

State of Minnesota

State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;
Commissioners' Orders; Revenue Notices; Official Notices;
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**
Published every Monday (Tuesday when Monday is a holiday)

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State Register

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

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
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# 35	Monday 1 March	Noon Tuesday 23 February	Noon Wednesday 17 February
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State Office Building, Room 175,
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

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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. 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, but 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.

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 #40-52 inclusive, with final index (#1-52, or 53 in some years). 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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments. 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, 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 rule. 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 then is 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 Rule 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*.

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.

Minnesota Racing Commission

Proposed Permanent Rules Relating to Horse Racing

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

Proposed Amendment to Rules Governing Horse Racing, *Minnesota Rules*, 7869 Definitions; 7870 Licensure

Introduction. The Racing Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on March 24, 2010, the Commission will hold a public hearing in the Paddock Gardens Conference Room, Canterbury Park, 1100 Canterbury Road, Shakopee, Minnesota 55379, starting at 1:00 p.m. on Wednesday, April 7, 2010. To find out whether the Commission will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after March 24, 2010 and before April 7, 2010.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Richard Krueger at Minnesota Racing Commission, P. O. Box 630, Shakopee, MN 55379, **phone:** (952) 496-7950, **fax:** (952) 496-7954, and **e-mail:** richard.krueger@state.mn.us. TTY users may call the Racing Commission at 1-800-627-3529.

Subject of Rules and Statutory Authority. Early in 2008 the Commission expressed the need for a review of its Affirmative Action requirements contained in rule as they had not been reviewed since the early 1990's. This included continued compliance with acquiring, and the filing with the Commission, the certificate of compliance issued every two years by the Department of Human Rights and status reporting by its licensees. But the Commission was also concerned that its rules took into consideration recent requirements of the Americans with Disabilities Act and Disadvantaged and Emerging Small Businesses. The statutory authority to adopt the rules is *Minnesota Statutes*, section 240.23. Further statutory rulemaking authority, relating to the amendments contained herein, includes *Minnesota Statutes* 240.03 Commission Powers and Duties, *Minnesota Statutes* 240.19 Contracts, and *Minnesota Statutes* 240.23 Rulemaking Authority. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed and posted on the Commission's website at www.mrc.state.mn.us.

Comments. You have until 4:30 p.m. on Wednesday, March 24, 2010, to submit written comment in support of or in opposition to

Proposed Rules

the proposed rules or any part or subpart of the rules. Your comment must be in writing, and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. You must make your request for a public hearing in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, March 24, 2010. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. 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, the Commission will hold a public hearing unless a sufficient number of persons 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 affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

Modifications. The Commission may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Commission follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Commission encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Commission will cancel the hearing scheduled for April 7, 2010, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (952) 496-7950 after March 24, 2010 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Commission will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Commission will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen D. Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 600 North Robert Street, P. O. Box 64620, St. Paul, MN 55164-0620, **telephone:** (651) 361-7848, and **fax:** (651) 361-7936.

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

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

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the

Proposed Rules

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. It is now available from the agency contact person or on the Commission's website at: www.mrc.state.mn.us.

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

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Commission will submit the rules and supporting documents 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 either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

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

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

Dated: February 3, 2010

Richard G. Krueger, Executive Director
Minnesota Racing Commission

7869.0100 DEFINITIONS.

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

Subp. 2a. **ADA.** "ADA" means the Americans with Disabilities Act, United States Code, title 42, section 12101, et seq., as amended.

[For text of subps 3 to 69, see M.R.]

7870.0500 CONTRACT APPROVAL.

Subpart 1. **Contracts and subcontracts subject to prior commission approval.** All contracts entered into, renewed, or extended by Class A, B, and D licensees and their contractors for goods, services, and events occurring during the live race meeting are subject to prior approval by the commission. Licensees must submit contracts to the commission not less than seven days prior to a commission meeting. Contracts must include ~~affirmative action plans establishing goals and timetables consistent with *Minnesota Statutes*, chapter 363, where the contractor affirms compliance with the ADA; a current Certificate of Compliance, if applicable, issued by the Minnesota Department of Human Rights.~~ Contracts must include a statement by the contractor affirming compliance with the ADA, if applicable. All Class A, B, and D licensees must submit as soon as practicable to the commission the name and the address of the contractor or subcontractor, amount and duration of the contract or subcontract, and a description of the good or service provided. The commission shall determine whether the contract or subcontract may affect the integrity of pari-mutuel racing, and the commission shall notify the licensee whether the commission intends to review and approve or disapprove the contract or subcontract. In making a determination that a contract or subcontract may affect the integrity of racing, the commission shall consider the amount and duration; the extent to which the contractor or subcontractor will be on the premises of the licensee; the relationship of the contract or subcontract to security; opportunity for contact between the contractor or subcontractor and horses, horsepersons, or patrons; opportunity for the contractor or subcontractor to influence the management and conduct of pari-mutuel racing; contact with admission, pari-mutuel, concession, or purse money; and whether the commission has reason to believe that the contractor or subcontractor is incompetent, financially irresponsible, or not of good character. If notified of the commission's intention to review and approve or disapprove a contract or subcontract, the licensee shall promptly submit to the commission copies of any written contracts or subcontracts as well as any documentation, records, or information the commission may request with regard to the contract. If the commission notifies a licensee of the commission's intention to review and approve or disapprove a contract or subcontract, the contract or subcontract is not valid, nor is either of the parties bound by the contract until it has been approved by the commission. The commission shall approve or disapprove contracts and subcontracts within 30 days, as computed pursuant to *Minnesota Statutes*, section 645.15, after submission.

[For text of subps 2 to 10, see M.R.]

Proposed Rules

7870.0510 AFFIRMATIVE ACTION.

Subpart 1. **Economic opportunities for disadvantaged and emerging small business.** Class A, B, and D licensees are required, to the extent feasible, to establish the following goals to assist in providing economic opportunities for disadvantaged and emerging small businesses:

A. a minimum goal of ten percent for construction subcontract and material suppliers with disadvantaged and emerging small business enterprises during construction of the facility, and a labor and employment goal of ten percent for disadvantaged and emerging small business in on-site construction jobs with the exception of sole or single source suppliers; and

B. a minimum goal of 20 percent of its total vendor, supplier, and other contracts with disadvantaged and emerging small businesses for the postconstruction period within two years after completion of the initial construction with the exception of sole or single source suppliers.

Subp. 2. **Certificate of compliance.** Class A, B, and D licensees must obtain and file with the commissioner every two years a copy of a certificate of compliance from the Minnesota Department of Human Rights, according to *Minnesota Statutes*, chapter 363A.

Subp. 3. **Economic opportunities for disabled.**

~~A. Class A, B, and D licensees are required to comply with all provisions of the ADA.~~

~~B. Class A, B, and D licensees are required, to the extent feasible, to establish reasonable goals to assist in providing economic opportunities for disabled individuals. These affirmative action goals must be set with respect to the Class A, B, and D licensee's construction subcontracts/material suppliers during facility construction, on-site construction jobs, postconstruction labor force, postconstruction vendor, supplier and other contracts, and available equity ownership opportunities.~~

[For text of subp 4, see M.R.]

Subp. 5. **Definitions.** For the purpose of this part, the following words have the meanings given them.

~~A. "Disabled individual" means a person who has a physical or mental impairment which substantially limits one or more major life activities; it does not include an alcohol or drug abuser whose current use of alcohol or drugs renders that individual a hazard to the individual or others as defined by the ADA, who has a disability as defined by the ADA.~~

~~B. "Good faith effort" means a reasonable effort to accomplish goals and timetables, including posting all job openings at Minnesota workforce centers.~~

~~C. "Disadvantaged and emerging small business" means a business located within the state of Minnesota which employs 25 employees or less, has not had gross sales in excess of \$6,000,000 over the past three years, and has been in business at least one year. for profit, small business concern:~~

~~(1) that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and~~

~~(2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.~~

~~D. "Emerging small businesses" means a business:~~

~~(1) located in Minnesota that employs 100 employees or less;~~

~~(2) that has not had gross sales in excess of \$20,000,000 over the past three years; and~~

~~(3) that has been in business for at least one year.~~

~~E. "Sole or single source" means an acquisition where, after a search, only one supplier is determined to be reasonably available for the required product, service, or construction item.~~

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

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.

Department of Human Services (DHS)

Adopted Permanent Rules Relating to Physician Services - Obsolete Rule Repeal

The rules proposed and published at *State Register*, Volume 34, Number 13, pages 408-410, September 28, 2009 (34 SR 408), are adopted as proposed.

Minnesota Racing Commission

Adopted Permanent Rules Relating to Horse Racing

The rules proposed and published at *State Register*, Volume 34, Number 6, pages 179-185, August 10, 2009 (34 SR 179), are adopted with the following modifications:

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subp. 13. **Outrider.** ~~The~~ Outriders shall be responsible for the orderly conduct of horses on the race course during training and racing hours, as specified in the following paragraph.

At the thoroughbred/quarterhorse track, the outriders shall be present on the race course, mounted and ready to assist in the control of any unruly horse or to recapture any loose horse, at all times that horses are permitted on the race course; ~~for thoroughbred, quarterhorse, arabian racing, and for harness racing during racing periods.~~ Outriders are required for harness racing during racing periods but are not required during training hours.

The outriders shall escort to the post all horses starting in any race, and shall remain on duty until all horses on that program have been returned to their handlers.

Each outrider must comply with part 7877.0170, subpart 10, for each pony horse in his or her care.

7890.0120 REPORTING PROCEDURES.

Subpart 1. **Veterinarians must keep records.** Veterinarians must submit daily to the commission veterinarian, in writing on a prescribed form, a report of all horses treated. The form shall contain the date and time, name of horse treated, trainer of horse, any medications, drugs, substances (as provided in part 7890.0100, subpart 13, items A to D), or procedures prescribed, administered, dispensed, or performed for horses registered at a current race meeting, and any other information requested by the commission veterinarian. The form must be filed by the treating veterinarian not later than post time of the race for which the horse is entered. The form shall be signed by the treating veterinarian. The form is considered ~~confidential~~ private and its content shall not be disclosed except in the course of an investigation of a possible violation of chapters 7869 to 7899, or in a proceeding before the stewards or commission, or to the trainer or owner of record at the time of treatment. A timely and accurate filing of the form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

7892.0120 TAKING OF SAMPLES.

Subp. 5. **Split samples.**

A. A portion of the sample from each horse tested, after a sufficient amount has been sent to the official laboratory, must be

Adopted Rules

preserved by the commission. ~~It must be available for testing at the request of a person accused of a violation of chapter 7890.~~ In the absence of urine for split sample testing, urine from the original testing laboratory, if available, may be sent to the designated split sample laboratory for analysis. ~~It must be available for testing at the request of a person accused of a violation of chapter 7890.~~ The commission shall approve a list of laboratories which may provide split sample testing. From this list, a person accused of a violation of chapter 7890 shall designate the laboratories in descending order of preference. The sample must be sent to the laboratory given the highest preference and that is capable of testing for the substance within 14 days. The commission veterinarian shall have overall responsibility for the storage, safeguarding, and shipment of the split sample and for the receipt of results from the drug testing laboratory to which the sample was sent.

7897.0100 PROHIBITED ACTS.

Subp. 20. Possession or use of a drug, substance, medication, biological product, or venom.

A. No person may possess or use a drug, substance, medication, biological product, or venom on the premises of a facility under the jurisdiction of the commission:

(2) the use of which may endanger the health and welfare of the horse or endanger the safety of the rider; ~~or,~~

(3) ~~the use of which may adversely affect the integrity of racing.~~

B. No person may possess or use ~~a drug, substance, medication, biological product, or venom,~~ on the premises of a facility under the jurisdiction of the commission, a drug, substance, medication, biological product, or venom that has not been approved by the United States Department of Agriculture (USDA) or the FDA for any use in human or animal without prior permission of the stewards and commission veterinarian.

7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.

Subp. 4. **Review or appeal by commission, director, or deputy director.** Nothing in this chapter precludes the commission, director, or deputy director from instituting proceedings to appeal a ~~stewards' steward's~~ steward's decision; ~~or the commission from instituting proceedings to review a steward's decision on its own motion.~~

Exempt Rules

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

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

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

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

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.

Minnesota Office of Higher Education Adopted Permanent Exempt Rules Governing Private Career Schools

4880.1700 APPLICATION FOR LICENSURE.

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

Subp. 4. **Program.** A program is a course or a grouping of courses that is advertised or listed in the school's catalog, brochures, electronic display, or other publications, or for which the school grants a ~~degree, diploma, or certificate, or other formal recognition that does not confer a degree.~~ A program is the same as a "course of instruction." For each program, the school must provide the following information:

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

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

4880.2500 CATEGORIES OF CHAPTER 141 SCHOOLS.

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

Subp. 2. **Categories of schools.** Schools licensed under *Minnesota Statutes*, chapter 141, must qualify under one of the ~~three~~ two following categories of schools:

A. A category A school must, for reporting purposes, satisfy all of the licensure requirements under parts 4880.1500 to 4880.2800 and *Minnesota Statutes*, chapter 141.

B: A category B school must, for reporting purposes, satisfy all of the licensure requirements under parts 4880.1500 to 4880.2800, *Minnesota Statutes*, chapter 141, and meet all of the following conditions:

(1) the school must offer at least one program for which a degree is granted to those who successfully complete the prescribed curriculum. A majority of the school's graduates must be graduates of its degree programs or programs where each course within that program is acceptable for full credit toward one of the degrees offered by the school;

(2) the school must verify that it has achieved full institutional reaccreditation with an accreditation agency recognized by the United States Department of Education; and

(3) the school must provide evidence that there has been no determination of limitation, suspension, or termination by the United States Department of Education within the past five years.

C: B. A category B school must, for reporting purposes, satisfy all of the licensure requirements under parts 4880.1500 to 4880.2800, *Minnesota Statutes*, chapter 141, and meet all of the following applicable performance indicators:

(1) the school must verify that it has achieved full institutional reaccreditation with an accreditation agency recognized by the United States Department of Education;

Exempt Rules

(2) the school must have a cohort default rate equal to or less than an average of 15 percent for the previous three consecutive years, as calculated by the United States Department of Education;

(3) the passing rate of the school's graduates on licensure or other certification examinations must be equal to or greater than 85 percent of the national or state passing rate, based on a minimum of ten graduates sitting for the examination in any one year;

(4) the school must have a placement rate equal to or greater than 70 percent, based on a minimum of ten graduates from the school in any one year;

(5) the school's withdrawal rate for the three most recent consecutive years, as established by the *Code of Federal Regulations*, title 34, section 668.16, paragraph (1), must not exceed 33 percent;

(6) the school must receive a satisfactory audit by the office for the three most recent consecutive years. The school must provide evidence that it has adhered to:

(a) the refund policy as specified in *Minnesota Statutes*, section 141.271, or that any discrepancies noted by each audit report have been corrected within 90 days of issuance of the report to the school; and

(b) the requirement for student records pursuant to *Minnesota Statutes*, chapter 141, including acceptable academic transcripts and student financial account records, or that any discrepancies noted in an audit report have been corrected within 90 days of issuance of the report to the school;

(7) the school must provide evidence that there has been no determination of limitation, suspension, or termination by the United States Department of Education during the past five years; and

(8) the school must verify annually there have been no unresolved student complaints related to *Minnesota Statutes*, chapter 141, or its attendant rules during the preceding 12 months immediately prior to the relicensure notification from the office. The office will notify a school in writing when the office has determined that a student complaint has been resolved.

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

REPEALER. *Minnesota Rules*, parts 4880.2600; and 4880.2800, are repealed.

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 270C.07.

KEY: Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

Department of Revenue

Modification of Revenue Notice # 01-06: Mortgage Registry Tax – Exemption for Mortgages that Secure Qualifying Agricultural Loans

Introduction

A mortgage registry tax exemption was enacted in 2001 and amended in 2009 for mortgages securing loans that are used to acquire or improve certain types of agricultural real property. This Revenue Notice provides guidance on the applicability of the exemption. The exemption is set forth in *Minnesota Statutes*, section 287.04, clause (i), as follows:

an agricultural mortgage if the proceeds of the loan secured by the mortgage are used to acquire or improve real property classified under *Minnesota Statutes*, section 273.13, subdivision 23, paragraph (a) ~~or~~ (b); ~~clause (1), (2), or (3).~~

The amended version of the exemption is effective for mortgages that are both acknowledged and recorded after May 16, 2009. Acknowledged means that the mortgage document has been notarized.

Department Positions

1. Definition of Agricultural Mortgage

For the purposes of this exemption, a mortgage is an agricultural mortgage to the extent that it secures a loan intended to be used to acquire or improve qualifying real property, and the qualifying real property is further intended to be used for the production of agricultural products as defined in *Minnesota Statutes*, section 273.13, subdivision 23, paragraph ~~(e)~~ (i).

Thus, if the intent of the loan is to finance the acquisition of qualifying real property that will be converted to a non-agricultural use, or if the proceeds are intended to be used to improve qualified real property in a way that converts its use to a non-agricultural use, the mortgage is not exempt. Similarly, if the proceeds of a loan are used, or are intended to be used, to acquire or improve a house, a residential-use garage, or the immediately surrounding one acre of land, the mortgage will not be exempt, even if the house, garage and acre of land are part of an agricultural homestead.

2. Definition of Acquire

For the purpose of this exemption, a loan is used to acquire real property if the proceeds are used to purchase real property. Loans used to finance the leasing of real property are not included in this definition.

3. Definition of Improve

A loan is used to improve real property to the extent that the proceeds of the loan are used to: (i) construct or improve buildings ~~and~~ or fences used for agricultural purposes; or, (ii) improve the land itself by financing ditching, draining, grubbing, clearing, breaking, or any other necessary or useful improvement which is of permanent value to the land and which is related to preparing the land, or enhancing its utility, for the production of agricultural products. Expenditures for both the involved labor, as well as any associated materials that are either consumed in the performance of the labor or permanently incorporated into the land, are included. Improvements are betterments that change the character of real property by increasing its value, extending its useful life, or adapting it to a new use. The exemption does not apply to mortgages that secure loans used to make repairs. Repairs are work done to property to keep it in good order or maintain its current value.

4. Definition of Real Property

For purposes of this exemption, real property includes the land itself, and all buildings, structures, or fixtures on it. Real property does not include tools, implements, machinery, or equipment attached to or installed in the real property, regardless of size, weight, or method of attachment.

Revenue Notices

Therefore, if the proceeds of a loan are used to acquire things that are not real property, ~~things~~ such as seeds, fertilizer, or farm implements, the associated mortgage is not exempt. Similarly, if the proceeds of a loan are used to improve property that is not real property, such as when a loan is used to increase the capacity of a portable grain dryer, the associated mortgage is not exempt.

5. Current Classification of Property Being Acquired or Improved

For the purposes of this exemption, the acquired or improved real property must be classified as agricultural property under *Minnesota Statutes*, section 273.13, subdivision 23, paragraph (a), ~~or (b), clause (1), (2), or (3)~~; at the time the mortgage is presented for recording. ~~*Minnesota Statutes*, section 273.13, subdivision 23, paragraph (a), is the property tax classification statute for homesteaded agricultural land and improvements. Paragraph (b), clauses (1) and (2), are property tax classification provisions for timberlands; and, paragraph (b), clause (3), is the property tax classification provision for non-homestead agricultural real property. *Minnesota Statutes*, section 273.13, subdivision 23, paragraphs (a) and (b), is the property tax classification statute for homestead and nonhomestead agricultural real property.~~ The most recent valuation notice for the property issued under *Minnesota Statutes*, section 273.121 may be used to document the current classification of the property. However, this method may not be used prior to the issuance of the valuation notice for the current assessment year if the classification of the property was changed for the current assessment year.

6. Mixed-purpose and Re-financing Loans

Mortgages that secure re-financing loans are entitled to the exemption if the proceeds from the re-financing loan are used to pay-off a prior loan that was used to improve or acquire qualifying real property.

Pro-ration of the exemption is required in cases where the mortgage secures a mixed-purpose loan. If only a portion of the loan proceeds are used for exempt purposes, the tax applies to the remaining principal debt amount.

7. Required Documentation

The mortgagor or mortgagee, or both, must provide a signed statement to document the fact that they have claimed this exemption. The statement may either be incorporated into the body of the mortgage or, the statement may be made in a separate document that is attached to, and recorded as a part of, the mortgage to which it relates.

8. Effective Date

~~The exemption is effective for mortgages that are both acknowledged and recorded on or after August 1, 2001. For the purpose of this effective date, acknowledged means that the mortgagor has signed a notarized statement appearing within the mortgage stating that they caused the mortgage to be prepared, and have signed it, for the purposes stated therein.~~

~~Dated: 29 October, 2001~~

Jennifer Engh
Assistant Commissioner for Tax Policy

Publication Date: February 22, 2010

ELIZABETH KADOUN, Assistant Commissioner
for Tax Policy and External Relations

Department of Revenue

Modification of Revenue Notice # 92-24: Sales and Use Tax – Laundry and Dry Cleaning Services

~~*Minnesota Statutes*, section ~~§ 297A.01, subd. 3(i)(i)~~ 297A.61, subd. 3(g)(6)(i) taxes laundry and dry cleaning services which include “cleaning, pressing, repairing, altering, and storing clothes, linen services and supply, cleaning and blocking hats, and carpet, drapery, upholstery, and industrial cleaning.”~~

Laundry and dry cleaning taxable services include dyeing; leather and suede cleaning, repairing, and storing; fur (natural and synthetic) cleaning, repairing, and storing; and bed spread, pillow sham, and pillow cleaning services. Nontaxable services include the design or sewing of new clothes by a tailor or seamstress, diaper services, the custom making of shoes, and shoe repair, dyeing, stretching, and shining. While separately stated alteration charges are taxable, clothing alterations that are included in the purchase price of an item are not taxable.

Revenue Notices

Linen services and supply includes the renting or furnishing of laundered items such as uniforms, gowns, coats, shirts, table linens, towels and toweling to both commercial and household ~~users~~ customers on either a one-time or ongoing contractual basis. Linen ~~service and supply companies which rent items to customers~~ may purchase such items exempt from tax for the purpose of resale. Linen service and supply companies may also purchase materials that are used or consumed in providing the service including materials used to launder or maintain the items being rented or furnished to its customers exempt from sales and use tax. ~~These companies must provide the supplier with a properly completed resale exemption certificate.~~

Carpet, drapery, and upholstery cleaning services include vacuuming, shampooing, deodorizing, pressing, and applying fabric protector. These services are taxable whether performed on the customer's premises or elsewhere.

Industrial cleaning services include supplying laundered or dry cleaned work uniforms, and supplying wiping towels, safety equipment (gloves, flame resistant clothing, etc.), dust control items such as treated mats or rugs, mops, dust covers for tools and cloths, and other items to industrial or commercial users. These items may belong to either the industrial launderer or to the customer.

~~Service providers must pay tax on items purchased for use in their services. For example, they must pay tax on the purchase of solvents, soaps, detergents, spotting compounds, water repellents, disinfectants, fabric softeners, starch, dyes, mat compounds, fire repellent compounds, marking tags, hangers, plastic bags, water, utilities, equipment, and supplies. However, clothing repair materials such as zippers and buttons remain exempt from tax.~~

~~These taxable Laundry and dry cleaning services can be purchased for resale when a proper exemption certificate is provided by the vendor. For example, a clothing retailer may contract with a tailor to provide alterations on sales of new clothing. If the alteration charges are included as a part of the sales price of the clothing, no sales tax is due since clothing are tax exempt. However, the charge is taxable when separately stated on the billing to the customer.~~

~~Minnesota Statutes, section 297A.68, subd. 3, provides an exemption for materials used in providing certain taxable services, including laundry and dry cleaning services. The exemption includes, but is not limited to, the purchase of solvents, soaps, detergents, spotting compounds, water repellents, disinfectants, fabric softeners, starch, dyes, mat compounds, fire repellent compounds, marking tags, hangers, plastic bags, water used in providing the service, utilities to operate the equipment, and chemicals used to treat waste generated as a result of providing the service. This exemption has been in effect since July 1, 1999 for laundry and dry cleaning services, including linen supply services provided on an ongoing contractual basis.~~

~~The new position taken by the Department of Revenue and set forth in this revenue notice is that renting or furnishing laundered items to customers on a one-time basis is considered a linen supply service under Minnesota Statutes, section 297A.61, subd. 3(g)(6)(i). The renting or furnishing of laundered items to customers on a one-time basis is no longer considered rental of tangible personal property. Materials used in providing taxable linen supply services on a one-time basis are exempt under Minnesota Statutes, section 297A.68, subd. 3, effective for purchases made on or after the date of publication of this revenue notice.~~

~~Dated: November 30, 1992~~

~~Michael E. Boekhaus, Director
Appeals, Legal Services &
Criminal Investigation Division~~

~~Publication Date: February 22, 2010~~

~~ELIZABETH KADOUN, 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 meeting and matters of public interest.

Important Notices of Meetings and Announcements

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Minnesota State Agricultural Society (Minnesota STATE FAIR) Meeting of the Board of Managers March 1, 2010

MINNESOTA STATE FAIRGROUNDS – The Minnesota State Agricultural Society board of managers will meet at 9 a.m. Monday, March 1 at the Libby Conference Center on the State Fairgrounds. The session opens with a meeting of the board's sales committee. A general business meeting will follow. The Society is the governing body of the Minnesota State Fair. Agendas are available upon request by calling the Minnesota State Fair at (651) 288-4400.

The 2010 Minnesota State Fair will run Aug. 26 through Labor Day, Sept. 6.

Department of Transportation (Mn/DOT) Engineering Services Division Office of Construction Notice of Suspension

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be suspended effective December 23, 2009, for a period of sixty (60) days:

- Joseph Edward Riley, Morris MN
- John Thomas Riley, Morris MN
- Riley Bros. Companies Inc. and its affiliates, Morris MN
- Riley Bros. Construction Inc. and its affiliates, Morris MN

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.

Great Business Opportunities

The *State Register* is one of the best ways to advertise your grants - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of ALL the current rules, a growing INDEX, and previous years' indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

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Department of Health (MDH)

Environmental Health Division

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

The Drinking Water Revolving Fund provides below market rate financing for public water system improvements. The first step toward obtaining a loan is to request a project be placed on the Project Priority List (PPL). Requests must be **received by 4:30 p.m., Friday, May 7, 2010.**

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

New this year is that approval is being sought from the Minnesota Legislature to provide 25% principal forgiveness (grants) up to \$1 million for projects that additionally save water, energy, or are environmentally innovative. Priority will be based on priority list ranking, so not all projects will receive principal forgiveness.

For PPL instructions, a general program overview, and to see an example of a simplified proposal go to:

www.health.state.mn.us/water/dwrf/.

- or -

Call: (651) 201-4658

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.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600

\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;

\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and

anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar day.

State Contracts Open for Your Bids

The state spends about \$2 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

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Minnesota State Colleges and Universities (MnSCU)

Anoka Technical College

Opportunity for Proposal on Purchase of New or Used Shear & Acceptance of Trade

GENERAL STATEMENT/SCOPE:

Request for Proposal is for the purchase cost of either a new or used shear, for the Anoka Technical College Welding Program. Proposal must include the amount the vendor will honor for trade-in of the Anoka Technical College used shear.

Provide estimate on all incoming freight/delivery/rigging charges for purchase of new or used shear as well as the outgoing freight/delivery/rigging charges for removal of the trade in equipment (including loading and unloading of new or used and trade in equipment off of and onto the truck.)

Provide delivery timeline for new or used equipment as well as timeline for removal of trade-in.

TO RECEIVE A COMPLETE COPY OF THE PROPOSAL REQUEST/SPECS, PLEASE CONTACT PAMELA MOGENSEN at (763) 576-4785.

Proposals must be sealed with a notation on the outside of the envelope stating: "SHEAR PROPOSAL – DELIVER IMMEDIATELY".

Mail or deliver (faxes will not be accepted) sealed proposal by TUESDAY, MARCH 2, 2010, NO LATER THAN 10 AM CST to:

Anoka Technical College
Purchasing Office, Attn. Pam Mogensen
1355 West Highway 10
Anoka, Minnesota 55303
Phone: (763) 576-4785

PROPOSAL CLOSE DATE IS MARCH 2, 2010 – 10 A.M. CST

Minnesota State Colleges and Universities (MnSCU) Minneapolis Community and Technical College Sealed Bids Sought for Childhood Development Remodeling - Helland Center

Sealed Bids for: Childhood Development Remodeling
Helland Center
Minneapolis Community and Technical College
Minneapolis, Minnesota

will be received by: Valerie Frolov
Room T0600, T-Building
Minneapolis Community and Technical College
Minneapolis, Minnesota 55403

Until 2:00 pm, local time, March 9, 2010, at which time the bids will be opened and publicly read aloud.

Project Scope: Selective remodeling of approximately 3,000 SF of existing space into a Demonstration Lab, Creative Lab and General Classroom for Childhood Development education on the lower level of the Helland Center at the Minneapolis campus of Minneapolis Community and Technical College. Scope of work to include: demolition, HVAC and electrical modifications including lighting; partitions consisting of gypsum board and metal framing; miscellaneous carpentry and architectural casework; acoustical ceiling panels and grid; hollow metal frames and wood doors; resilient flooring/carpet and paint.

A **MANDATORY** Pre-Bid Meeting will be held at 1:00 PM, Thursday, February 25, 2010, in Room S-1400; Health Science Building; Minneapolis Community and Technical College. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer; LHB, Inc., are on file at the offices of the Minneapolis Office, (612) 338-2029:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges: St. Paul and Minneapolis
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

LHB, Inc.
250 Third Avenue North, Suite 450
Minneapolis, Minnesota 55401
Phone: (612) 338-2029
Fax: (612) 338-2088

State Contracts

A deposit of **\$50.00** is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them may send a separate non-refundable payment (check made out to the Architect) for **\$10.00** per set for shipping & handling (in addition to the **\$50.00** deposit) to the Architect. Such deposits and payments may be received prior to March 2, 2010. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

Minnesota State Colleges and Universities (MnSCU) Minneapolis Community and Technical College Advertisement for Bids for Kopp Hall Floor 3 Remodel

Sealed Bids for: **Kopp Hall Floor 3 Remodel**
Kopp Hall
Minneapolis Community and Technical College
Minneapolis, Minnesota

will be received by: **Valerie Frolov**
Room T0600, T-Building
Minneapolis Community and Technical College
Minneapolis, Minnesota 55403

Until 2:00 pm, local time, March 16, 2010, at which time the bids will be opened and publicly read aloud.

Project Scope: Selective remodeling of approximately 13,000 SF of existing space into classrooms, offices and associated spaces on the third level of Kopp Hall at the Minneapolis Campus of Minneapolis Community and Technical College. Scope of work to include: demolition, HVAC and electrical modifications including lighting; partitions consisting of gypsum board and metal framing; miscellaneous carpentry and architectural casework; acoustical ceiling panels and grid; hollow metal frames and wood doors; carpet tile (labor only) and paint.

A **MANDATORY Pre-Bid Meeting** will be held at 12:00 PM, Tuesday, March 2, 2010, in Room K3360; Kopp Hall Building; Minneapolis Community and Technical College. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer; Kodet Architectural Group, Ltd, **phone:** (612) 377-2737, are on file at the offices of the:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges: St. Paul and Minneapolis
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

Kodet Architectural Group, Ltd.
15 Groveland Terrace
Minneapolis, MN 55403

Phone: (612) 377-2737

Fax: (612) 377-1331

1. Bid Sets will be available during normal working hours and upon receipt of a payment of \$200 per set to cover the cost of printing, all of which shall be refunded to all plan holders, providing said plans and specifications are returned within fourteen days of bid opening in good condition. A nonrefundable \$50.00 charge, in the form of a separate check, is required per set for postage and handling if a prospective Bidder requires the documents to be mailed. Documents will be sent to street addresses only (P.O. Boxes not acceptable). Plans will be available starting February 24, 2010. Such deposits and payments may be received prior to this date.

2. A CD with the drawings and specifications will be available upon receipt of a payment of \$50.00 per set to cover the cost of printing, all of which shall be refunded to all planholders, providing CD is returned within fourteen days of bid opening in good condition. A nonrefundable \$15.00 charge, in the form of a separate check, is required per set for postage and handling if a prospective Bidder requires the documents to be mailed. Plans will be available starting February 24, 2010. Such deposits and payments may be received prior to this date.

Each bid which totals over \$15,000 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

Minnesota State Colleges and Universities (MnSCU)

Office of the Chancellor

Notice of Availability of Request for Proposal (RFP) for Update of GIS / Campus Boundary Mapping

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of the Office of the Chancellor, is soliciting proposals from interested, qualified consultants to assist in providing the GIS professional services and updating the system-wide real estate inventory and the creation of a new layer to show Revenue Fund buildings.

A full Request for Proposal is available on the Minnesota State Colleges and Universities website,

<http://www.finance.mnscu.edu/facilities/index.html>.

Click on "Announcements." A copy of the standard Professional/Technical Services contract is available at

<http://www.finance.mnscu.edu/contracts-purchasing/contracts/forms/index.html>, item #5.

Sealed proposals must be delivered to the Minnesota State Colleges and Universities, Office of the Chancellor, Wells Fargo Place, 30 - 7th St. E, Suite 350, St. Paul, MN 55101 not later than 4:00 p.m. CT, March 22, 2010. Late responses will not be considered.

Minnesota State Colleges and Universities are not obligated to complete the proposed project and reserve the right to cancel the solicitation if it is considered to be in its best interest.

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Normandale Community College

Request for Bids for Printing Normandale Magazine Spring 2010 Edition

Response due date and time: Signed Sealed Bids Due, Thursday, February 25th, 2010, 11 A.M. CST

Response location: Normandale Community College, Attn: Terry Pelzel, Purchasing Coordinator Room C1092, 9700 France Ave S., Bloomington MN 55431

Solicitations for this RFB

Contact Name: Mary Solverson, Marketing

Phone: (952) 487 8192

Fax: (952) 487 8101

E-mail: *mary.solverson@normandale.edu*

Minnesota State Colleges and Universities (MnSCU)

Normandale Community College

Request for Proposals for Microsoft Communications System and Services

A full copy of this RFP Solicitation can be found on the Normandale Website: <http://www.normandale.edu/rfp/its1>. Vendors should check the website frequently and are expected to review information posted carefully before submitting a final proposal.

Normandale Community College's Agent for the purpose of responding to this proposal is

Name: Matthew Netland

Room: L1706

Title: Communications Specialist

Address: 9700 France Ave S.

Bloomington, MN 55431

Telephone: (952) 487-8167

Fax: (952) 487-8167

E-mail Address: *matthew.netland@normandale.edu*

RFP RESPONSES: Signed Sealed Proposals must be received at the above address not later than 2:00 P.M. CST, March 9th, 2010 Attn: Matthew Netland and clearly marked MICROSOFT COMMUNICATIONS SYSTEM AND SERVICES RFP ENCLOSED.

Minnesota Department of Human Services (DHS)

Health Services and Medical Management Division

Notice of Request for Proposals to Model, for Implementation Purposes, the Resource Based Relative Value Score (RBRVS)

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to model, for implementation purposes, the Resource Based Relative Value Score (RBRVS).

Work is proposed to start May 1, 2010. For more information, or to obtain a copy of the Request for Proposal, contact:

Sandy Burge

Health Care Operations Division
Department of Human Services
P.O. Box 64993
444 Lafayette Road North,
St. Paul, MN 55155-0993
Phone: (651) 431-3284
Fax: (651) 431-7438
E-mail: *sandy.burge@state.mn.us*

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **2:30 p.m., Central Daylight Time, April 1, 2010. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

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

Department of Natural Resources (DNR) Notice of Availability of Contract for LiDAR Data Collection and Processing Services

Amount of Proposed Contract: \$7,000,000.00
CERTIFICATION # 21050

The Minnesota Department of Natural Resources is requesting proposals for the development of high accuracy elevation data using Light Detection And Ranging (LiDAR) systems. This technology uses advanced laser ranging devices combined with high accuracy Global Position System (GPS) and aircraft Inertial Measurement Units (IMU) to achieve a high degree of accuracy and precision for measurements of the elevation of the earth's surface.

Work is proposed to start after April 1, 2010.

The Request for Proposal can be obtained from:

Julie Johansen
Management Resources
Department of Natural Resources
500 Lafayette Road, Box 29
St. Paul, MN 55155-4029
Fax: (651) 297-5818
E-mail: *Julie.johansen@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:30 PM, Central Time, Monday, March 1, 2010, as indicated by a notation made by the Receptionist, 4th Floor, 500 Lafayette Road, St. Paul, MN.

Late proposals will NOT be considered. Fax or e-mailed proposals will **NOT** be considered.

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

State Contracts

Department of Natural Resources (DNR)

Division of Parks and Trails

Notice of Availability of Contract for Oak Savanna Educational Exhibits

The Minnesota Department of Natural Resources, Division of Parks and Trails is requesting proposals for the purpose of design, build, deliver, and install indoor low-tech interactive exhibits based on one connecting theme with five theme elements at Sibley State Park, New London, MN.

Work is proposed to start after April 20, 2010.

A Request for Proposals will be available by mail from this office through March 15, 2010. **A written request by direct mail or email is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Robert Beck, Regional Naturalist
Division of Parks and Trails
Minnesota Department of Natural Resources
261 Hwy 15 South
New Ulm, MN 56073
Phone: (507) 359-6062
Cell: (507) 766-5004
E-mail: *bob.beck@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:00 p.m., Central Time, March 23, 2010 **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

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

Department of Natural Resources (DNR)

Notice of Availability of Contract to Acquire Contract Services of an Amphibious AT-802F "Fire Boss" Aircraft Operated by a Qualified Pilot, and Equipped to Meet Specifications for Use in Protection of Minnesota's Lands from Wildfire

Amount of proposed contract: \$350,000.00
CERTIFICATION #21091

The Minnesota Department of Natural Resources is requesting proposals to the purpose of protecting lands from wildfire.

Work is proposed to start after April 1, 2010.

A Request for Proposals will be available by mail from this office through February 22, 2010. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After February 22, 2010, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Sheldon Mack, MN DNR Wildfire Aviation Supervisor
MN-DNR - MIFC
402 S.E. 11th Street
Grand Rapids, MN 55744

E-mail: *Sheldon.Mack@state.mn.us*

Telephone: (218) 327-4574

Fax: (218) 327-4527

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **2:00 p.m., Central Time, February 26, 2010. Late proposals will NOT be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Juanita Voigt at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop 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 awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to 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 for application. Applications are accepted on a continual basis. All expenses are 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 applications forms are available on Mn/DOT's Consultant Services web site at: *<http://www.dot.state.mn.us/consult>*.

Send completed application material to:

Juanita Voigt
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, MN 55155

State Contracts

Department of Transportation (Mn/DOT)

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

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. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

Non-State Bids, 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.

Bring More Business to Your Clients

The *State Register* offers one of the cheapest, yet far reaching methods, of notifying the public about your agency's bids, contracts and grants. It is available to any government, non-profit, or private agency. Space is charged at the current rate of \$13.60 per each 1/10th of a page used in the *State Register*. Agencies are only billed for the space used in the *State Register*.

Agencies wishing to take advantage of this offer should submit what you want printed in the *State Register* via e-mail to: robin.panlener@state.mn.us. Attach to your entry a short note indicating when you wish the notice to be published (one, or many dates), if you want a copy of the issue your notice appears in (a TEAR SHEET will be sent free with your bill), and whether you want an "Affidavit of Publication."

Non-State Bids, Contracts & Grants

Hennepin County

Metro County Consortium

Request for Proposals for Providing all Administrative Non-emergency Access Transportation Services for Medical Assistance/General Assistance and MinnesotaCare Clients

NOTICE IS HEREBY GIVEN that Hennepin County, on behalf of the Metro County Consortium (MCC) is pleased to announce the release of a Request for Proposals (RFP) for the provision of all administrative non-emergency Access Transportation Services (ATS) for Medical Assistance/General Assistance and MinnesotaCare clients residing in the eight county metro area effective July 1, 2010 for a term of up to five and one-half years with annual rate negotiations.

The purpose of this RFP is to obtain certain administrative Non-Emergency Medical Transportation (NEMT) services (see DHS Bulletin #10-21-02) in the Twin Cities metro area for MA/GAMC and MinnesotaCare clients who are not in the Prepaid Medical Assistance Program (PMAP). It will also include transportation services not included in PMAP for MA/GAMC and MinnesotaCare clients who are in the PMAP program. The eight metro counties that make up the consortium include Anoka, Chisago, Dakota, Hennepin, Isanti, Ramsey, Sherburne, and Washington.

The MCC is hereby soliciting proposals from qualified organizations through a competitive procurement process for the brokerage of non-emergency medical transportation services in the Twin Cities Metro Area. These services include:

- coordination, management, and delivery of ATS services effective July 1, 2010;
- authorization of trips over 30 miles one-way in the Metro area.

The important dates concerning this RFP are as follows:

Date(s)	Milestone
Feb. 17, 2010	RFP released
Mar. 1, 2010	Pre-proposal conference in Ramsey County Written Questions Due
Mar. 15, 2010	Responses to written questions
April 2, 2010	Proposals due
April 5-26, 2010	MCC evaluates Proposals
Apr 27, 2010	Mail out letters of intent to negotiate to successful bidder/s
Contract Start Date	No later than July 1, 2010
July 1, 2010	Services Begin Date

The MCC reserves the right to revise this schedule and will notify potential bidders who have submitted letters of intent by March 15, 2010 of any changes in the schedule.

For detailed information:

Hennepin County Internet:

<http://www.hennepin.us/portal/site/HennepinUS/menuitem.b1ab75471750e40fa01dfb47ccf06498/?vgnnextoid=130b4d9cc99c6210VgnVCM10000049114689RCRD>

Questions should be addressed to:

All communications with the MCC regarding this RFP and its content should be directed to the principal point of contact. Any questions related to the RFP shall be in writing and addressed to the principal point of contact. Any responder who communicates with any other employees or contractors of the MCC concerning this RFP after its issuance may be disqualified from this procurement.

Dan Engstrom, Assistant County Administrator
Human Services and Public Health Department
Suite A-23, Government Center
Hennepin County
300 South Sixth Street

Non-State Bids, Contracts & Grants

Minneapolis, MN 55487

Fax: (612) 348-8228

Telephone: (612) 348-4806

E-mail: dan.engstrom@co.hennepin.mn.us

We will look forward to your participation in this process. Thank you for your time and attention

Hennepin County Regional Railroad Authority Request for Proposals for the Development of Strategic Plans for Five Proposed Minneapolis LRT Stations

The Hennepin County Regional Railroad Authority (HCRRA), in cooperation with the City of Minneapolis, is issuing a Request for Proposals (RFP) for the development of Strategic Plans for the five proposed Minneapolis stations along the proposed locally preferred alternative for the Southwest Light Rail Transit line: Royalston, Van White, Penn, 21st Street, and West Lake. This work is considered to be part of the project development process not the environmental process for the Southwest LRT line.

The RFP can be downloaded from the Southwest LRT website: www.southwesttransitway.org, or is also available by email or mail by contacting:

Adele Hall
Hennepin County Transit
417 N. Fifth Street
Minneapolis, MN 55401
E-mail: adele.hall@co.hennepin.mn.us

Proposals must be received no later than 4:30 p.m. Central Daylight Time (CDT), Friday, March 12, 2010. The HCRRA reserves the right to reject late responses.

Complete details regarding submission requirements are included within the Request for Proposal.

City of Northfield Request for Proposals for Architect-Engineering Services Related to the Design of a Police Station and a Fire Station

NOTICE IS HEREBY GIVEN that proposals will be received by the City Council of the City of Northfield, Rice County, Minnesota, at the office of the City Clerk, Northfield City Hall, 801 Washington Street, Northfield, MN 55057 until 5:00p.m., Central Time on Wednesday March 10, 2010, said proposals to be for the services related to Design of a Police Station and a Fire Station.

Major Items:

Architect-Engineering Services Related to the Design of a Police Station and a Fire Station

Plans and specifications, proposal forms may be seen at the Office of the Public Works Operations Engineer, 1710 Riverview Drive, Northfield, MN 55057 or at: http://www.ci.northfield.mn.us/whatsnew/works/2010/02/11/rfp_for_architectengineer_services.

Payment for the work will be by check.

Consultants desiring a copy the proposal forms may obtain them from the office of the Public Works Operations Engineer, 1710 Riverview Drive, Northfield, MN 55057.

Non-State Bids, Contracts & Grants

The Council reserves the right to reject any and all bids, waive irregularities and informalities therein and further reserves the right to award the contract for the best interests of the City.

Deb Little, City Clerk

University of Minnesota (U of M) Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24-hour/day, 7-day/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.

Washington County Public Works Department Request for Proposals for Strategic Communication Plan

NOTICE IS HEREBY GIVEN that Washington County Public Works, as the lead agency on behalf of the I-94 Corridor Commission, is seeking qualified firms for the completion of a Strategic Communications Plan for the I-94 Corridor. Qualified firms will have experience in the development of branding, media communications, communications materials, identification of primary and secondary messages and audiences and websites.

The project work will commence immediately upon selection of the consultant. The consultant will prepare a project schedule based on a start date of April 19, 2010 and a target date of December 18, 2010 for completion of the Strategic Communication Plan.

The full Request for Proposal can be obtained at the Office of the Washington County Engineer:

Washington County Public Works Department
11660 Myeron Road North
Stillwater, MN 55082
Phone: (651) 430-4330

The full Request for Proposal can also be obtained from the Washington County website:

http://www.co.washington.mn.us/info_for_business/bidsrequests_for_proposals/

Proposals Due: March 10, 2010 at 2:00 p.m. at Washington County Public Works



Several convenient ways to order:

- ♦ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- ♦ **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- ♦ **On-line orders:** www.minnesotasbookstore.com
- ♦ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- ♦ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

PREPAYMENT REQUIRED. Prices and availability subject to change.

Fax and phone orders: Credit card purchases **ONLY** (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery. **Mail orders:** Complete order blank and send to address above. Enclose check or include credit card information. Please allow 4-6 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A \$20.00 fee will be charged for returned checks.

Stock No.	Title	Quantity	Unit Price	Total

Send my order to:

Company

Name

Street Address (Not deliverable to P.O. boxes)

City () State Zip

Daytime phone (In case we have a question about your order)

Credit card number:

Expiration date: Signature:_____

Shipping Charges	
<i>If Product</i>	<i>Please</i>
<i>Subtotal is:</i>	<i>Add:</i>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$1,000	\$ 17.00*
<small>*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.</small>	
More than \$1,000	Call

Product Subtotal _____

Shipping _____

Subtotal _____

Sales tax _____

(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 7.125% MN transit tax or other local sales tax if applicable)

TOTAL _____

If tax exempt, please provide ES number or completed exemption form.
ES# _____