
- e. Dead animals; and
- f. Residuals from the treatment of drinking water or for conditioning of industrial process water.

The SDS general permit contains requirements for site selection, management (application rates, control of runoff, separation distances, etc), record keeping and reporting. General conditions, which are a part of all NPDES/SDS Permits, are included as part of this general permit. The Commissioner's determination that the general permit should be reissued is tentative. Interested persons are invited to submit written comments upon the proposed permit action.

Comments should be submitted in writing to: Ms. Julianne Rantala, REM/SE, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155.

Any comments received no later than the last day of the comment period will be considered in the formulation of final determinations.

A copy of the draft permit, fact sheet and public notice are available for review at the MPCA office at the St. Paul address listed below, and may be copied between 9:00 a.m. and 3:30 p.m., Monday through Friday. To request a copy of the draft permit, fact sheet and/or public notice please contact Ms. Julianne Rantala at (651) 297-8332 or toll free at (800) 657-3864. If you have questions on this draft permit, the public notice or the Commissioner's preliminary determination, please contact Ms. Julianne Rantala at (651) 297-8332 or **email** at julianne.rantala@pca.state.mn.us.

Minnesota Pollution Control Agency

Majors & Remediation Division

REQUEST FOR COMMENTS on: 1) Possible Rule Amendments Governing Air Quality Performance Standards, Air Emissions Permits, Miscellaneous Definitions and Incorporations by Reference to be Codified in *Minnesota Rules* Chapters 7007 and 7011; and 2) Development of Draft Documents, Forms and Guidance Prior to and During This Rulemaking.

Subject of Rule: The Minnesota Pollution Control Agency (MPCA) requests comments on possible rule revisions affecting the MPCA's air quality rules, to be codified primarily in *Minnesota Rules* Chs. 7007 and 7011. Please note that as the MPCA develops this rulemaking it may identify portions of other chapters of the air quality rules that need to be amended. For example, a change to a requirement in chapter 7007 or 7011 could lead to the need to clarify a definition in chapter 7005, or a rule change related to continuous monitoring could necessitate a revision to the continuous emissions monitoring rules in chapter 7017.

The primary intent of the rulemaking will be to amend the state permitting rules where necessary to avoid conflict or confusion with the federal NSR rules that became effective on March 3, 2003. The MPCA will also consider the need to add rule language to supplement the federal rule requirements, for example in areas where the federal rule is unclear or where the requirements might prevent the MPCA from achieving its core goals.

Official Notices

The MPCA also requests comments on related work products such as draft technical documents, permit application forms and guidance for applicants that will be developed in parallel with the New Source Review (NSR) related portion of this rulemaking.

Implementation of the revised NSR program will include development of new forms, guidance documents and other products. From time to time the MPCA plans to make certain work products available for public comment. Therefore, in addition to requesting comments on its intent to commence a rulemaking, the MPCA requests that persons interested in reviewing such work products contact the MPCA by responding to this notice. The MPCA will maintain a list of interested parties for future distribution of draft materials.

The MPCA is also considering an update to the Option C registration permit rules, which would enable the MPCA to request that EPA include the Option C program in the State Implementation Plan (SIP). This would make the Option C registration permit federally enforceable and would potentially expand the number of facilities that could obtain a registration permit rather than a site specific permit.

In chapter 7011, the MPCA plans to continue the incorporation by reference of federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) into state rule. This would include a number of new NESHAP standards that are expected to be promulgated by August 31, 2003.

Other minor changes such as clarifications or corrections of errors in the rules will be incorporated into this rulemaking if identified during the rulemaking process. Some of these minor changes may impact air quality chapters other than chapters 7007 and 7011.

Background: This rulemaking is necessary due to the promulgation of new federal rules affecting the NSR program, which became effective on March 3, 2003. As the NSR program is directly delegated to Minnesota, the MPCA is obligated to implement the revised program immediately. Due to the scope of the changes to the federal rule, the MPCA needs to develop new rules, forms and guidance on an expedited basis.

A summary of rule and procedural changes currently being considered is available by contacting the agency contact person listed below.

Persons Affected: The changes to the federal NSR program affect air emission sources that are already classified as major sources under that program and the changes only impact those sources when they make modifications. Approximately 130 facilities statewide fall into this category. The NSR related changes to the state rules will affect the same category of sources.

The Option C registration permit changes will impact primarily smaller facilities that operate boilers. In some cases the change will allow facilities to obtain a registration permit rather than a site specific permit. However, some sources that combust more than one type of fuel may be subject to more stringent compliance requirements since this is the area of the rule that needs to be strengthened in order for EPA to accept it into the SIP.

Incorporation by reference of the NESHAP standards does not change the applicability of the requirements since the subject facilities are already required to comply with the rules and the NESHAP delegation is already delegated to Minnesota.

Statutory Authority: The MPCA's authority to adopt and implement these rule amendments is found in *Minnesota Statutes* § 116.07, subs. 4 and 4a. These provisions authorize the MPCA to adopt rules "for the prevention, abatement, or control of air pollution." The portion of Section 116.07, subd. 4, relevant to air quality regulation reads as follows:

"Subd. 4. Rules and standards. Pursuant and subject to the provisions of chapter 14, and the provisions hereof, the pollution control agency may adopt, amend and rescind rules and standards having the force of law relating to any purpose within the provisions of Laws 1967, chapter 882, for the prevention, abatement, or control of air pollution. Any such rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, rules or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution."

The portion of Section 116.07, subd. 4a, relevant to air quality permitting reads as follows:

"Subd. 4a. Permits. (a) The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions of noise pollution."

Public Comment: Affected and interested persons or groups may submit comments or information on these possible rule amendments and/or development of work products for the NSR program in writing or orally until 4:30 p.m. on September 11, 2003. The MPCA does not contemplate appointing an advisory committee to comment on the possible rules but is interested in hearing from persons that would be willing to periodically receive and comment on draft NSR work products.

Rule Drafts: The MPCA is in the process of preparing a draft of the possible rule amendments. The MPCA is also in the process of developing implementation materials and documents related to the NSR program.

Agency Contact Person: Written comments, questions, requests to receive a draft of the rules or other documents when they are prepared, and requests for more information on the rule amendments should be directed to: Stuart Arkley at the Minnesota Pollution Control Agency, 520 Lafayette Road No., St. Paul, Minnesota, 55155-4194, **Phone:** (651) 296-7774, **Fax:** (651) 297-8676, and may also be directed by **email:** stuart.arkley@pca.state.mn.us. TTY users may call the MPCA at TTY (651) 292-5332 or 1 (800) 657-3864.

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

NOTE: Comments received in response to this notice may not necessarily be included in the formal rulemaking record when a proceeding to adopt rules is started. The MPCA is required to submit to the administrative law judge reviewing the rules only those written comments received in response to the rules after they are formally proposed for adoption in the *State Register*.

Sheryl A. Corrigan, Commissioner
Minnesota Pollution Control Agency

Public Employees Retirement Association

Notice of Meeting of the Board of Trustees

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, August 14, 2003, at 9:30 a.m., in the PERA offices, 60 Empire Drive, Room 117, Saint Paul, Minnesota.

Minnesota Department of Revenue

REQUEST FOR COMMENTS on Possible Amendment to and Repeal of Rules Governing Sales Tax, *Minnesota Rules*, Parts 8130.1600 and 8130.1700

Subject of Rules. The Minnesota Department of Revenue requests comments on its possible amendment to and repeal of rules governing deductions allowed and not allowed in determining sales price. The Department is considering substantially amending or repealing *Minnesota Rules*, Part 8130.1600, its rule that lists deductions not allowable in computing sales price. Much of this rule has become obsolete and otherwise is repetitive of the statute. The Department is considering amendment of *Minnesota Rules*, Part 8130.1700, its rule that lists deductions allowable in computing sales price. The amended portions of the rule will provide examples and clarification which will be helpful to taxpayers.

Persons Affected. The amendment to and repeal of the rules would likely affect sales tax payers in determining the sales tax amount due.

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

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing 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 amendment and repeal.

Agency Contact Person. Comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Wayne L. Sather at Minnesota Department of Revenue, Mail Station 2220, 600 North Robert Street, St. Paul, MN 55146, telephone number (651) 296-8228. TTY users may call the Department at 711.

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. 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: August 4, 2003

Daniel A. Salomone, Commissioner
Department of Revenue

Department of Transportation

Office of EEO Contract Management

Notice of Intent to Solicit Outside Information and Opinion on Proposed Disadvantaged Business Enterprise (DBE) Program Annual Goal Federal Fiscal Year 2004

NOTICE IS HEREBY GIVEN that the Minnesota Department of Transportation's (Mn/DOT) Office of EEO Contract Management proposes to set its annual goal for DBE participation on all U.S. Department of Transportation (DOT) assisted contracts at 7.4%.

In accordance with DOT regulations 49 CFR Part 26, Mn/DOT has established a Disadvantaged Business Enterprise (DBE) Program, which mandates setting DBE program annual goals.

This annual goal represents the percentages of all DOT funds that Mn/DOT expended during FY 2003 with DBE's for construction contracts, materials, supplies and equipment and professional services for the period of October 1, 2002 through May 31, 2003. Mn/DOT will advertise annually for public comment on its DBE Program and on proposed DBE participation.

The DBE annual goal and its rationale are available for public inspection during normal business hours from 8:00 a.m. to 4:30 p.m. at the Office of EEO Contract Management, located on the first floor of the transportation building, 395 John Ireland Boulevard, St. Paul, Minnesota. The goals and rationale are available for 30 days from the date of publication of this notice. Written address or by facsimile to the fax number listed below.

Mn/DOT's goal of 7.4% for FY 2004 may be adjusted in response to comments received during the forty-five (45) day comment period.

Address all written comments to:

Joanne Wagner, Director
Office of EEO Contract Management
Minnesota Department of Transportation
395 John Ireland Blvd., M.S. 130
St. Paul, Minnesota 55155
Email: joanne.wagner@dot.state.mn.us
Fax: (651) 297-2158

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 Board on Aging

Notice of Funds Availability: Opportunity to Provide Program Development and Coordination Services in Cass, Crow Wing, Wadena, Todd, and Morrison Counties

The Minnesota Board on Aging, acting as the designated Area Agency on Aging, is seeking a qualifying non-profit public or private organization to provide Program Development and Coordination Services in the five-county area of Cass, Crow Wing, Wadena, Todd and Morrison Counties.

State Grants & Loans

The Minnesota Board on Aging (MBA) provides federal funds to support priority outcomes in the effort to rebalance Minnesota long term care so there are reliable home and community based services available for Older Minnesotans. Priority outcomes are: 1) Enable low-income, at-risk older persons to remain in their own homes and apartments by increasing the availability of public and/or affordable support services in subsidized and low-income senior housing and in neighborhoods and communities with high concentrations of low income elderly persons; 2) Community-based systems of integrated long-term care services and supports are available in communities. Development priorities address the optimum use of available labor and informal resources, and technical assistance to Community Service/Services Development grantees for service development and continuous quality; and 3) Support informal caregivers in ways that improve and extend informal care by developing a network of caregiver services across the state.

The contract will last 15 months starting October 1, 2003 and ending December 31, 2004. It is anticipated that \$15,000 in federal funds are available for the October 1 through December 31, 2003 time period and that \$40,000 in federal funds will be available for the 2004 calendar year. There is a 25% local match required for this funding.

A copy of the RFP is posted on the agency **website** at <http://www.mnaging.org> under *Site Map, Community, Request for Proposals* or by contacting:

Executive Director
Minnesota Board on Aging
444 Lafayette Road, 4S
St. Paul, MN 55155-3843

Proposals must be submitted by 3:00 p.m., Tuesday, September 2.

Minnesota Board on Aging

Notice of Funds Availability: Opportunity to Sponsor the Retired and Senior Volunteer Program in Goodhue, Olmsted, Rice, and Wabasha Counties

The Minnesota office of the Corporation for National and Community Service, a federal agency, in collaboration with the Minnesota Board on Aging, a state agency, seek a qualifying non-profit public or private organization to assume sponsorship of the Retired and Senior Volunteer Program (RSVP) operating in Goodhue, Olmsted, Rice and Wabasha counties.

The Corporation for National and Community Service is a federal government corporation that encourages Americans of all ages and backgrounds to engage in community based service. RSVP, one of three programs of the Corporation's National Senior Service Corps (the Senior Companion and Foster Grandparent programs are the other two), facilitates the engagement of people 55 and older in volunteer opportunities in local communities. The Minnesota Board on Aging (MBA) is a state agency that provides state funding and support for the RSVP, Senior Companion, Foster Grandparents and a variety of programs and services for older adults. A more complete description of RSVP is available from the Corporation for National and Community Service. A project sponsor administers the recruitment, placement, and support of RSVP volunteers at community locations in the project area. Examples of current sponsors for the twenty-one RSVP projects operating in Minnesota include non-profit organizations and city and county governmental units.

RSVP operating procedures and policy are governed by federal legislation contained in the Domestic Volunteer Service Act of 1973 as amended. RSVP, as well as the Senior Companion and Foster Grandparent Programs, operate in Minnesota with additional state support provided through the MBA. The Corporation for National and Community Service will make the selection of a new sponsor for the four affected counties in consultation with the MBA.

Currently there are only a small number of active RSVP volunteers serving at a few locations or "stations" in the four county area. The sponsor selected to assume operations will be expected to keep those Retired Senior Volunteers (RSVs) and stations enrolled in the program while seeking new volunteers and assignments in the future. A total of \$104,000 in federal funds will be available on an annualized basis and up to \$23,375 in state of Minnesota funds through the MBA (based on availability of funding through the Legislature) to support this program in the four county area. It is expected that a new sponsor will assume operations by September 30, 2003. The sponsor should plan to provide some matching funds, cash and/or in-kind. Training and assistance to commence operations will be provided.

An application and further instructions are available from the Corporation for National and Community Service, Room 2480, 431 S. Seventh Street, Minneapolis, MN, 55415; telephone (612) 334-4083. A public meeting for all prospective sponsors will be held August 22, 2003 in Rochester. The meeting will be held at the Southeastern Minnesota Area Agency on Aging in Rochester at 421 First Ave SW, Suite 201, Rochester, MN, 55902; telephone (507) 288-6944. Attendance at this meeting is not required. Please call the Corporation for National and Community Service for additional details about the public meeting or with other questions.

State Grants & Loans

Department of Employment and Economic Development

Business & Community Development Division

Request for Applications for the Urban Initiative Loan Program

The Urban Initiative Board is accepting applications from non-profit organizations in the Twin Cities area to participate in the Urban Initiative Loan Program. Grants are made to qualified organizations, which use these funds to make loans to startup or expanding businesses located in low income areas. The overall objective of the program is to encourage private investment, provide jobs for minority persons and others, create and strengthen minority business enterprises, and promote economic development in a low-income area. Eligible groups are nonprofit corporations which demonstrate a capacity to make business loans, provide appropriate technical assistance to loan clients, and strengthen minority business enterprises.

The amount of the grant to any one organization depends on a variety of factors including the ability and experience of the lending organization. State funds must be matched by private sources.

Applicants have until 5:00 p.m. on September 24, 2003 to submit applications to the Board. If mailed, applications must be received by that date.

A full copy of the Request for Application is available upon request. Contact Bart Bevins at (651) 297-1170 (**voice**), (651) 296-5287 (**FAX**), or via **e-mail**: bart.bevins@state.mn.us. Applications should be sent to:

Bart Bevins
Urban Initiative Board
c/o Department of Employment and Economic Development
500 Metro Square
121 E. 7th Place
St. Paul, MN 55101-2146

Please contact Mr. Bevins at the phone numbers indicated above if you have questions.

Metropolitan Council

Notice of Availability - Metropolitan Livable Communities Act Funding Tax Base Revitalization Account

Purpose: The Metropolitan Livable Communities Act (*Minnesota Statutes* Ch. 473.25) created a **Tax Base Revitalization Account** to make grants to clean up contaminated land for subsequent commercial/industrial redevelopment, job retention and job growth. Applications will be prioritized to the extent that they address the following: increase local tax base; create net gain in regional jobs; demonstrate market demand for proposed site; supplement a previously approved project; preserve and/or increase living wage jobs; improve the environment by reducing human health risk; promote compact development; provide living wage jobs; leverage private investment; and make more efficient use of current infrastructure capacity. Local community affordable and life-cycle housing performance will leverage the selection process. This program is being coordinated with complementary programs at the MN Pollution Control Agency (MPCA) and MN Department of Employment and Economic Development (DEED).

Eligible Applicants: Statutory or home rule charter cities participating in the Metropolitan Livable Communities Housing Incentives Program are eligible to apply. Metropolitan counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington) and development authorities (e.g., Housing and Redevelopment Authority, Economic Development Authority or Port Authority) may apply for projects in eligible communities.

Submission Date: An original and two (2) copies of each application are due at the Metropolitan Council, Attn: Kristina Smitten, 230 E. Fifth St., St. Paul, MN 55101, by **5 p.m., Monday, Nov. 3, 2003**.

Amount Available: Approximately \$2.6 million will be available for grants awarded this cycle. Grants will be awarded on a competitive basis. If applications for grants exceed the available funds for this cycle, no more than one-half of the funds may be granted to projects in a single city, and no more than three-quarters of the funds may be granted to projects located in cities of the first class.

Obtain Information: For a copy of the grant application guide and format, contact Kristina Smitten, Metropolitan Council at (651) 602-1535 or 291-0904 (**TTY**) or via **e-mail** kristina.smitten@metc.state.mn.us. The application form may be copied from the Metropolitan **web site** at www.metrocouncil.org under the topic "Livable Communities".

State Contracts

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

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

Department of Administration

Real Estate Management Division

Notice of State Office and Lab Building For Sale

NOTICE IS HEREBY GIVEN that the Department of Administration is offering an office and lab building located at 1246 University Avenue W. in St. Paul for sale by sealed bid. The building contains approximately 77,324 gross square feet and is situated on a roughly 1.5 acre site. The property is zoned B-3, general business district. Additional information, including legal description, bid terms and conditions, bid form and purchase agreement, is available on the Department of Administration **web site** at www.admin.state.mn.us. Send an **email** to wayne.waslaski@state.mn.us or call Wayne at (651) 296-2278 if you have questions.

Bids must be received no later than 2:30 p.m., on Wednesday, October 22, 2003.

Department of Administration

Real Estate Management Division

Notice of State Land For Sale

NOTICE IS HEREBY GIVEN that the Department of Administration is offering for sale by sealed bid approximately 15.66 acres of prime undeveloped property in southeast St. Cloud. The site is located in the northwest quadrant of Minnesota Boulevard and 15th Avenue S.E. and is zoned R-5, general multiple residential district.

Additional information, including legal description, bid terms and conditions, bid form and purchase agreement, is available on the Department of Administration **web site** at www.admin.state.mn.us. Send an **email** to wayne.waslaski@state.mn.us or call Wayne at (651) 296-2278 if you have questions.

Bids must be received no later than 2:30 p.m., on Wednesday, October 8, 2003.

Department of Administration

Real Estate Management Division

Single-Family Residential Lot for Sale

NOTICE IS HEREBY GIVEN that the Department of Administration is offering for sale by sealed bid a single-family residential lot consisting of 31,206 sq.ft. The residential lot is located at 1225 - 81st Avenue North in Brooklyn Park. Additional information, including legal description, geotechnical report, boundary survey, bid terms and conditions, bid form and purchase agreement, is available on the Department of Administration **web site** at www.admin.state.mn.us. Send an **email** to wayne.waslaski@state.mn.us or call Wayne at (651) 296-2278 if you have questions.

Bids must be received no later than 2:30 p.m., on Wednesday, October 1, 2003.

Minnesota Historical Society

Request for Bids for Exterior Preservation of Harkin Residence, Nicollet County, Minnesota

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies to complete Phase 1 of the Exterior Preservation of the Harkin Residence and Store. The Work consists of selective demolition of existing residence roofing, underlayment, flashing and deteriorated sheathing, installation of cedar shingle roof, installation of single-ply membrane roof and associated flashing and gutters. All work will be in accordance with the Drawings, Specifications,

State Contracts

Instructions to Bidders, Supplementary Conditions, General Conditions, the Contract and the Request for Bids.

Submission of Bids

All bids must be received by Chris M. Bonnell, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than **2:00 p.m. Central Time, Tuesday September 9, 2003**. A bid opening will be conducted at that time. Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. A Bid Bond must be included in the amount of 5% of the total base bid if the total base bid is over \$50,000. Late bids will not be considered.

Authorized agents for receipt of bids are the following: Mary Green-Toussaint, Contract/Procurement Assistant, or any Work Service Center staff member located in the Finance and Administration Division on the 4th floor of the History Center.

Submit one copy of the bid using the form provided, sealed in an envelope or package with the bidder's name, address, and the name of the project for which the bid is being submitted clearly written on the outside. Bids must be signed in ink by the bidder or an authorized agent of the bidder firm. The Society reserves the right to request supplemental information from bidders.

There will be a MANDATORY pre-bid meeting for all interested parties on Thursday, August 28 at 11:00 a.m. at the Harkin Store Historic Site. The site is located on Nicollet County Highway 21, eight miles northwest of New Ulm, Minnesota.

Society Contacts

Questions regarding this request for bids should be directed to Chris M. Bonnell, Contracting Officer, at (651) 297-5863 (chris.bonnell@mnhs.org)

Questions specific to project scope should be referred to Alice Ritari, SMSQ Architects, at (507) 645-4461 (alice@smsq.com)

To receive bid documents, please contact SMSQ Architects, 205 South Water Street, Northfield, MN 55057. **Phone** (507) 645-4461, **Fax** (507) 645-7682. A refundable plan deposit of \$25.00 will be required for one set of plans and specifications. Make plan deposit checks out to SMSQ Architects. Deposits will be returned to all parties returning plans and specifications in good condition.

Condition of Receipt of Bids

This Request for Bids does not obligate the Society to award any specific project. The Society reserves the right to cancel this solicitation or to change its scope if it is considered in the best interest of the Society.

The Society reserves the right to waive irregularities in proposal content or to request supplemental information from bidders. This provision will be liberally interpreted to permit consideration of all proposals received by the stated deadline for submission.

This entire presentation, including the Technical Specifications, Instructions to Bidders, Supplementary Conditions, General Conditions, and the Request for Bids does not constitute a legal offer. A legal binding contract will not be formed until all parties involved have fully executed a written contract which incorporates all mutually agreed instructions, specifications, conditions, and bids.

Dated: 11 August 2003

Perpich Center for Arts Education

Professional Development & Research Group

Notice of Request for Proposal for a Project Co-Presenting Consultant

The Perpich Center for Arts Education is seeking proposals from qualified individuals or organizations to organize, plan, prepare and assist with ongoing Arts Best Practice Networks, with particular emphasis on facilitating the workshops and teacher projects of the Southeast Regional and Northwest Regional Networks. The individual or organization contracted must have teaching experience in K-12 arts education and be able to effectively communicate with educators and artists in the context of professional development workshops for K-12 arts educators to improve teaching and learning.

The specific services to be provided under this contract are outlined in detail in the Development Group Request for Proposal (RFP) Statement of Project Scope and Tasks. The formal RFP may be requested from:

Michael Hiatt, Director
Professional Development and Research Group
Perpich Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, Minnesota 55422
(763) 591-4721 or 1-800-657-3515 (toll free)

Services are to be provided during the contract period from September 22, 2003 to June 30, 2004. It is anticipated that the cost of the contracted services described in the Request for Proposals will be \$13,000 for the contract dates indicated.

The deadline for submission of proposals is 4:00 p.m., Friday, August 22, 2003. Faxed proposals will not be considered. It is anticipated selections will be made by Friday, August 29, 2003. Proposals should be submitted to Michael Hiatt, Director, Professional Development and Research Group.

Perpich Center for Arts Education

Professional Development and Research Group

Notice of Request for Proposal for a Research and Development Project Consultant

The Perpich Center for Arts Education is seeking proposals from qualified individuals or organizations to collect, organize, plan, prepare and assist with dissemination of examples of curriculum, assessments, instructional tools, student work and teacher research in arts education. The individual or organization contracted must have experience with K-12 arts education, disseminating resources, and communicating with educators and artists statewide to improve teaching and learning. Dissemination of resources will require multiple formats including print, CD-ROM, web page, etc. Experience collaborating with technology personnel to utilize electronic forms of dissemination is preferred.

The specific services to be provided under this contract are outlined in detail in the Professional Development and Research Group Request for Proposal (RFP) Statement of Project Scope and Tasks. The formal RFP may be requested from:

Michael Hiatt, Director
Professional Development and Research Group
Perpich Center for Arts Education
6125 Olson Memorial Highway
Golden Valley, Minnesota 55422
(763) 591-4726 or 1-800-657-3515 (toll free)

Services are to be provided during the contract period from September 22, 2003 to June 30, 2005. It is anticipated that the cost of the contracted services described in the Request for Proposals will be \$100,000 for the contract dates indicated.

The deadline for submission of proposals is 4:00 p.m., Friday, August 22, 2003. Faxed proposals will not be considered. It is anticipated selections will be made by August 29, 2003. Proposals should be submitted Michael Hiatt, Director, Professional Development and Research Group.

Department of Transportation

Metro District

Request for Letters of Interest for a Design-Build Contract on Interstate 494 in Eden Prairie and Minnetonka, Minnesota

The Minnesota Department of Transportation - Metro District is soliciting Letters of Interest (LOI) from companies interested in providing Design-Build Services for the design and construction of Interstate 494 from Trunk Highway 5 to Interstate 394, S.P. 2785-304, in Eden Prairie and Minnetonka, MN.

The project will consist of: Reconstructing the highway and adding one additional through-lane (for a total of 3 lanes in each direction) in each direction of Interstate 494 from T.H. 5 to Interstate 394, a distance of 7.8 miles, in the cities of Minnetonka and Eden Prairie in Hennepin County. Continuous bus-only shoulders will be added. The northwest ramp at the Valley View Road interchange will be reconstructed, as well as the T.H. 62 and the T.H. 7 interchanges at Interstate 494. In addition, 13 bridges will be replaced, and new noise walls will be constructed along the corridor. The design-build project will also include a modification of the collector-distributor roadway along eastbound I-394 at the I-494/I-394 interchange and adding a third lane along side the existing pavement in between the north loops and north ramps at I-394 and under the Carlson Parkway bridge.

One Design-Builder will be selected for the entire project. The selection process will have two steps. A Request for Qualifications (RFQ) is anticipated to be issued by September 2, 2003. Responses to the RFQ will be evaluated to establish a listing of design-build firms that will be invited to submit Proposals in response to the Request for Proposals (RFP), which Mn/DOT intends to issue by late December 2003. The technical proposals are anticipated to be due in late March 2004, and the letting date is anticipated to be in late April 2004.

State Contracts

The "Best-Value" selection process will be used to evaluate the ability of the Design-Builder to manage, design, construct and control this project to provide a quality product, on or ahead of schedule, for a reasonable lump sum price within the Department's project budget. The Department anticipates using an industry review process with the short-listed design-build firms to solicit comments to the draft RFP before issuing the final RFP.

The Department is seeking Design-Builders that are committed to quality, have proven experience in design and construction, will bring innovative design-build approaches to ensure timely completion, and are willing to partner with the Department for the mutual success of the project.

Companies interested in providing design-build services or participating as a member of a design-build organization should send an LOI in writing by August 25, 2003 to:

Kevin G. Anderson, P.E.
Project Manager
1500 W. County Rd. B2
Roseville, MN 55113
Fax: (651) 582-1302
e-mail: kevin.anderson@dot.state.mn.us

The LOI must state the name and phone and fax numbers of the person who the Department may contact at your company to provide further information about the project.

Interested parties are invited to send a representative to a project information workshop at 1:00 P.M., August 19, 2003, Mn/DOT Arden Hills Training Center, 1900 W. County Road I, Shoreview, MN 55126.

While submission of an LOI and attendance at the project information workshop are not prerequisites for participating in the procurement process, interested firms and parties are strongly encouraged to submit and attend.

The Department reserves the sole right, without incurring any liability, to change any aspect of the proposed procurement described above, including the right to not proceed with the procurement and/or the right to proceed in a different manner or on a different timeline than as described above.

Department of Transportation

Program Support Group

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

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

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

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of a particular category of services, applications will be accepted on a continual basis.

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

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

Send completed application material to:

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

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation**Engineering Services Division****Notice Concerning Professional/Technical Contract Opportunities**

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

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

Minnesota Zoological Gardens**Request for Proposals for Tropics Biodiversity Hotspots Interpretive Program Design, Fabrication and Installation.**

NOTICE IS HEREBY GIVEN that the Minnesota Zoological Gardens is seeking qualified vendors to design, fabricate and install interpretive graphics and interactive displays for selected exhibit areas in the Tropics Trail at the Minnesota Zoo. Work is proposed to start after September 2, 2003.

A complete Request for Proposals will be available by mail or email from this office through August 22, 2003. To request a copy of the full Request for Proposal or to schedule a walk through of the project area or more information, contact:

Lars Erdahl, Education Director
Minnesota Zoo
13000 Zoo Boulevard
Apple Valley, MN 55124
Telephone: (952) 431-9222

OR Grant Spickelmier, Education Supervisor
Minnesota Zoo
13000 Zoo Boulevard
Apple Valley, MN 55124
Telephone: (952) 431-9226

Deadline for proposals is 4:30 PM CDT on Friday, August 29, 2003. Late proposals will NOT be considered. Proposals must be signed in ink by an authorized signatory. Faxed or emailed proposals will NOT be considered.

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

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.

City of Sauk Rapids, Minnesota**Request for Proposal for Engineering Services, Sauk Rapids Bridge Project****S.P. 191-115-01 and S.P. 73-601-33****Background Information**

The City of Sauk Rapids has identified the need for professional engineering services to construct a new bridge over the Mississippi River from Stearns County State Aid Highway 1 (CSAH) in the City of St. Cloud to Benton County CSAH 3 (2nd Street North) in the City of Sauk Rapids. The City, as the lead agency for this project, shall coordinate the review and approval process with the Minnesota Department of Transportation (MnDOT) State Aid Office, Benton County, Stearns County, City of St. Cloud, Le Sauk Township, and Burlington Northern Sante Fe (BNSF) Railroad.

The city intends to use a combination of federal High Priority Project (HPP), State Trunk Highway Turnback, and State Bridge Bonding funds for this project.

Non-State Contracts & Grants

Scope of Project

The project involves the following:

- Removal of existing bridge (Bridge #5947) over Mississippi River between Sauk Rapids and St. Cloud and construction of a four-lane divided bridge (Bridge 05534). This bridge will be approximately 1,100 feet in length, have pedestrian/bicycle facilities on both sides, and be grade-separated from the BNSF railroad in Sauk Rapids with access to Lions Park.
- Reconstruction of 900 feet of 9th Avenue North, West of CSAH 1 intersection, to four-lane divided roadway (St. Cloud).
- Reconstruction of 900 feet of CSAH 1 north of 9th Avenue, to two-lane undivided roadway (Stearns County).
- Reconstruction of CSAH 1/9th Avenue North intersection.
- Reconstruction of CSAH 3 from bridge touchdown at Benton Drive South to 3rd Avenue North, as four-lane divided roadway and associated local streets.
- Reconstruction of 1800 feet of Benton Drive South from 1st Street South to 4th Street North, to four-lane divided roadway with turn lanes and raised median.
- Two signalized intersections with right and left turn lanes and turn signals.
- Sanitary sewer, storm sewer, water main relocations as needed.

General Scope of Services Requested

The City of Sauk Rapids is seeking consultant services to perform all necessary work involved to prepare approved construction plans, special provisions and provide construction engineering services and any other information required by all agencies with jurisdiction, including preparing and acquiring all necessary permits.

All interested consultants should call, email, or write for the full RFP, which will be sent free of charge.

Estimated dollar amount: \$3.0 million.

Contact Person: Mr. Ross Olson, City Administrator
City of Sauk Rapids
115 2nd Avenue North
Sauk Rapids, MN 56379-1605
(320) 258-5300

Other city personnel are not authorized to discuss this Request for Proposal with anyone including responders, before the proposal due date of September 9, 2003, at 2:00 p.m. CST.

This request does not obligate the City to enter into a contract for services or to spend the estimated amount.

Metropolitan Council

Invitation for Prequalification to Supply Local Operator Stations

Prequalification Submittal Documents (PSD's) are solicited by the Metropolitan Council ("Council") for the purpose of establishing a list of qualified vendors to supply the Council with a Local Operator Stations/Human Machine Interface units (HMI) for the Council's Interceptor Sewer Collection System. The Council intends to procure local operator stations/HMI's for approximately 50 of the Council's Interceptor Sewer Lift Stations. Delivery of these items will occur over a two-year period. The Council intends to use a two-step process to procure these local operator stations. In this first step, vendors are invited to submit PSD's which will be evaluated based upon required specifications. In the second step, the Council will issue an Invitation for Bids only to Vendors whose PSD was determined to be acceptable, either initially or as a result of further discussions and investigation. Bids submitted by Vendors in the second step must be based on the vendor's approved PSD.

Vendors interested in obtaining an Invitation for Prequalification should contact:

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

Non-State Contracts & Grants

The tentative schedule for this procurement is as follows:

<i>Invitation for Prequalification Issued</i>	August 8, 2003
<i>PSD Due</i>	August 22, 2003
<i>Notification of Successful Prequalification</i>	September 22, 2003
<i>Invitation for Bids</i>	October 1, 2003
<i>Due Date of Bids</i>	October 15, 2003
<i>Award of Contract</i>	October 31, 2003

Metropolitan Council

Invitation for Prequalification to Supply Programmable Logic Controllers

Prequalification Submittal Documents (PSD's) are solicited by the Metropolitan Council ("Council") for the purpose of establishing a list of qualified vendors to supply the Council with Programmable Logic Controllers for the Council's Interceptor Sewer Collection System. The Council intends to procure programmable logic controllers for control, data collection and transmission of data at approximately 60 lift stations and for data collection and transmission of data at approximately 140 other smaller sites. Delivery of these items will occur over a two-year period. The Council intends to use a two-step process to procure these programmable logic controllers. In this first step, vendors are invited to submit PSD's which will be evaluated based upon required specifications. In the second step, the Council will issue an Invitation for Bids only to Vendors whose PSD was determined to be acceptable, either initially or as a result of further discussions and investigation. Bids submitted by Vendors in the second step must be based on the vendor's approved PSD.

Vendors interested in obtaining an Invitation for Prequalification should contact:

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

The tentative schedule for this procurement is as follows:

<i>Invitation for Prequalification Issued</i>	August 8, 2003
<i>PSD Due</i>	August 21, 2003
<i>Notification of Successful Prequalification</i>	September 22, 2003
<i>Invitation for Bids</i>	October 1, 2003
<i>Due Date of Bids</i>	October 15, 2003
<i>Award of Contract</i>	November 2003

Metropolitan Council

Invitation for Prequalification to Supply Radio Modems

Prequalification Submittal Documents (PSD's) are solicited by the Metropolitan Council ("Council") for the purpose of establishing a list of qualified vendors to supply the Council with radio modems for the Council's Interceptor Sewer Collection System. The Council intends to procure 900 MHz licensed radio modems for transmission of data from programmable logic controllers at approximately 125 sites in the Minneapolis/St. Paul metropolitan area to 5-base stations in the Minneapolis/St. Paul metropolitan area. Delivery of these items will occur over a two-year period. The Council intends to use a two-step process to procure these radio modems. In this first step, vendors are invited to submit PSD's which will be evaluated based upon required specifications. In the second step, the Council will issue an Invitation for Bids only to Vendors whose PSD was determined to be acceptable, either initially or as a result of further discussions and investigation. Bids submitted by Vendors in the second step must be based on the vendor's approved PSD.

Non-State Contracts & Grants

Vendors interested in obtaining an Invitation for Prequalification should contact:

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

The tentative schedule for this procurement is as follows:

<i>Invitation for Prequalification Issued</i>	August 8, 2003
<i>PSD Due</i>	August 21, 2003
<i>Notification of Successful Prequalification</i>	September 22, 2003
<i>Invitation for Bids</i>	October 1, 2003
<i>Due Date of Bids</i>	October 15, 2003
<i>Award of Contract</i>	October 31, 2003

Metropolitan Council

Notice for Request for Proposals (RFP) on Engineering/Architectural Services for the Brooklyn Center Transit Center

Contract 03P085

The Metropolitan Council is requesting proposals for Engineering and Architectural services for the design of the Brooklyn Center Transit Center in Brooklyn Center, MN. This project will require the involvement of professional from the civil, landscape, architectural, electrical, mechanical, and structural disciplines.

The Consultant services required for this project include:

- Design Services: design development and final design documents and specifications for passenger and driver facilities and site development.
- Bid and Construction Administration Support: including support for the Council during bidding, reviewing shop drawing submittals, assisting with change orders, and preparing record drawings.

A tentative schedule for the project is as follows:

<i>Issue Request for Proposals:</i>	August 11, 2003
<i>Receive Proposals:</i>	September 8, 2003
<i>Contract negotiated, executed, Notice to Proceed:</i>	October 13, 2003

All firms interested in being considered for this project and desiring to receive an RFP package are invited to submit a written request for the RFP to:

Harriet Simmons, Senior Administrative Assistant
Metropolitan Council - Mears Park Centre
230 E. Fifth Street, St. Paul, MN 55101
Phone: (651) 602-1086
Fax: (651) 602-1138
E-mail: harriet.simmons@metc.state.mn.us

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

Non-State Contracts & Grants

Metropolitan Council

Notice of Request for Proposals (RFP) for the Human Resource Information System (HRIS) Business Process Redesign

Contract 03P083

The Metropolitan Council (Council) is requesting proposals for the redesign of selected Human Resource Information System (HRIS) business processes. The Council recently implemented the PeopleSoft HRIS Version 8.3. The first stage implementation, which focused on payroll implementation and basic human resources functions, is not yet complete. The Council believes that additional business process redesign is necessary to make payroll processes more effective by taking advantage of system best practice capabilities.

The work of this project is expected to include:

- a. Improvements in payroll business processes, including the implementation of direct deposit for the Council's Metro Transit bus drivers and time and attendance software for the Council's Environmental Services division and administrative staff.
- b. Evaluation of current business practices and processes related to the HRIS system and recommendation for improvements to incorporate best practice principles into the Council's work processes; and
- c. Assistance with a cost benefit analysis for the implementation of electronic based functions such as e-development, e-recruit, e-benefits, and e-pay.

A tentative schedule for this project is as follows:

<i>Issue Request for Proposals</i>	August 4, 2003
<i>Receive Proposals</i>	August 19, 2003
<i>Contract negotiated, executed, Notice to Proceed</i>	August 28, 2003

All firms interested in being considered for this project and desiring to receive an RFP package are invited to submit a written request for the RFP to:

Amanda Houston
Metropolitan Council
Mears Park Centre
230 E. Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
E-mail: amanda.houston@metc.state.mn.us

University of Minnesota

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

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



Admin MINNESOTA

Department of Administration

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