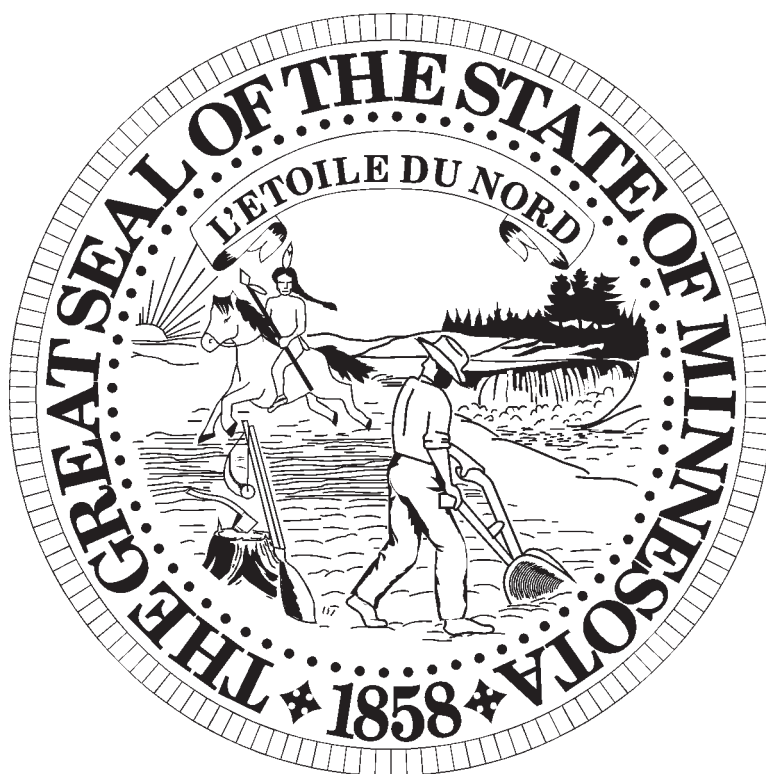


State of Minnesota

State Register



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Monday 21 November 2005

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State Register

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

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

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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# 21	Monday 21 November	Noon Tuesday 15 November	Noon Wednesday 9 November
# 22	Monday 28 November	NOON MONDAY 21 NOVEMBER	Noon Wednesday 16 November
# 23	Monday 5 December	Noon Tuesday 29 November	NOON TUESDAY 22 NOVEMBER
# 24	Monday 12 December	Noon Tuesday 6 December	Noon Wednesday 30 November

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Minnesota Rules: Amendments and Additions

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

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

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

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

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

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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.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Pollution Control Agency

Adopted Permanent Rules Relating to Solid Waste Transfer

The rules proposed and published at *State Register*, Volume 29, Number 47, pages 1436-1446, May 23, 2005 (29 SR 1436), are adopted with the following modifications:

7035.2870 SOLID WASTE TRANSFER FACILITIES.

Subp. 5. **Operation standards.** The owner or operator of a permitted transfer facility or a transfer facility operating under a permit-by-rule as provided in part 7001.3050, subpart 3, item A, must comply with the operational standards in this subpart. For existing transfer facilities subject to this subpart, the owner or operator must comply with this subpart no later than 180 days after the effective date of this part. The owner or operator of a new facility subject to this subpart must comply before accepting waste. The following are the operational standards:

I. a sign must be posted that is visible to persons using the facility prior to entry that lists the wastes that are or are not accepted at the facility, its hours of operation, ~~and~~ a number to call for assistance with disposal of items that are not accepted at the facility, and the agency permit number or agency-assigned permit-by-rule facility identification number;

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Executive Order # 05-16: Providing for Energy Conservation Measures for State Owned Buildings

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this executive order:

WHEREAS, energy prices including the costs for electric power, natural gas, heating fuel are predicted to rise significantly this year; and

WHEREAS, state government is a major consumer of energy and should be a leader in adopting energy conservation practices, thereby furthering fiscal, environmental and economic development goals, and

WHEREAS, conservation of energy resources are an effective means for mitigating against the demand pressures for energy consumption and for reducing state costs related to increases in energy prices; and

WHEREAS, state agencies are in a unique position to demonstrate to other governmental entities, businesses, organizations and individuals the cost and environmental benefits of energy conservation; and

WHEREAS, reduction and conservation of energy resources is consistent with other executive branch initiatives including Executive Order 04-10 which provides for the use of alternative fuels for the state's fleet and travel needs and Executive Order 04-08 which provides for state departments to take actions to reduce air pollution in daily operations.

NOW, THEREFORE, I hereby order:

1. All state agencies will take measures including, but not limited to the measures set forth in this order, to reduce energy usage in state owned buildings by 10% over the next calendar year.

2. All state agencies must immediately implement the following operational changes to conserve energy and reduce state energy costs:

- a. Heating temperatures will be set at the following maximum temperatures:
 - i. 68° F to 70° F for all occupied areas and cafeterias;
 - ii. 65° F to 67° F for all lobby corridor and restroom areas;
 - iii. 60° F to 62° F for all building entrances, storage areas and tunnels;
 - iv. Temperature settings for all of the above referenced spaces must be lowered to 60° F to 62° F during non-working hours;
 - v. 55° F for all unoccupied spaces;
 - vi. 55° F for all vacated spaces.
- b. Cooling temperatures will set at the following minimum temperatures:
 - i. 76° F to 78° F for all occupied space excluding reheat systems;
 - ii. Temperatures settings for air-conditioning turned off or raised to 85° F during nights and weekends.
- c. Computer rooms, research facilities and special care facilities are exempted from these requirements. Additional building spaces may be exempted from all or part of these requirements, pursuant to the approval of the Commissioner of Administration.

3. State agencies will pursue long term energy conservation measures, which may require capital funding, in state owned buildings utilizing the procedures set forth in *Minnesota Statutes*, Sections 16C.144 and 16B.32, subdivision 3, including:

- a. Incorporating Minnesota Sustainable Guidelines for new construction to reduce the long-term cost of operating and maintaining state buildings.
- b. Incorporating energy efficiency programs provided by utility companies for all new construction.
- c. Implementing energy efficiency improvements in existing buildings through partnering with energy services companies and

funding the projects through lease purchase agreements, or other appropriate means.

- d. Re-commissioning existing state buildings to maximize utility company rebates.
4. State agencies will adopt prudent energy procurement strategies including:
 - a. Procuring alternate fuels for heating during summer months when prices are lower.
 - b. Procuring natural gas and other fuels through *Minnesota Statute* 16C.143, energy forward pricing mechanisms, beginning fiscal year 2007.
5. For purposes of this executive order, state agencies means any agency as defined in *Minnesota Statutes* 2004, Section 16B.01, Subdivision 2 which occupies state owned or leased buildings.
6. The University of Minnesota and the Minnesota State Colleges and Universities are strongly encouraged to implement effective strategies to reduce energy consumption and energy costs at their facilities. The Commissioner of Administration will make efforts to share information regarding the strategies implemented pursuant to this order.
7. The Commissioner of Administration with the assistance of the Commissioner of Commerce will be responsible for:
 - a. Communicating the requirements of this order to state agencies;
 - b. Developing procedures to measure the reductions in state energy usage and to monitor compliance with this executive order;
 - c. Developing additional strategies for energy conservation and communicating those strategies to state agencies; and
 - d. Providing information regarding state energy conservation actions to other interested governmental entities, businesses, organizations and individuals.

Pursuant to *Minnesota Statutes* 2004, Section 4.035, Subdivision 2, this order will be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and will remain in effect until it is rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 2004, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand on this 10th day of November 2005.

Signed: **TIM PAWLENTY**
Governor

Filed According to Law:

Signed: **MARY KIFFMEYER**
Secretary of State

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*, Section 270.07.

Department of Revenue

Revenue Notice # 05-13: Sales and Use Tax – Sales Price – Allocation of Delivery Charges

Introduction

This revenue notice sets forth the department's position on the sales tax treatment of a lump sum delivery charge when a delivery includes both exempt goods and taxable goods.

Minnesota Statutes, section 297A.61, subdivision 7, defines "sales price" and provides that certain items are part of the sales price, and

Revenue Notices

therefore subject to sales tax. Delivery charges are included in the sales price of taxable goods and services under *Minnesota Statutes*, section 297A.61, subdivision 7, paragraph (a)(4). *Minnesota Statutes*, section 297A.61, subdivision 30, defines delivery charges as “charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing.”

Department Position

If a delivery includes exempt property and taxable property, the seller should allocate the delivery charge by using:

1. a percentage based on the total sales prices of the taxable property compared to the total sales prices of all property in the shipment; or
2. a percentage based on the total weight of the taxable property compared to the total weight of all property in the shipment.

The seller must tax the percentage of the delivery charge allocated to the taxable property but does not have to tax the percentage allocated to the exempt property.

Any other method used to allocate the delivery charge between exempt and taxable property must be consistent with reasonable business practices.

Allocation Method #1: Divide the amount charged for the taxable goods by the amount charged for all of the goods being shipped, then multiply the resulting number by the total delivery charge.

EXAMPLE: A delivery of goods that cost \$400 contains \$300 worth of taxable goods and \$100 worth of exempt goods. The total delivery charge is \$30. Using allocation method #1 to determine the taxable percentage of the delivery charge, divide \$300 by \$400, for a result of 75%. Seventy-five percent of \$30 (the total delivery charge) is \$22.50. Adding the taxable delivery charge to the cost of the taxable goods means the seller should collect state and local tax on a total of \$322.50.

Allocation Method #2: Divide the weight of the taxable goods by the total weight of the shipment, then multiply the resulting number by the total delivery charge.

EXAMPLE: Same as the example above except that it is also noted on the invoice that the delivery consists of 3 pounds of taxable goods and 9 pounds of exempt goods, and allocation method #2 is used to determine the taxable percentage of the delivery charge (using method #2 is optional; the seller may use method #1 even if seller gives and separates out the weight). Divide 3 pounds by 12 pounds, for a result of 25%. Twenty-five percent of \$30 (the total shipping charge) is \$7.50. Adding the taxable delivery charge to the cost of the taxable goods means the seller should collect state and local tax on a total of \$307.50.

Publication Date: November 21, 2005

JOHN H. MANSUN, Assistant Commissioner
for Tax Policy and External Relations

Official Notices

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

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

Minnesota Higher Education Facilities Authority

Notice of Public Hearing on Revenue Obligations on Behalf of the University of St. Thomas

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the “Authority”) with respect to a proposal to issue revenue bonds or other obligations on behalf of the University of St. Thomas (the “University”), as owner and operator of the University of St. Thomas, at the Authority’s offices at Suite 450, 380 Jackson Street, Saint

Paul, Minnesota on December 7, 2005 at 2:00 p.m.

Under the proposal, the Authority would issue its revenue bonds or other obligations in one or more series in an original aggregate principal amount of up to approximately \$66,000,000 to finance or refinance certain projects generally described as: (a) the acquisition, construction, equipping and furnishing of an approximately 73,000 square foot undergraduate business building to be known as McNeely Hall and located within the blocks bounded by Summit, Cretin, Grand and Cleveland Avenues on the University's main campus in Saint Paul, Minnesota; (b) the refunding of the Authority's outstanding Revenue Bonds, Series Four-A1 (University of St. Thomas) dated March 1, 1996 which were issued in the original principal amount of \$11,645,000 to finance the construction of O'Shaughnessy and Owens Science Hall located on the University's Saint Paul campus; (c) the refunding of the Authority's outstanding Revenue Bonds, Series Four-M (University of St. Thomas), dated June 15, 1997, which were issued in the original principal amount of \$21,680,000 to finance (i) the construction of a residence hall ("Morrison Hall"), (ii) the construction of a parking ramp beneath Morrison Hall, (iii) the construction of a commons building connecting Brady Hall and Dowling Hall for administrative and office space and recreational facilities and related improvements to Brady Hall and Dowling Hall, and (iv) construction of a skyway between the commons building and Morrison Hall and related improvements, all located on the University's Saint Paul campus; and (d) the refunding of the Authority's outstanding Revenue Bonds, Series Four-P (University of St. Thomas), dated December 1, 1997, which were issued in the original principal amount of \$15,435,000 to finance the construction of Opus Hall, a multistory education building, and related improvements on the University's downtown Minneapolis, Minnesota campus; all of the foregoing (collectively, the "Project") owned or to be owned and operated by the University.

The street address of the University's Saint Paul campus is 2115 Summit Avenue, Saint Paul, Minnesota, and the street address of the University's downtown Minneapolis campus is 1000 LaSalle Avenue, Minneapolis, Minnesota.

At said time and place the Authority shall give all parties who appear or who have submitted written comments and opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated November 21, 2005

By Order of the Minnesota Higher Education Facilities Authority
Marianne Remedios, Executive Director

Department of Natural Resources

Division of Lands and Minerals

Public Hearing on Sale of State Lands

NOTICE IS HEREBY GIVEN, that pursuant to *Minnesota Statutes*, section 97A.135, subd. 2a, a hearing will be held by the Department of Natural Resources, 2115 Birchmont Beach Road N.E., Bemidji, Minnesota, on December 8, 2005 at 11:00 a.m.

The purpose of the hearing is for public input regarding the issuance of corrective deeds regarding the prior sale of state lands situated in the County of Marshall, and described as:

Northwest Quarter of the Southeast Quarter in Section 3, Township 157 North, Range 40 West; and
Southeast Quarter of the Northwest Quarter in Section 34, Township 156 North, Range 39 West.

Minnesota Statutes, section 97A.135, subd. 2a, requires that a public hearing be held before lands within a Wildlife Management Area can be disposed of through sale or exchange. The Northwest Quarter of the Southeast Quarter in Section 3, Township 157 North, Range 40 West is designated as part of the Thief Lake Wildlife Management Area. The Southeast Quarter of the Northwest Quarter of Section 34, Township 156 North, Range 39 West is designated as part of the Espelie Wildlife Management Area.

The Department of Natural Resources proposes to issue corrective deeds regarding the sale of these parcels to correct an administrative error. The parcels have been in private use since their original sale date and the parcels are no longer needed for resource management purposes. If, after public hearing, the issuance of corrective deeds for these lands is in the public interest, the Commissioner of Natural Resources may vacate the parcels from Wildlife Management Area designation.

Questions regarding this proposal can be directed to Vicki Hubred at (218) 262-7335.

Dated November 7, 2005

Gene Merriam
Commissioner of Natural Resources
(by Marty K. Vadis, Assistant Director
Division of Lands and Minerals)

Official Notices

Board of Water and Soil Resources

REQUEST FOR COMMENTS on Proposed Conversion of Exempt Rules to Permanent Rules Relating to Watershed District Appeals, *Minnesota Rules*, parts 8415.0100 through 8415.0120

Subject of Rules. The Minnesota Board of Water and Soil Resources requests comments on its proposed conversion of *Minnesota Rules*, parts 8415.0100 through 8415.0120, from exempt rules to permanent rules. No revisions to the exempt rules are proposed, other than to make the exempt rules permanent rules. The rules of procedure in *Minnesota Rules*, parts 8415.0100 through 8415.0120, govern appeals to the Board of watershed district rules and watershed district permit decisions for public transportation authorities.

Persons Affected. The rules would likely affect watershed districts, public transportation authorities, and persons or groups with an interest in the requirements of a watershed district rule.

Statutory Authority. *Minnesota Statutes*, section 103D.537, authorizes the Board to adopt rules governing watershed district appeals.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on January 20, 2006. The Board does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The draft rules are the exempt rules, *Minnesota Rules*, parts 8415.0100 through 8415.0120. No revisions to the exempt rules are proposed.

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: Jim Haertel at the Minnesota Board of Water and Soil Resources, 520 Lafayette Road North, Saint Paul, MN 55155; **Telephone:** (651) 297-2906; **Fax:** (651) 297-5615; **E-mail:** jim.haertel@bwsr.state.mn.us. TTY users may call the Board at (651) 282-5332.

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 addresses or telephone numbers 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: November 21, 2005

Ronald Harnack, Executive Director
Board of Water and Soil Resources

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) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site 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

Notice of Intent to Obtain Bids for Flood Damage at the Centennial Office Building

The state intends to obtain bids in the near future for flood damage at the Centennial Office Building at 658 Cedar Street in St. Paul. Repairs will include drywall, wallpaper, painting, carpet and other trades common to water damage losses. The agency contact is Gordy Specht, (651) 201-2328, **Fax:** (651) 297-5158, **E-mail:** gordy.specht@state.mn.us.

Department of Administration

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Colleges and Universities, Minnesota State (MnSCU)

Minneapolis Community & Technical College

Request for Proposals for Design Services for Food Service/Culinary Arts Program Fire Suppression System

NOTICE OF INTENT to issue Request for Proposals for Design Services for Food Service/Culinary Arts Program Fire Suppression System Remodeling.

Description: Minneapolis Community & Technical College is requesting proposals for Architectural/Engineering Design Services for remodeling and code updates for space used by food services and the Culinary Arts Program at the Main Campus in downtown Minneapolis location.

Deadline for proposals: 1:00 p.m. Monday November 28, 2005

Contact for Proposal copies:

Jean Alaspa
Phone: (651) 793-1700

Deliver proposals to:

Attn: Michael Noble-Olson/Purchasing Manager
Minneapolis Community & Technical College
Business Office – T Building Room T2700
1415 Hennepin Avenue
Minneapolis, MN 55403
Phone: (612) 659-6866

Colleges and Universities, Minnesota State (MnSCU)

Minnesota State College Southeast Technical – Winona Campus

Request for Proposals for Remodeling & Entry Addition

RESPONSE TO THIS SOLICITATION IS DUE NO LATER THAN DECEMBER 15, 2005 AT 2:00 P.M. CDT. Deliver bids to Minnesota State College Southeast Technical – Winona Campus at 1250 Homer Road, Winona, Minnesota 55987 at the main information desk in the Student Services area.

PRE-BID MEETING DATE: December 1, 2005 at 10:30 A.M. CDT

PRE-BID MEETING DETAILS: Pre-bid meeting to be held at Southeast Technical – Winona Campus, 1250 Homer Road, Winona, Minnesota 55987, in the Auditorium (Room 205).

State Contracts

SCOPE: Building remodeling of approx. 35,000 sq ft and a building addition of 2,800 sq ft.

ARCHITECT: Partners & Sirny Architects, 212 West Franklin Avenue, Minneapolis, MN 55404.
Telephone No. (612) 341-1070 Fax No. (612) 341-2124

CONTACT PERSON: Tom Marcella

CONTACT PHONE: (612) 341-1070

FAX NUMBER: (612) 341-2124

LOCATION OF WORK: Minnesota State College Southeast Technical – Winona Campus

DEPOSIT: \$100.00

SCOPE DESCRIPTION: Building remodeling of approximately 35,000 gross square feet and a building addition of 2,800 gross square feet. The Work includes but is not limited to: demolition; site and finish landscaping work; concrete foundation and slab on grade; masonry cavity walls; structural steel framing; built up roofing; aluminum doors; curtain wall; interior metal stud and drywall partitions; suspended ceiling system; hollow metal frames; wood doors; floor and wall finishes. Mechanical & electrical systems include power, lighting, plumbing, piping, HVAC and fire protection.

FURTHER DESCRIPTION: Complete sets only of drawings and specifications for use by Bidders in submitting a Bid will be available through Partners & Sirny Architects.

Bidders must hold their bid for sixty (60) days.

Department of Education Notice of Request for Proposals for the National Governor's Association (NGA) High School Grant Policy Activities

The Department of Education is soliciting proposals from qualified vendors to manage, coordinate, and assist in the implementation of the policy-related components of the two-year, two million dollar National Governors Association grant, *Learning in a Digital Age: Math and Science at the Heart of High School Reform*. Work includes, but is not limited to, managing, coordinating, and assisting with the meetings and operations of the Governor's Education Council; the P-16 Education Partnership meetings and working group sessions; and other grant-related activities.

It is the Department's intent to contract with one individual to provide this service.

The Department of Education has estimated the cost of this project should not exceed \$210,000.00. The National Governors Association grant identifies a maximum of up to \$200,000 for services and \$10,000 for travel expenses for this contract. While this is the maximum amount pursuant to the grant, the Department of Education evaluates proposals on best value. Price, including the hourly rate identified, will be a significant component of the evaluation with maximum points being awarded to the lowest cost proposal(s).

The anticipated project period is January 16, 2005 through July 31, 2007.

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

Kathy Karnuth
Department of Education,
1500 Highway 36 West
Roseville, Minnesota 555113,
Telephone: (651) 634-2221
E-mail: kathy.karnuth@state.mn.us

Responses are due by 3:00 P.M. Central Time December 19, 2005. **Late proposals will not be considered.** Fax or E-Mail proposals will **NOT** be considered.

This request does not obligate the State to award a contract or complete the work contemplated in this notice. The State reserves the right to cancel this solicitation if it considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Department of Health

Request for Proposals for Exceptions to the Nursing Home Moratorium

Purpose

The Commissioner of Health is accepting written proposals from nursing homes and certified boarding care homes requesting funding through the moratorium exception process, according to *Minnesota Statutes* 144.073. The commissioner of health, in coordination with the Commissioner of Human Services, may approve such requests under conditions listed in *Minnesota Statutes*. These conditions refer to categories of exceptions which are defined as:

- (a) "Conversion" means the relocation of a nursing home bed from a nursing home to an attached hospital.
- (b) "Relocation" means the movement of licensed nursing home beds or certified boarding care beds as permitted by state statute to promote equitable access across the state or to move the beds to another site.
- (c) "Renovation" means extensive remodeling of, or construction of an addition to, a facility on an existing site with a total cost exceeding ten percent of the appraised value of the facility or \$200,000, whichever is less.
- (d) "Replacement" means the demolition, delicensure, reconstruction, or construction of an addition to all or part of an existing facility.
- (e) "Upgrading" means a change in the level of licensure of a bed from a boarding care bed to a nursing home bed in a certified boarding care facility.

Appropriation Available

The amount of the legislative appropriation available for the total annual additional costs to the Medical Assistance program for this Request for Proposals (RFP) is \$1,500,000. Depending upon the outcome of this round of moratorium exceptions, a second round of moratorium exception proposals may be announced after July 1, 2006.

NOTE: *Minnesota Statutes*, § 144A.071 currently allows projects with costs less than \$1,182,563 to proceed without applying for a moratorium exception under this process, except those facilities financed under the Alternative Payment System. All facilities financed under the Alternative Payment System must go through the moratorium exception process for any construction project for which additional Medical Assistance money would be requested. EFFECTIVE OCTOBER 1, 2006, facilities financed under the Alternative Payment System will be allowed to receive a property rate adjustment for building projects under section 144A.071, subdivision 2. The dollar threshold for these projects will be the amount shown above plus one year of inflation.

Eligibility to Submit a Proposal

A proposal for an exception to the nursing home moratorium may be submitted by an organization or individual authorized by a facility's governing board or management to prepare and submit a proposal to the commissioner of health.

Method for Estimating Proposal Cost

The method that the commissioner will use in evaluating proposals for approval or disapproval for estimating the cost of a proposal is detailed in the application materials.

Criteria for Review

Minnesota Statutes 144A.073, subd. 4, states the criteria the Commissioner of Health is to consider in reviewing moratorium exception proposals:

Subd. 4. **Criteria for review.** The following criteria shall be used in a consistent manner to compare, evaluate, and rank all proposals submitted. Except for the criteria specified in clause (3), the application of criteria listed under this subdivision shall not reflect any distinction based on the geographic location of the proposed project:

- (1) the extent to which the proposal furthers state long-term care goals, including the goal of enhancing the availability and use of alternative care services and the goal of reducing the number of long-term care resident rooms with more than two beds;
- (2) the proposal's long-term effects on state costs including the cost estimate of the project according to section 144A.071, subdivision 5a;
- (3) the extent to which the proposal promotes equitable access to long-term care services in nursing homes through redistribution of the nursing home bed supply, as measured by the number of beds relative to the population 85 or older, projected to the year 2000 by the state demographer, and according to items (i) to (iv):
 - (i) reduce beds in counties where the supply is high, relative to the statewide mean, and increase beds in counties where the supply is low, relative to the statewide mean;
 - (ii) adjust the bed supply so as to create the greatest benefits in improving the distribution of beds;

State Contracts

(iii) adjust the existing bed supply in counties so that the bed supply in a county moves toward the statewide mean; and

(iv) adjust the existing bed supply so that the distribution of beds as projected for the year 2020 would be consistent with projected need, based on the methodology outlined in the Interagency Long-Term Care Committee's nursing home bed distribution study;

(4) the extent to which the project improves conditions that affect the health or safety of residents, such as narrow corridors, narrow door frames, unenclosed fire exits, and wood frame construction, and similar provisions contained in fire and life safety codes and licensure and certification rules;

(5) the extent to which the project improves conditions that affect the comfort or quality of life of residents in a facility or the ability of the facility to provide efficient care, such as a relatively high number of residents in a room; inadequate lighting or ventilation; poor access to bathing or toilet facilities; a lack of available ancillary space for dining rooms, day rooms, or rooms used for other activities; problems relating to heating, cooling, or energy efficiency; inefficient location of nursing stations; narrow corridors; or other provisions contained in the licensure and certification rules;

(6) the extent to which the applicant demonstrates the delivery of quality care, as defined in state and federal statutes and rules, to residents as evidenced by the two most recent state agency certification surveys and the applicants' response to those surveys;

(7) the extent to which the project removes the need for waivers or variances previously granted by either the licensing agency, certifying agency, fire marshal, or local government entity;

(8) the extent to which the project increases the number of private or single bed rooms; and

(9) other factors that may be developed in permanent rule by the commissioner of health that evaluate and assess how the proposed project will further promote or protect the health, safety, comfort, treatment, or well-being of the facility's residents.

Priority for Approval

Minnesota Laws, 2005, First Special Session, Chapter 4, Article 9, Section 2, subd. 8, clause (c), directed that priority shall be give to proposals that entail:

- (1) complete building replacement in conjunction with reductions in the number of beds in a county, with greater weight given to projects in counties with a greater than average number of beds per 1,000 elderly;
- (2) technology improvements;
- (3) improvements in life safety;
- (4) construction of nursing facilities that are part of senior services campuses; and
- (5) improvements in the work environment.

Procedure for Receiving Application Materials

The application materials, including instructions, format and necessary forms, are available at the following website:

<http://www.health.state.mn.us/divs/fpc/moratoriumapp.html>

or upon e-mail, written or facsimile request to:

Mary Cahill
MDH – Division of Compliance Monitoring
U.S. Mail Service:
MDH – Division of Compliance Monitoring
P.O. Box 64900
St. Paul, Minnesota 55164-0900
Phone: (651) 215-8725
Fax: (651) 215-8710
E-mail: mary.cahill@health.state.mn.us

Review and Approval of Proposals

Proposals will be reviewed by a committee composed of organizations that represent consumers and providers of nursing home services; persons who provide engineering, building construction, or design services; and, state agencies involved in long term care issues, housing and finance. Applicants will have the opportunity to present their proposal, in person, to the Proposal Review Committee (Committee) prior to the Committee submitting comments and recommendations to the commissioner. Details on this meeting, including

date, time and location will be made available to the contact person listed in each moratorium exception proposal. The commissioner of health will approve or disapprove project proposals based on criteria established in law and rule. The commissioner will make the final decision no later than May 30, 2005.

Questions Concerning the RFP

Any questions relating to the RFP process may be submitted by prospective applicants in writing via Fax, US mail or e-mail to:

Mary Cahill
Minnesota Department of Health
Division of Compliance Monitoring
P.O. Box 64900
St. Paul, MN 55164-0900
Fax: (651) 215-8710
E-mail: mary.cahill@health.state.mn.us

No answers will be provided in response to phone calls. Each question must cite the particular RFP page to which it refers. Copies of all questions and their answers will be provided to all prospective applicants who have requested application materials. Only responses in writing by staff of the Minnesota Department of Health will be considered official. The closing date for the receipt of questions will be Friday, January 20, 2006.

Technical assistance in completing the application forms is available from the Minnesota Health and Housing Alliance, at (651) 645-4545, or Care Providers of Minnesota at (952) 854-2844.

Procedures for Submitting Proposals

No proposals submitted by facsimile machine will be accepted. **Six (6) written copies of the completed proposal must be received no later than 4:00 p.m. on Friday, February 17, 2006 by:**

David Giese
U.S. Mail Service:
Minnesota Department of Health
Division of Compliance Monitoring
P.O. Box 64900
St. Paul, Minnesota 55164-0900

David Giese
Courier or Walk-In-Service
Minnesota Department of Health
Division of Compliance Monitoring
85 East Seventh Place, Room 220
St. Paul, Minnesota 55101

Minnesota Department of Human Services Request For Proposals to Provide Real-Time Captioning of Live Local News Television Programming

In accordance with *Minnesota Session Laws 2005*, Chapter 81, Accessible Live Local News Programming for Deaf, Deafblind and Hard of Hearing People, the Minnesota Department of Human Services (DHS), through its Deaf and Hard of Hearing Services Division (DHHS), is seeking Proposals from qualified Responders to provide real-time captioning of live news television programming for deaf, deafblind and hard of hearing people.

Eligible applicants include: 1) commercial television stations that provide live local news broadcasting in smaller markets that are not subject to the live programming closed-captioning requirements and 2) large market noncommercial television station(s) that provide live local news broadcasting. A total of \$480,000 is available to provide real-time captioning of live local news for the time period from January 2006 to June 2007. It is the intent of DHS to award at least four grant contracts with commercial television stations that serve greater Minnesota and at least one grant contract with a noncommercial television station(s).

To request a full text of the RFP please contact:

Amy McQuaid-Swanson
Deaf and Hard of Hearing Services Division
Minnesota Department of Human Services
PO Box 64969
St. Paul, MN 55164-0969
Phone: (651) 431-2363
TTY: (651) 431-2364
E-mail: amy.mcquaid-swanson@state.mn.us

State Contracts

The proposal due date is 4:00 p.m. (Central Standard Time) December 16, 2005. Late proposals will not be considered. Faxed or email proposals will not be considered. This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation.

November 21, 2005

Department of Labor and Industry Notice of Request for Proposals to Develop Occupational License Exams and Provide Administration of Occupational License Exams for the Residential Construction Industry

The Minnesota Department of Labor and Industry, Residential Contractors Unit is soliciting proposals from qualified vendors to develop occupational license exams for five examinations within the residential construction industry and to provide occupational license exam administration. These services must be provided in accordance with the specifications provided in the Request for Proposal and applicable Minnesota laws and administrative rules regarding occupational licensing of individuals within the residential construction profession.

Proposals are due no later than 4:00 p.m. central standard time on Friday, December 30, 2005. To request a copy of the Request for Proposal, send an email request to Robin.Roscoe@state.mn.us or contact:

Robin Roscoe, Residential Contractors
Construction Codes & Licensing Division
Minnesota Department of Labor and Industry
443 Lafayette Road
St Paul, MN 55155
Phone: (651) 284-5804

Department of Transportation (Mn/DOT) 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 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 (Mn/DOT) Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities

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

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

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the 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 Council

Notice of Request for Proposals (RFP) for Actuarial Assessment

Contract Number 05P123

The Metropolitan Council is requesting proposals for the provision of actuarial assessment of post-employment health liability in accordance with generally accepted accounting principles.

<i>Issue Request for Proposals</i>	November 14, 2005
<i>Receive Proposals</i>	December 1, 2005
<i>Contract negotiated, executed, NTP</i>	December 30, 2005

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

Harriet Simmons, Senior Administrative Assistant,
Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
Phone: (651) 602-1068
Fax: (651) 602-1138
E-mail: harriet.simmons@metc.state.mn.us

Non-State Contracts & Grants

Metropolitan Council

Notice of Request for Proposals (RFP) for Design of Point Douglas Lift Station L-12 Improvements

Contract Number 05P116

The Metropolitan Council is requesting proposals for design and construction support services for the Point Douglas Lift Station L-12 Improvements.

<i>Issue Request for Proposals</i>	November 14, 2005
<i>Pre-Proposal Conference</i>	December 6, 2005
<i>Receive Proposals</i>	December 20, 2005
<i>Interviews</i>	January 6, 2006
<i>Evaluations Complete</i>	January 16, 2006
<i>Negotiations Complete</i>	January 20, 2006
<i>Contract negotiated, executed, NTP</i>	February, 2006
<i>Period of performance</i>	February, 2006 to August, 2008

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

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

Metropolitan Council - Metro Transit

Sealed Bids Sought for Automatic Parts Washer Procurement

The Metropolitan Council is soliciting sealed bids for the procurement of an Automatic Parts Washer for the Metro Transit Overhaul Base Facility. Bids are due at **2:00 PM** on December 15, 2005. 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

Metropolitan Council - Metro Transit

Sealed Bids Sought for Snow Removal Services

The Metropolitan Council is soliciting sealed bids for the procurement of Snow Removal Services at various Metro Transit locations. Bids are due at **2:00 PM** on December 8, 2005. 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

Ramsey County Regional Railroad Authority (RCRRA) Request for Proposals for Multimodal Transit Terminal Program Coordinator Services - RFP - RRA-29-3

Ramsey County Regional Railroad Authority (RCRRA) is soliciting proposals for Program Coordinator services for the Multi Modal Transit Terminal in downtown St. Paul, Minnesota. The Program Coordinator will work on the initial portion of Phase I of the project, which includes the return of Amtrak, intercity bus, Central Corridor light rail transit, and Metro Transit bus to serve the Concourse of the Union Depot. The Program Coordinator work will be focused on strategically implementing the project by managing the activities of consultants and contractors, and reporting to the RCRRA Director, Boards, and committees about their work. The scope of services required includes, but is not limited to, project management, committee coordination, consultant administration, managing federal, state and local regulations, processes and funding, user negotiation and land acquisition.

Pre-Proposal Conference	9:00 a.m.	01/18/06
Questions Due	4:00 p.m.	01/25/06
Proposals Due	2:00 p.m.	03/08/06

Proposals will be available after November 23, 2005 at the Contract and Analysis Division, Room 280 City Hall/Court House, 15 W. Kellogg Blvd, Saint Paul, MN 55102 or by calling (651) 266-8900.

NOTE: The consulting firm selected for the Program Coordinator Services will NOT be permitted to participate with any team submitting a proposal for the planning, environmental, design, engineering, or construction of the multi modal terminal.

University of Minnesota Subscribe to Bid Information Service (BIS)

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

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

