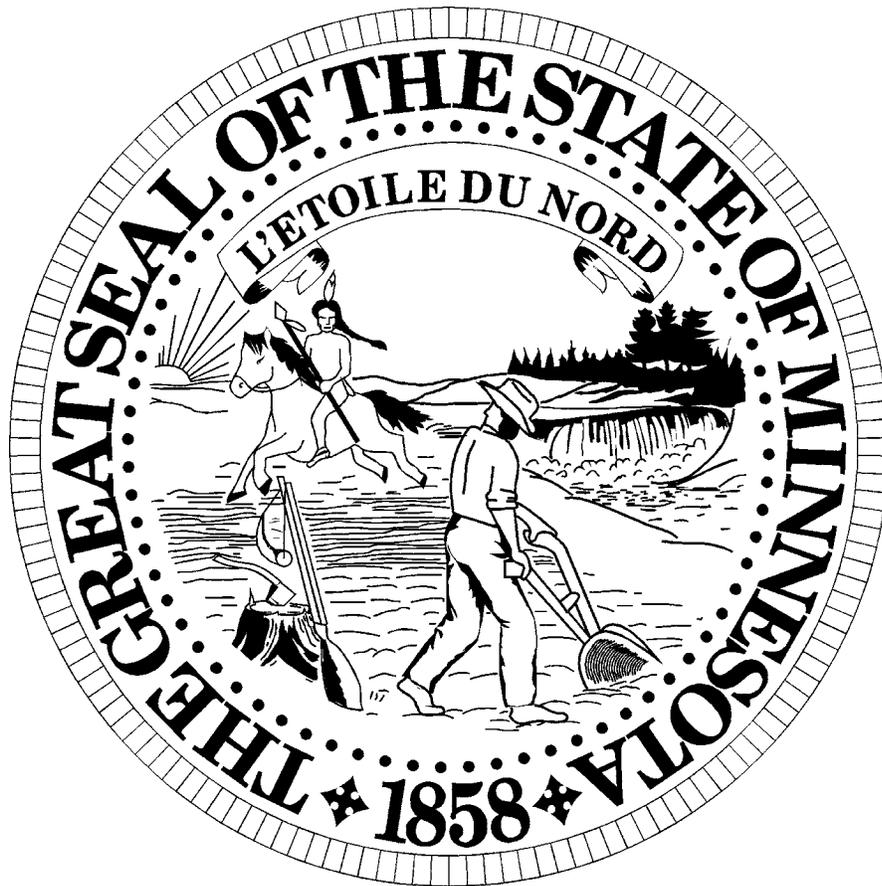


# Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;  
Official Notices; State Grants & Loans; State Contracts;  
Non-State Public Bids, Contracts and Grants**

**Monday 9 January 2017**

**Volume 41, Number 28**

**Pages 853 - 870**

# Minnesota State Register

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The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

### Printing Schedule and Submission Deadlines

Vol. 41 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 29	Tuesday 17 January	Noon Tuesday 10 January	Noon Thursday 5 January
# 30	Monday 23 January	Noon Tuesday 17 January	Noon Thursday 12 January
# 31	Monday 30 January	Noon Tuesday 24 January	Noon Thursday 19 January
# 32	Monday 6 February	Noon Tuesday 31 January	Noon Thursday 26 January

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#### Senate Public Information Office

(651) 296-0504  
State Capitol, Room 231, St. Paul, MN 55155  
<http://www.senate.mn>

#### Minnesota State Court System

Court Information Office (651) 296-6043  
MN Judicial Center, Rm. 135,  
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<http://www.mncourts.gov>

#### House Public Information Services

(651) 296-2146  
State Office Building, Room 175  
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<https://www.house.leg.state.mn.us/hinfo/hinfo.asp>

#### Federal Register

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

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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. TTY relay service phone number: (800) 627-3529.

## Volume 41 - Minnesota Rules

(Rules Appearing in Vol. 41 Issues #1-26 are  
in Vol 41, #26 - Tuesday 27 December 2016)

### Volume 41, #28

**Tuesday 3 January - Monday 9 January**

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# Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

**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 Natural Resources

### Adopted Expedited Emergency Game and Fish Rules: Spring Wild Turkey Season, Wildlife Management Area, State Game Refuge and Crow Season

Notice is hereby given that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 86A.06, 97A.045, 97A.137, 97A.435, 97B.723, and 97B.731.

The conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows: that distribution of licenses for the turkey season are subject to modification on an annual basis as the Department of Natural Resources refines the manner by which the season is conducted. Annual turkey population and harvest data used for selecting hunters and setting quotas and areas is gathered annually and analyzed in late summer. Adjustments to permit area boundaries and license quotas are based on annual and long-term population data as well as input from the public.

The St. Michaels Meadows Wildlife Management Area is an integral part of a wetland restoration project but cannot sustain firearms hunting due to its proximity to a large residential housing development.

The crow season is being amended to meet requirements specified in *Minnesota Statutes*, section 97B.731.

Dated: November 15, 2016

Tom Landwehr  
Commissioner of Natural Resources

#### 6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.

*[For text of subps 1 to 10, see M.R.]*

##### Subp. 11. Areas with other restrictions.

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

E. The St. Michael Meadows Wildlife Management Area in Wright County is closed to firearms hunting and trapping but open to archery deer hunting.

*[For text of item F, see 41 SR 178]*

Subp. 12. **Sanctuary areas open to hunting.** The following sanctuary areas of wildlife management areas posted with "Wildlife Sanctuary Do Not Trespass" signs are open for hunting as specified:

*[For text of item A, see M.R.]*

B. The Carlos Avery Wildlife Management Area sanctuaries are open for:

(1) hunting by persons with disabilities at designated stands, by permit; and

(2) taking wild turkeys during the spring wild turkey season in those portions of the sanctuaries that lie within an open spring wild turkey hunting zone.

*[For text of items C and D, see 41 SR 178]*

*[For text of subp 13, see M.R.]*

# Expedited Emergency Rules

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## 6236.0300 TURKEY HUNT DRAWING.

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

Subp. 2. **Participation in application drawings.** A person may not apply more than once for a hunt, whether as an individual or as a member of a group. Qualifying individuals may apply for the resident landowner-tenant turkey drawing. All of the information in items A to G must be supplied on the application forms.

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

E. The application deadline for the spring season is the ~~second~~ fourth Friday in January.

F. Youth age 17 and younger may purchase a wild turkey hunting license to hunt all ~~eight six~~ spring turkey ~~time~~ periods. A wild turkey hunting license under this item is separate from the normal lottery process and is valid for hunting in any wild turkey permit area.

G. A person who has not applied for a wild turkey license through the lottery or who applied for a license and was unsuccessful in the lottery may purchase a wild turkey hunting license to hunt the spring turkey season during the ~~third, fourth, fifth, or sixth, seventh, or eighth~~ time period. A wild turkey hunting license under this item is separate from the normal lottery process. Firearms hunters who purchase a license under this item must choose and hunt in one ~~time period of the third, fourth, or fifth periods. Any licensed hunter can also hunt during the sixth period.~~ Archery hunters who purchase a license under this item may hunt throughout the ~~fourth, fifth, sixth, seventh, and eighth~~ time all periods.

(1) Turkey lottery preference points shall not be reduced for a person purchasing a license under this item.

(2) A person may take only one bearded turkey during the entire spring turkey season regardless of whether the hunter purchased a license through the lottery system or as provided in this item.

H. Persons who are being mentored in an official state-sanctioned adult-mentored turkey hunt do not need to apply in the normal lottery process to receive a license. A wild turkey hunting license under this item is separate from the normal lottery process. Hunt sponsors must submit the names of the participating hunters to the commissioner by the Friday nearest February 15.

*[For text of subs 3 to 6, see M.R.]*

## 6236.0600 SPRING TURKEY SEASON.

Subpart 1. **Open dates.** The spring turkey season opens the Wednesday nearest April 15 and consists of ~~six five~~ consecutive five-day seven-day periods followed by ~~two consecutive seven-day periods one final period that ends May 31.~~

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

Subp. 4. **Open areas.** Wild turkey permit areas are open for the spring turkey season as prescribed by the commissioner. Turkey licenses are valid for taking turkeys only in the wild turkey permit area specified on the license, except for archery-only licenses issued under Minnesota Statutes, section 97A.435, subdivision 5, paragraph (a) and youth turkey licenses.

*[For text of subp 5, see M.R.]*

## 6236.0810 WILD TURKEY PERMIT AREA DESCRIPTIONS.

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

Subp. 2. **Permit area 501.** Permit area 501 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of the southern and eastern boundaries of the state; thence along the southern boundary to U.S. Highway 63, Fillmore County; thence along U.S. Highway 63 to State Trunk Highway (STH) 30, Olmsted County; thence along STH 30 to County State-Aid Highway (CSAH) 13, Olmsted County; thence along CSAH 13 to STH 57, Dodge County; thence along STH 57 to U.S. Highway 52; thence along U.S. Highway 52 to STH 19; thence along STH 19 to the west bank of the Little Cannon River; thence along the west bank of the Little Cannon River to the north bank of the Cannon River; thence along

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# Expedited Emergency Rules

the north bank of the Cannon River to U.S. Highway 61; thence along U.S. Highway 61 to U.S. Highway 63; thence along U.S. Highway 63 to CSAH 18, Goodhue County; thence along CSAH 18 to Lock and Dam No. 3 and the eastern boundary of the state; thence along the eastern boundary of the state to the point of beginning.

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

Subp. 9. **Permit area 508.** Permit area 508 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 71 and U.S. Highway 2 and State Trunk Highway (STH) 371; thence along U.S. Highway 2 to STH 6 State Trunk Highway (STH) 72; thence along STH 6 to STH 200 STH 72 to the northern boundary of the state; thence along STH 200 to U.S. Highway 2; thence along U.S. Highway 2 the northern boundary of the state to the eastern boundary of the state; thence along the eastern boundary of the state to STH 95; thence along STH 95 to STH 23; thence along STH 23 to the Mississippi River; thence along the east bank of the Mississippi River to the confluence with the Crow Wing River; thence along the north bank of the Crow Wing River to County State-Aid Highway (CSAH) 36, Cass County; thence westerly and northerly along CSAH 36 to STH 210; thence along STH 210 to CSAH 18, Cass County; thence along CSAH 18 to CSAH 77, Cass County; thence along CSAH 77 to CSAH 15, Cass County; thence along CSAH 15 to County Road (CR) 107, Cass County; thence along CR 107 to the city limits of Lake Shore, Cass County; thence along the south, west, and north boundaries of the city limits of Lake Shore to CSAH 29, Cass County; thence along CSAH 29 to STH 371; thence along STH 371 to STH 200; thence along STH 200 to STH 371; thence along STH 371 to U.S. Highway 2; thence along U.S. Highway 2 to the point of beginning.

Subp. 10. **Permit area 509.** Permit area 509 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 10 and the western boundary of the state; thence along the western boundary of the state to the northern boundary of the state; thence along the northern boundary of the state to State Trunk Highway (STH) 310; thence along STH 310 to STH 89; thence along STH 89 to County State-Aid Highway (CSAH) 54, Marshall County; thence along CSAH 54 to a point due west of the northwestern corner of the Red Lake Indian Reservation; thence east to said corner; thence along the west boundary of the Red Lake Indian Reservation to the west shore of the Sandy River, Clearwater County; thence along the west shore of the Sandy River to Township Road (TR) 279th Avenue or Bailey's Road; thence along TR 279th Avenue or Bailey's Road south to TR Clover Road; thence along TR Clover Road to CSAH 11, Clearwater County; thence along CSAH 11 to CSAH 4, Clearwater County; thence along CSAH 4 to CSAH 14, Clearwater County; thence along CSAH 14 to CSAH 3, Clearwater County; thence along CSAH 3 to CSAH 17, Clearwater County; thence along CSAH 17 to STH 72; thence along STH 72 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 2; thence along U.S. Highway 2 to STH 92; thence along STH 92 to County State-Aid Highway (CSAH) 27, Clearwater County; thence along CSAH 27 to the Mahnomen County line; thence along the Mahnomen County line to CSAH 3, Mahnomen County; thence along CSAH 3 to STH 113; thence along STH 113 to CSAH 13, Mahnomen County; thence along CSAH 13 to CSAH 21, Becker County; thence along CSAH 21 to CSAH 132, Becker County; thence along CSAH 132 to CSAH 26, Becker County; thence along CSAH 26 to U.S. Highway 59; thence along U.S. Highway 59 to U.S. Highway 10; thence along U.S. Highway 10 to the point of beginning.

*[For text of subps 11 to 13, see M.R.]*

## 6236.1000 TURKEY REGISTRATION.

A person taking a turkey must register the turkey at a designated registration station within the time specified for that season. The feathers, head, and feet One leg or a fully feathered wing must remain on the turkey until it is registered. An unregistered turkey may not be possessed outside the wild turkey permit area where taken unless it is being transported in a direct route to a registration station. Registration stations will be listed in materials provided to all licensees.

# Expedited Emergency Rules

## **6236.1060 TURKEY HUNT QUOTAS.**

The following wild turkey permit areas are open for the 2017 spring wild turkey season. An unlimited number of permits are available for periods C to F. Periods A and B have the following quotas on numbers of permits:

2017 Spring Wild Turkey Permit Area Quotas		
Permit Area	Period	
	A April 12-18	B April 19-25
<u>5</u>		
<u>501</u>	<u>1,835</u>	<u>1,835</u>
<u>502</u>	<u>125</u>	<u>125</u>
<u>503</u>	<u>900</u>	<u>900</u>
<u>504</u>	<u>200</u>	<u>200</u>
<u>505</u>	<u>650</u>	<u>650</u>
<u>506</u>	<u>350</u>	<u>350</u>
<u>507</u>	<u>1,600</u>	<u>1,600</u>
<u>508</u>	<u>750</u>	<u>750</u>
<u>509</u>	<u>75</u>	<u>75</u>
<u>510</u>	<u>500</u>	<u>500</u>
<u>511</u>	<u>20</u>	<u>20</u>
<u>512</u>	<u>5</u>	<u>5</u>

## **6240.2300 COMMON CROW SEASON.**

Subpart 1. **Open dates.** Common crows may be taken from ~~July 15 through October 15 and from March 1 through March 31,~~ January 1 to 15, March 1 to 31, September 1 to October 31, and December 15 to 31.

*[For text of subs 2 to 4, see M.R.]*

**REPEALER.** The expedited emergency amendments to Minnesota Rules, parts 6230.0200, subpart 11; 6236.0300; 6236.0600; 6236.0810; and 6236.1000, published in the State Register, volume 40, page 1019, February 22, 2016, and part 6230.0200, subpart 12, published in the State Register, volume 40, page 1305, March 28, 2016, are repealed.

**EFFECTIVE PERIOD.** The expedited emergency amendments to Minnesota Rules, parts 6230.0200 and 6240.2300, are effective May 2, 2017. The expedited emergency amendments to Minnesota Rules, parts 6236.0300, 6236.0600, 6236.0810, and 6236.1000, expire July 1, 2017. The expedited emergency amendments to Minnesota Rules, parts 6230.0200 and 6240.2300, expire May 1, 2018. Minnesota Rules, part 6236.1060, expires July 1, 2017.

# 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 Pollution Control Agency

### Watershed Division

#### Notice of Availability of the Draft Sauk River Nutrient and Bacteria Total Maximum Daily Load (TMDL) Report and Request for Comment

**Public Comment Period Begins: January 9, 2017**

**Public Comment Period Ends: February 8, 2017**

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the Draft Sauk River Nutrient and Bacteria Total Maximum Daily Load (TMDL) Report. The draft TMDL is available for review at: <https://www.pca.state.mn.us/water/watersheds/sauk-river>. Written comments on the draft TMDL must be sent to the MPCA contact person listed below by February 8, 2016. The MPCA will prepare responses to comments received and make any necessary revisions of the document. Subsequent to the revision(s), the draft TMDL will be submitted to the U.S. Environmental Protection Agency (EPA) for approval.

Required by the federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing an impairment and allocates necessary reductions among them.

This TMDL study addresses nine lakes with nutrient impairments and four streams with bacteria impairments located in the Sauk River Watershed, located in the upper Mississippi River Basin. In this watershed, restoration strategies will require significant reductions of both pollutants from predominantly agricultural lands.

**Agency Contact Person:** Written comments and requests for more information should be directed to:

Scott Lucas  
MPCA – Baxter Office  
7678 College Road, Suite 105  
Baxter, Minnesota 56425  
Telephone: 218-316-3874  
Fax: 218-828-2594  
Email: [scott.lucas@state.mn.us](mailto:scott.lucas@state.mn.us)

TTY users may call the MPCA teletypewriter at 651-282-5332 or 800-657-3864.

**Preliminary Determination on the draft TMDL Report:** The MPCA Commissioner has made a preliminary determination to approve this TMDL and will submit this TMDL Report to the EPA for final approval. A draft TMDL Report and factsheet are available for review at the MPCA office at the address listed below and at the MPCA website:

<https://www.pca.state.mn.us/water/watersheds/sauk-river>. Suggested changes will be considered before the documents are finalized and the TMDL Report is sent to the EPA for approval.

**Written Comments:** You may submit written comments on the conditions of the draft TMDL Report or on the Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the draft TMDL Report;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft document that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the

# Official Notices

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merits of your position.

**Petition for Public Informational Meeting:** You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that may be held to solicit public comment and statements on matters before the MPCA, and help clarify parts of the document and resolve issues. A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of “Written Comments,” identified above;
3. A statement of the reasons for holding a public informational meeting; and
4. The issues that you would like addressed at the public informational meeting.

**Petition for Contested Case Hearing:** You also may submit a petition for a contested case hearing. A contested case hearing is a formal hearing before an administrative law judge that provides evidence on issues requested to be change. In accordance with Minn. R. 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the or draft TMDL Report; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision. A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition, and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

## **MPCA Decision:**

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on the TMDL Report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, the MPCA staff as authorized by the Commissioner, will make the final decision on the draft TMDL Report.

## **Minnesota Pollution Control Agency**

### **Environmental Analysis and Outcomes Division**

#### **REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Air Quality, Minnesota Rules Chapters 7002, 7005, 7007, 7008, 7009, 7011, 7017, 7019; Revisor’s ID Number R-04429**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned amendments to air quality rules, *Minnesota Rules* Chapters 7002 (Permit Fees), 7005 (Definitions and Abbreviations), 7007 (Permits and Offsets), 7008 (Conditionally Exempt Stationary Sources and Conditionally Insignificant Activities), 7009 (Ambient Air Quality Standards), 7011 (Standards for Stationary Sources), 7017 (Monitoring and Testing Requirements), and 7019 (Emission Inventory Requirements). The MPCA may make rule changes in some or all of these rule chapters.

The main focus of this rulemaking is to clarify how small air pollution emitting activities at a facility are addressed in permits. The activities are described as “insignificant activities” and “conditionally insignificant activities” in the rules. The MPCA is also considering whether to exempt more categories of low-emitting facilities (such as auto body refinishing shops) from permitting that meet eligibility criteria. Comments should be submitted in writing as described in the Public Comment section below.

**Plain English Summary.** This Request for Comments is the MPCA's legal notice of its intent to begin rulemaking. This is an opportunity to provide comments on the MPCA's proposed concepts to amend the rules and also an opportunity to provide information or comment on any relevant issues related to this rulemaking that we need to consider. For example, we recognize that costs to regulated parties can be a concern with rulemaking; if you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information in writing. Draft rule language is not available at this time. We want your written comments on the Subject of Rules and the proposed concepts which are summarized in the Subject of Rules section below.

**Stakeholder Meeting.** The MPCA has scheduled a stakeholder meeting on the proposed concepts to amend the rules. The meeting will be held at the MPCA St. Paul office Board Room and via webcast on **Thursday, January 19, 2017, 9:00 a.m. to 11:00 a.m.** The purpose of the meeting is to share concepts for amending the rules and clarify the MPCA's intent with this rulemaking so that stakeholders are able to provide written informal comments on the proposed concepts and this rulemaking. The proposed concept document and information about the webcast is available on the rulemaking webpage at <https://www.pca.state.mn.us/air/exempt-sourceconditionally-insignificant-activities>.

Submitting your comments and information at this stage in the rule development process allows the MPCA to consider your ideas, information and issues you may raise early in this rulemaking process, and helps to ensure informed decision-making on our part. If this rulemaking affects you in any way, the MPCA encourages you to participate in the rulemaking process.

Also, if you are interested in being notified when a draft of the rules is available and of other activities related to this (or other MPCA rulemakings), please register for GovDelivery bulletins at <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

**Alternative Format/Accommodation.** Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the MPCA contact person via the contact information listed below.

**Subject of Rules.** This rulemaking is needed to address several issues with the requirements for conditionally insignificant activities and conditionally exempt stationary sources, and to meet federal requirements for affected sources. Historically, the MPCA created an air emission permit hierarchy to incentivize the small source facilities, such as auto body refinishing shops, to reduce their air emissions through more streamlined compliance requirements for low air emissions. The rule amendments will continue to streamline the administrative requirements for the lower emitting small source facilities while complying with applicable state and federal requirements. The main benefit of the rule amendments will be administrative, but they will also ensure that the rules limiting air emissions are federally enforceable.

The MPCA has developed proposed concepts for amending the chapter 7007 and 7008 rules for insignificant activities and conditionally insignificant activities, and for creating additional categories of conditionally exempt sources. The proposed concepts are summarized below. More information about each of the proposed concepts is provided on the rulemaking webpage at <https://www.pca.state.mn.us/air/exempt-sourceconditionally-insignificant-activities>.

1. Restructure the rules for conditionally exempt sources, conditionally insignificant activities, and insignificant activities to provide greater clarity on how each rule applies.
2. Create new categories of conditionally exempt sources. For example, the MPCA is considering adding a category for auto body refinishing facilities.
3. Change materials usage and particulate matter-only emitting conditionally insignificant activities. Provide new, federally enforceable numeric limits for the emissions of particulate matter from conditionally insignificant activities (activities considered insignificant for purposes of permitting).
4. Amend the insignificant activities lists contained in *Minn. R. 7007.1300*.
5. Miscellaneous housekeeping changes (chapters 7002, 7005, 7007, 7008, 7009, 7011, 7017, and 7019).

**Persons Affected.** The rule amendments are likely to affect permitted and unpermitted small facilities and larger, stationary sources that may need or hold a part 70 permit.

**Statutory Authority.** *Minnesota Statutes*, section 116.07, authorizes the MPCA to adopt rules for the prevention, abatement, and control of air pollution.

# Official Notices

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**Public Comment.** Interested persons or groups may submit written comments on the proposed concepts and on other information related to this rulemaking until **4:30 p.m. on February 23, 2017**. Comments or information should be submitted to Mary H. Lynn via the contact information listed below. The MPCA will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The MPCA does not plan to appoint an advisory committee to comment on the rules.

The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, section 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

**Rules Drafts.** As stated above, draft rule language is not available at this time. If you are interested in being notified when a draft of the rules is available, please register for GovDelivery bulletins at <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

**Agency Contact Person.** Written comments, requests to receive a draft of the rules when it is available, and requests for more information on the planned rule amendments should be directed to Mary H. Lynn, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155-4194, telephone 651-757-2439, and [mary.lynn@state.mn.us](mailto:mary.lynn@state.mn.us). You may also call the MPCA at 651-296-6300 or 800-657-3864 or use your preferred relay service [info.pca@state.mn.us](mailto:info.pca@state.mn.us).

Technical questions on the planned rule amendments should be directed to Hassan Bouchareb, telephone 651-757-2653, and [hassan.bouchareb@state.mn.us](mailto:hassan.bouchareb@state.mn.us). You may also call the MPCA at 651-296-6300 or 800-657-3864 or use your preferred relay service [info.pca@state.mn.us](mailto:info.pca@state.mn.us).

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge if and when the MPCA starts a proceeding to adopt rules. The MPCA is required to submit to the Administrative Law Judge only those written comments received in response to the draft rules after they are proposed. If you submit comments during the development of the rules and want to ensure that the Administrative Law Judge reviews your comments, you must resubmit the comments after the rules are formally proposed.

Date: 12/28/2016

John Linc Stine, Commissioner  
Minnesota Pollution Control Agency

## Minnesota State Fair Meeting Notice

### Minnesota State Fair's Annual Meeting Scheduled for Jan. 13-15

MINNESOTA STATE FAIRGROUNDS —The 158th annual meeting of the Minnesota State Agricultural Society, governing body of the Minnesota State Fair, will be held Jan. 13-15 at the DoubleTree by Hilton Hotel Bloomington. The society's general business session is scheduled for 8 a.m. Sunday, Jan. 15, followed by a meeting of the society's board of managers. A complete schedule of meetings and events will be available at the hotel.

The 2017 Minnesota State Fair runs Aug. 24 - Labor Day, Sept. 4.

**Minnesota Department of Transportation****Notice of Petition of Non-Compliance and Request for Action under Minn. Stat. § 218.041**

In accordance with Minnesota Statute §218.041 Subd. 4(b), notice is hereby given that the United Transportation Union-Sheet Metal, Air, Rail and Transportation- Transportation Division (UTU-SMART-TD) has filed a petition with the State of Minnesota Commissioner of Transportation alleging that BNSF Railway placed non-compliant road ballast on portions of the “north receiver” and “north runner” railroad tracks, located in the BNSF Northtown Yard in Minnesota. The petition alleges that the ballast fails to satisfy the requirements contained in Minn. Stat. §219.501. Minn. Stat. §219.501 Subd. 2 contains a requirement that rail carriers provide walkways adjacent to tracks where rail carrier employees frequent and general requirements for such walkways. The petition alleges ballast on portions of walkways next to the “north receiver” and “north runner” railroad tracks present unsafe conditions in violation of the statute.

Interested parties are invited to participate in these proceedings by submitting objections, data or comments regarding the UTU-SMART-TD petition. If any objections are made to the UTU-SMART-TD petition within twenty (20) days of publication of this notice, Minn. Stat. §218.041 requires the Commissioner to hold a contested hearing prior to making a determination on the petition’s merits.

All communications concerning this proceeding should reference UTU-SMART-TD-2016-1 and must be submitted to Maureen Jensen, Assistant Office Director, Office of Freight and Commercial Vehicle Operations, Minnesota Department of Transportation, 395 John Ireland Boulevard, St. Paul, MN 55155. UTU-SMART-TD’S petition is available for examination during regular business hours (8 a.m. to 5 p.m.) at the Front Service Desk of the MnDOT Library, Minnesota Department of Transportation, 395 John Ireland Boulevard, St. Paul, MN 55155.

**Minnesota Department of Transportation****Notice of Petition of Non-Compliance and Request for Action under Minn. Stat. § 218.041**

In accordance with Minnesota Statute §218.041 Subd. 4(b), notice is hereby given that the United Transportation Union-Sheet Metal, Air, Rail and Transportation- Transportation Division (UTU-SMART-TD) has filed a petition with the State of Minnesota Commissioner of Transportation alleging that BNSF Railway placed and retains certain non-compliant hump-track retarder housings within the regulated trackside clearance zone in the Northtown Rail Yard in Minnesota. The petition alleges that the hump-track retarder housings fail to satisfy the requirements contained in Minn. Stat. §§ 219.45-53. Minn. Stat. §§ 219.45-53 regulate walkways, structures and/or obstructions adjacent to and between railroad tracks, specifically defining clearance requirements, providing a prohibition against the obstruction of space by foreign obstacles and requiring that the space between and beside tracks is “kept in a condition as to permit the employees to pass over or between the tracks or to use the space day or night and under all weather conditions without unnecessary hazard.” Minn. Stat. § 219.50. The petition alleges that the hump-track retarder housings located in the trackside clearance zone present unnecessary hazards in violation of the statutes.

Interested parties are invited to participate in these proceedings by submitting objections, data or comments regarding the UTU-SMART-TD petition. If any objections are made to the UTU-SMART-TD petition within twenty (20) days of publication of this notice, Minn. Stat. §218.041 requires the Commissioner to hold a contested hearing prior to making a determination on the petition’s merits.

All communications concerning this proceeding should reference UTU-SMART-TD-2016-2 and be submitted to Maureen Jensen, Assistant Office Director, Office of Freight and Commercial Vehicle Operations, Minnesota Department of Transportation, 395 John Ireland Boulevard, St. Paul, MN 55155. UTU-SMART-TD’S petition is available for examination during regular business hours (8 a.m. to 5 p.m.) at the Front Service Desk of the MnDOT Library, Minnesota Department of Transportation, 395 John Ireland Boulevard, St. Paul, MN 55155.

# 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 Website at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

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

**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 days.

## State Department of Administration

### Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Institute of Child Development – University of Minnesota, Twin Cities (State Designer Selection Board Project No. 17-01)

The State of Minnesota, Department of Administration is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Administration's website at <http://state.mn.us/admin/government/construction-projects/sdsb/projects/> (click 17-01).

A mandatory informational meeting will be held on Thursday, January 19, 2017 at 3:00 PM CT at the Rapson Hall Room 54, 89 Church Street, Minneapolis, MN, 55455. The meeting will include a presentation and a review of the scope of work.

Any questions should be directed to **Vera Westrum-Ostrom** at [verawo@umn.edu](mailto:verawo@umn.edu). Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Monday, January 23, 2017** no later than **12:00 PM** Central Time.

Proposals must be delivered to Charlye McMillan, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 not later than **12:00 noon Central Time on Monday, January 30, 2017**. Late responses will not be considered.

The University of Minnesota is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

## Minnesota State Colleges and Universities (MnSCU)

### Notice of Request for Qualifications (RFQ) for Architectural, Engineering, Owner's Representative, Real Estate and other Professional and Technical Services for a Master Contract

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities ("Minnesota State"), requests information of Minnesota registered consultants, as appropriate, to assist Minnesota State in providing Facilities related Professional and/or Technical services as needed for up to a five-year period. Campus projects will vary in scope and may involve professional or technical Specialty Services for Architectural Design, Predesign, Building Envelope, Commissioning, Engineering, Industrial Hygiene, Inspectors and Laboratories, Land Surveyor, Landscape Architectural Design, Owner's Representative, Real Estate, and Technology.

The Request for Qualifications documents (RFQ and attachments) are available at: <http://www.finance.mnscu.edu/facilities/design-construction/announcements/index.html> This RFQ is to allow a consultant to enter into master contract and be included in the Facilities Professional/Technical Consultants Master Contract database. The existing Facilities Professional/Technical Consultants Master Contracts will not be used after the effective date of the new contract.

Consultants with existing master contracts are encouraged to respond to this RFQ.

Responses must be delivered to:

Minnesota State Colleges & Universities  
ATTN: Karen Huiett - Facilities Design and Construction  
Wells Fargo Place  
30 Seventh Street East, Suite 350  
St. Paul, Minnesota 55101-7804

Responses must be received NO later than **February 6, 2017 at 2:00 P.M. CST**; late responses will not be considered.

Minnesota State reserves the right to cancel this solicitation if it is considered to be in Minnesota State's best interest. The RFQ is not a guarantee of work and does not obligate Minnesota State to award any contracts. Minnesota State reserves the right to discontinue the use or cancel all or any part of the Facilities Professional/Technical Consultant Master Contract database if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## **Minnesota State Colleges and Universities (MnSCU) Alexandria Technical & Community College Advertisement for Bids for 2016 Domestic Water Main Replacement**

Sealed Bids for: 2016 Domestic Water Main Replacement  
Main Building  
Alexandria Technical & Community College  
Alexandria, Minnesota

will be received by: Joel Seela, Director of Facilities and Security  
Main Building, Room 108  
Alexandria Technical & Community College  
Alexandria, Minnesota

Until **2:00 pm, local time, January 19, 2017** at which time the bids will be opened and publicly read aloud at the Main Building, Conference Room 203.

Project Scope: Project will consist of replacement of the domestic water mains and branch lines required to feed all existing plumbing fixtures in the 100, 200, 300, 400 and 600 Wings of the main building. Existing domestic water mains located in the tunnels will be abandoned. All new domestic water piping will be run overhead and routed to existing plumbing fixtures. New chase walls, access panels, soffits, ceiling, etc will be provided as required for installation of new piping. Existing bathroom walls will be removed and replaced for installation of new piping in select areas.

A Pre-Bid Meeting will be held at 10:00 am, Wednesday, January 4, 2017, in Conference Room 203, Main Building, Alexandria Technical & Community 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 are as prepared by the Project Architect/Engineer of Record; **Obermiller Nelson Engineering**.

Interested parties may view the Bidding Documents at no cost on the website: <http://www.finance.mnscu.edu/facilities/design-construction/announcements/index.html> and then click on "Advertisement for Bids (E-Plan Room)". Project # **4772114**. Bidding Documents can be downloaded for a non-refundable charge of \$10.00. Plan holders are parties that have downloaded the Drawings and specifications. Plan holders will be notified via email as addenda are issued. Parties that download the Drawings and specifications and need to have them printed elsewhere are solely responsible for those printing costs. The sales of paper copies for projects listed on this site are not available. Contact **QuestCDN.com** at 952-233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance in viewing or downloading with this digital project information.

# State Contracts

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## Minnesota State Colleges and Universities (MnSCU)

### Metropolitan State University

#### Notice of Request for Proposals (RFP) for Janitorial Services

Metropolitan State University is soliciting proposals from interested qualified contractors to provide janitorial services for Metropolitan State University's St. Paul Campus. The full Request for Proposal (RFP) can be downloaded at:  
<http://www.metrostate.edu/student/university-info/university-info/building-services/advertised-bids-or-proposals>.

#### Mandatory Project Informational Meeting:

Date: January 17, 2016  
Time: 10:00 a.m.  
Location: Metropolitan State University  
700 East 7<sup>th</sup> Street  
Saint Paul, MN 55106  
Founders Hall, Room L118

Proposals must be received **no later than 2:00 p.m., Wednesday, February 8, 2017**; late responses will not be considered. Metropolitan State University reserves the right to reject any or all proposals, to waive any irregularities or informalities, and to cancel the solicitation if it is considered to be its own best interest. This Request for Proposals does not obligate Metropolitan State University to award a contract.

#### Proposals must be delivered to:

Chris Maas  
Director of Facilities  
Founders Hall, Suite 321  
Metropolitan State University  
700 East 7<sup>th</sup> Street  
Saint Paul, MN 55106-5000

## Minnesota Amateur Sports Commission and the National Sports Center Foundation

### Request for Proposals for Redevelopment and Management of Hospitality Facilities and Related Infrastructure

#### Project Overview

The Minnesota Amateur Sports Commission (MASC) and the National Sports Center Foundation (NSCF) invite firms and groups with significant experience in the design, programming and operation of hospitality and related facilities to submit statements of qualifications and proposals for undertaking the redevelopment and management of hospitality facilities at the National Sports Center in Blaine, Minnesota.

#### Goal

The goal of this Request for Proposal is to evaluate alternatives from outside contractors to operate hospitality services on the campus of the National Sports Center. The best proposal will be compared to the current in-house hospitality operations

#### Project Contact

Neil Ladd, Associate Executive Director  
National Sports Center Foundation  
[nladd@nscsports.org](mailto:nladd@nscsports.org)

#### Link to RFP

<http://mnsports.org/about/documents.stm>

#### DEADLINE

January 27, 2017- 4pm

## Minnesota Department of Transportation (MnDOT)

### Engineering Services Division

#### Notice of Intent to Award an Amendment

Notice is hereby given to award an Amendment to International Management Technologies, Inc., Sarasota, Florida.

#### Background

MnDOT initiated the Wildly Important Goal (WIG) of Enhancing Financial Effectiveness to earn or reinforce stakeholder trust and confidence in MnDOT by demonstrating effective and efficient stewardship of public resources. As a follow up MnDOT's Senior Leadership Team has set the strategic direction for WIG 2.0 with this statement which is addressed with two priorities: (1) Advancing Equity and (2) Improving Intentional Customer Engagement. These two priority areas were selected, not because they are the only way we can earn trust, but because these are two areas where we receive the most criticism from stakeholders. There will naturally be a lot of crossover between the two priorities.

#### Nature of Amendment

The Original Contract was originally for developing a customized workshop on Creating a Customer-Centered Culture (C3), the purpose of which was to provide tools and insight to help see through a customer lens in MnDOT's WIG 2.0. This resulted in positive feedback from workshop participants, with a continued interest in using C3. This contract amendment will allow MnDOT to use C3 to a greater degree to support and further WIG 2.0.

Products include:

- **Mastering Excellence:** Align Strategy, Culture & Measures with Customer Priorities ((2 day training sessions up to 35 seats each and/or customer focus group work with knowledge transfer to identified train the trainer candidates)
- **Mind and Voice of the Customer:** How to uncover, translate, measure & deliver what customers want
- **Creating a Customer-Centered Culture (book)** by R. Lawton
- **Mastering Excellence (customized to MnDOT book)** by R. Lawton
- **Creating a Customer-Centered Culture** (2 day training sessions and tool instruction with up to 35 seats each)
- **Executive Presentations** (up to half-day, up to 100 participants)
- **C3 Mentor Program** (remote support)
- **On-site consultation session** (for interviews, meetings, analysis of data)
- **Complete binders of participant materials**
- **Training and Instructional support for Site License for C3 Electronic Tools** (site license already paid for and in place from original contract)

#### Product or Result of the Amendment

This amendment will expand the application of C3 to those areas interested in using the principles, method and tools to help MnDOT shift from a producer to a customer mindset as part of WIG 2.0. This amendment will allow MnDOT to "pilot" up to five sub-WIGs to be early adopters for using C3. As the early adoption sub-WIGs progress, more C3 sub-WIGs could be added based on interest from the sub-WIGs' champions and teams. Early adopters could elect to receive help running focus groups and other consultation to include the voice of the customer.

Contract Term: Amendment Execution date to August 21, 2021

Contract Award: FY 2017: \$150,000; FY 2018: \$75,000; FY 2019: \$50,000; FY 2020 \$25,000

Questions concerning this Amendment award should be referred to Melissa Brand. Submit questions by e-mail only to: [melissa.brand@state.mn.us](mailto:melissa.brand@state.mn.us). When e-mailing questions, please include the subject line, "Amendment Award Questions from (firm/organization name)".

All questions should be submitted via email by January 13, 2017, end of business day.

# State Contracts

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## Minnesota 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 Kelly Arneson 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 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:

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

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

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers’ Transportation Accountability Act on the above referenced website.

