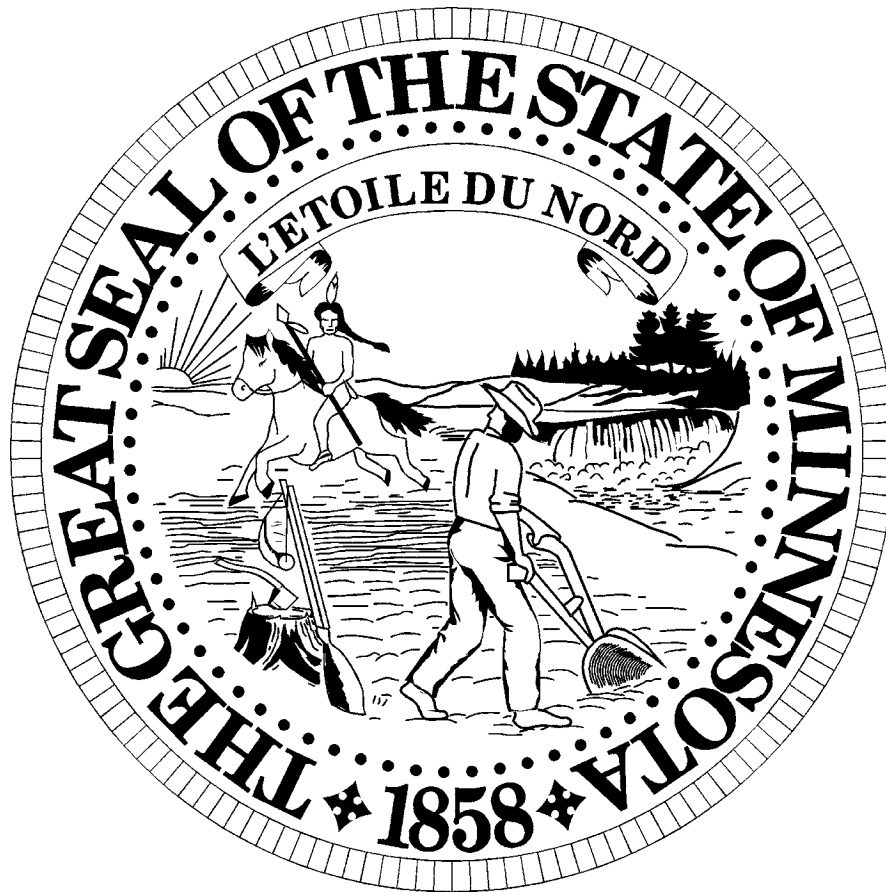


Minnesota State Register

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 13 March 2017
Volume 41, Number 37
Pages 1077 - 1094**

Minnesota State Register

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

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- Withdrawn Rules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 (BOLDFACE 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) |
|----------------------------|--|---|---|
| # 38 | Monday 20 March | Noon Tuesday 14 March | Noon Thursday 9 March |
| # 39 | Monday 27 March | Noon Tuesday 21 March | Noon Thursday 16 March |
| # 40 | Monday 3 April | Noon Tuesday 28 March | Noon Thursday 23 March |
| # 41 | Monday 10 April | Noon Tuesday 4 April | Noon Thursday 30 March |

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USPS Publication Number: 326-630 (ISSN: 0146-7751)

THE MINNESOTA STATE REGISTER IS PUBLISHED by Plant Management Division, Department of Administration, State of Minnesota, pursuant to Minnesota Statutes § 14.46 and is available on-line at: <http://www.comm.media.state.mn.us/bookstore/mnbookstore>

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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
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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

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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.

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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 §§ 14.1414.20, 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.

Department of Labor and Industry

Proposed Permanent Rules Relating to Attendance at High Pressure Boiler Plants and Remote Monitoring of High Pressure Boilers in Unoccupied Buildings; Notice of Intent to Adopt Rules Without a Public Hearing

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; Revisor's ID Number R-04363

Proposed Amendment to Rules Governing Attendance at High Pressure Plants and Remote Monitoring of High Pressure Boilers in Unoccupied Buildings, *Minnesota Rules*, part 5225.1180

Introduction. The Department of Labor and Industry 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 April 12, 2017, the Department will hold a public hearing in the Minnesota Room at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:30 on Wednesday, April 26, 2017. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after April 12, 2017, and before April 26, 2017.

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: Colleen Clayton at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155; phone (651) 284-5867, fax (651) 297-4198, and *email* at colleen.clayton@state.mn.us.

Subject of Rules and Statutory Authority. The proposed rules amend the attendance requirements at high pressure boiler plants and unoccupied high pressure boiler plants. The proposed amendments align the attendance horsepower levels with the licensing statute. The amendments largely clarify the attendance requirements, including clarifying the limitations in subpart 4. Subpart 4 language is vague. The proposed amendment repeals subpart 4 and adds clear limiting language that better expresses

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the intent of subpart 4 to the specific subparts referenced. The proposed rules add subpart 5 to allow an additional unoccupied plant option. The proposed rules might affect how boiler owners staff their boilers. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 175.171, item (2), and 326B.02, subdivision 5. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until **4:30 p.m. on Wednesday, April 12, 2017**, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, April 12, 2017. 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 Department 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 effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. 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 Department might 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 Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for April 26, 2017, 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 (651) 284-5867 after April 12, 2017, to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 284-5867 or going on-line at <http://www.dli.mn.gov/PDF/docket/5225Docket.pdf>.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department 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 Eric L. Lipman is assigned to conduct the hearing. Judge Lipman's Legal Assistant Katie Lin can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7900, and fax (651) 539-0310 or Katie.lin@state.mn.us.

Hearing Procedure. If the Department 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 **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge **via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>** no later than 4:30 p.m. on the due date. All comments or responses received

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will be available for review **at the Department of Labor and Industry or on the agency's website at www.dli.mn.gov/RulemakingCCL.asp**. 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 summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. An electronic copy is available online at <http://www.dli.mn.gov/PDF/docket/5225Docket.pdf>.

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) 539-1180 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 Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. 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.

Date: 3/3/2017

Ken B. Peterson, Commissioner
Department of Labor and Industry

5225.1180 ATTENDANCE AT HIGH PRESSURE PLANT.

Subpart 1. **Attendance; plant of 0 to ~~30~~ 50 horsepower.** At a minimum, a high pressure boiler plant of 0 to ~~30~~ 50 horsepower, when in operation, must be ~~checked daily~~ visually observed at least once every 24 hours by an operating engineer.

Subp. 2. **Attendance; plant of ~~31 to 200~~ 51 to 500 horsepower.**

A. A high pressure boiler plant of ~~31 to 200~~ 51 to 500 horsepower may be left in operation unattended by an operating engineer for no more than two consecutive hours ~~when the premises are occupied by employees or the public, except as permitted by item B or subpart 5. The engineer must visually observe the operating condition of the boiler and appurtenances at least every two hours and document the findings and conditions in the boiler room logbook maintained pursuant to part 5225.1110.~~

B. A high pressure boiler plant of ~~31 to 200~~ 51 to 500 horsepower is exempt from the high pressure attendance requirements of item A, ~~but must be checked at least daily, under the following if the plant is operated at low pressure. All boilers must either be shut down or shifted to low pressure. If a boiler is shifted to low pressure, it must have the following controls, safety devices, and conditions:~~

(1) the boiler is ~~must be~~ equipped with dual high pressure controls and dual low water fuel cutouts and the boiler does not exceed 15 pounds per square inch operating pressure at any time during the operating engineer's absence ~~low pressure controls. These controls must be arranged so that they cannot be operated at the same time. The header connecting the low~~

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pressure controls to the boiler must have an isolation valve and a drain valve;

(2) the boiler is must be equipped with fail-safe type safety controls or valves for regulating pressure, temperature, water level, and control fuel supply lines. Fuel control Controls and safety devices must meet at least the minimum requirements for automatically fired boilers in Code Sections I and IV, and Controls and Safety Devices for Automatically Fired Boilers (CSD-1) of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code;

(3) the valves and controls must be manually switched over by the operating engineer, the dates and time must be entered in the boiler room log, and the entry must be signed by the operating engineer;

(4) the building in which the boiler is located is not occupied by the public or employees except for custodial, maintenance, or security personnel; and

(5) the boiler is for supplying steam directly to a low pressure header with header safety valves set at or below 15 pounds per square inch and is of adequate capacity to prevent a pressure rise above 15 pounds per square inch in the system. The shutoff valve between the high and low pressure systems must be electrically interlocked with the low pressure control system so that the crossover valve is in the open position while operating on low pressure.

(3) the boiler must be equipped with a low pressure header designed to prevent the system pressure from exceeding 15 psi. The low pressure header must have ASME code stamped safety valves set at 15 psi or less. The low pressure header safety valves must be constructed to ASME Code Section I or IV requirements;

(4) the low pressure header must be equipped with an isolation valve that isolates the header from the boiler or piping. The valve must be interlocked with the controls to prevent the valve from being opened when the system pressure is greater than 15 psi. The valve must be interlocked with the high pressure controls to prevent the high pressure controls from operating when the valve is open;

(5) the building in which the boiler is located must not be occupied by the public or employees except for custodial, maintenance, or security personnel;

(6) a properly licensed engineer must manually switch over the valves and controls between high and low pressure, enter the date and time of the switch in the boiler room logbook, and sign the logbook entry; and

(7) when the boiler is operating on low pressure, a properly licensed engineer must visually observe the boiler operating conditions at least once every 24 hours and record the conditions in the boiler room logbook.

Subp. 3. **Attendance; plant over ~~200~~ 500 horsepower.**

A. A high pressure boiler plant of more than ~~200~~ 500 horsepower, when in operation, requires constant attendance, except as otherwise provided in item B or subpart 5.

B. The shift engineer in a high pressure boiler plant of over ~~200~~ 500 horsepower may leave the boiler room for up to 30 minutes per hour if all boilers are equipped with dual pressure controls and dual low water fuel cutouts, one of which must be the manual reset type. The shift engineer must stay within 500 feet of the boiler room at all times during the shift.

Subp. 4. [See repealer.]

Subp. 5. Attendance; unoccupied plant. This subpart applies to plants with individual boilers that are 51 to 500 horsepower located in an unoccupied plant. A high pressure boiler 51 to 500 horsepower may participate in the remote monitoring program if it complies with the requirements in items A to N.

A. Boiler owners must submit an application in a manner prescribed by the commissioner to the department for review and approval to participate in the remote monitoring program for unoccupied plants.

B. The building must be completely unoccupied and the boiler owner must demonstrate with substantiated data that the unattended boiler is located within a safe unoccupied radius.

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C. A properly licensed engineer must perform the remote monitoring. The boiler owner must develop a written policy for safe response time for each individual boiler. The properly licensed engineer must be able to respond to any of the safety concerns listed in item L within the safe response time specified in the policy.

D. The properly licensed engineer must visually observe the operating condition of the boiler and appurtenances in person and document the findings and conditions in the boiler room logbook, maintained pursuant to part 5225.1110, at least once every 24 hours.

E. When remotely monitoring high pressure boilers 51 to 500 horsepower, the properly licensed engineer must monitor the following boiler conditions:

- (1) water level for steam boilers;
- (2) boiler pressure;
- (3) temperature for high temperature hot liquid;
- (4) stack temperature;
- (5) feedwater flow;
- (6) make-up water flow for high temperature hot liquid;
- (7) steam flow;
- (8) fuel flow, at burner;
- (9) gas/oil pressure;
- (10) concentration of carbon monoxide in boiler room; and

(11) a video camera providing a continuous live video feed of the burner, sight glass, and pressure gauge. The live video feed must be continuously available to the properly licensed engineer for remote viewing.

F. The boiler must have two feed pumps that supply water to the boiler.

G. A boiler firing with gas must have a flammable gas detection system in the boiler room with a visible and audible alarm. The alarm must trigger before the gas reaches an explosive level. The alarms must be visible and audible inside the boiler room and on the remote monitoring device. Located immediately outside the boiler room door, there must be:

- (1) visible and audible alarms;
- (2) an independent remote water level indicator; and
- (3) remote boiler shutdown switches.

H. Boilers using gas or liquid fuels must have a written fuel-rich condition shutdown procedure, which must be made available to the operators.

I. Each boiler must have written standard and emergency operating procedures, which include testing of all safety devices at the manufacturers' recommended scheduled intervals.

J. A diary must be maintained in the boiler room in a manner that prevents revisions, additions, or deletions. The diary must document, at a minimum, equipment start-up and shutdown times; equipment repairs; equipment inspections; equipment maintenance; equipment testing performed; and the name of the properly licensed engineer documenting these actions, inspections, and tests performed. The diary must be provided to a national board-commissioned inspector upon request.

Proposed Rules

K. The remote monitoring device and system must have a communication failure alarm. The properly licensed engineer must return to the boiler room immediately upon notification of a communication failure.

L. As recommended by the boiler manufacturer, the licensed engineer must establish a primary set point that triggers an alarm and a secondary set point that automatically shuts down the boiler. The primary set point must trigger an alarm if the boiler conditions fall outside of the boiler's normal operating conditions but are within an operating range in which the boiler is safe to operate temporarily. The secondary set point must trigger the boiler to automatically shut down when the boiler conditions are outside of safe operating conditions. The following items must have primary and secondary set points:

- (1) high and low water level for steam boilers;
- (2) high and low boiler pressure;
- (3) temperature for high temperature hot water heating;
- (4) concentration of carbon monoxide in boiler room;
- (5) fuel flow;
- (6) steam flow;
- (7) gas/oil pressure; and
- (8) flammable gas detection.

A flame sensor must trigger an alarm when a flame is not detected and automatically shut down the boiler.

M. A national board-commissioned inspector must conduct both an initial internal and external inspection of the boilers to determine compliance with this subpart to qualify for remote monitoring. The internal inspection must be conducted while the boiler is not in operation. The external inspection must be conducted while the boiler is in operation. Annually thereafter, the national board-commissioned inspector must conduct internal and external inspections to ensure continued compliance with this subpart. The inspector must document the name of the water treatment company and the name of the certified water treatment specialist. The water treatment specialist must be certified to treat, test, and monitor the boiler water. Inspection reports must be submitted to the chief boiler inspector.

N. The water treatment specialist must establish a water treatment program that contains boiler water quality parameters. The specialist must monitor the program at least every 60 days by testing the boiler water and reviewing the engineer's test results. The properly licensed engineer must test and document the results of the boiler water at least every 24 hours. The test results must be provided to the specialist, the national board-commissioned inspector, or chief boiler inspector upon request.

The boiler owner and properly licensed engineer are responsible for ensuring that the boiler meets all of the requirements of the remote monitoring program identified in subpart 5. If the boiler owner or engineer determines that the boiler fails to meet the requirements of the remote monitoring program at any time, the owner or engineer must immediately comply with the constant attendance requirements in subpart 3 until all deficiencies are corrected and restored to compliance with the remote monitoring program. All deficiencies and subsequent corrections must be documented by the engineer in the diary.

If the chief boiler inspector or national board-commissioned inspector determines that the boiler fails to comply with the requirements of this subpart, the boiler is disapproved for the remote monitoring program and must begin immediate compliance with the constant attendance requirements identified in subpart 3. Reinstatement in the remote monitoring program is granted to the boiler owner by correcting the deficiency and obtaining verification of the correction from the national board-commissioned inspector. Evidence of the correction and verification must be submitted to the chief boiler inspector prior to reinstatement.

REPEALER. Minnesota Rules, part 5225.1180, subpart 4, is repealed.

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.

Board of Cosmetology

Adopted Permanent Rules Relating to Licensing Mobile Salons

The rules proposed and published at State Register, Volume 41, Number 18, pages 505-510, October 31, 2016 (41 SR 505), are adopted with the following modifications:

2105.0395 MOBILE SALONS.

Subpart 1. **Mobile salons.** A salon located in a mobile vehicle or mobile structure must be licensed as a mobile salon. The board must issue mobile salon licenses for mobile cosmetology salons, mobile esthetician salons, mobile advanced practice esthetic salons, and mobile nail technology salons. Mobile salons are subject to the following provisions:

~~C.~~ The salon must not be used for any residential or recreational purpose.

~~D.~~ C. All services must be provided inside the interior of the vehicle or structure.

~~E.~~ D. The mobile salon must be equipped with a functioning cell phone or Voice over Internet Protocol (VoIP).

F. E. The mobile salon's name as shown on the license must be visibly displayed and clearly legible on at least one exterior side of the mobile salon.

Subp. 4. **Electrical and power requirements for mobile salons.**

B. Any combustible gas heater used by a mobile salon must be a sealed, combustible unit and must be vented outside, and all doors and windows must be closed when the heater is operating to avoid exhaust entering the mobile salon. Liquefied petroleum gas (LP-gas) systems installed in the mobile salon must comply with the current edition of the National Fire Protection Association Standard No. 58 LP-Gas Code as adopted by the State Fire Code.

E. All electrical wiring in a mobile salon must comply with the State Electrical Code. ~~Use of Electrical equipment plugged into outlets must be UL-listed and must comply with the State Fire Code; Minnesota Statutes, section 326B.35, and local fire codes, or the State Fire Code where no local fire code exists.~~

Subp. 7. **Compliance with local government law.** The mobile salon must comply with all city, township, and county ~~requirements~~ ordinances regarding wastewater disposal, commercial motor vehicles, vehicle insurance, noise ~~ordinances~~, signage ~~ordinances~~, parking ~~ordinances~~, ~~commercial or commerce~~, business ~~local ordinances~~, and all other local government ~~restrictions~~ requirements. It is the responsibility of the mobile salon owner to investigate what requirements are applicable to the mobile salon in each jurisdiction where the salon operates, and to ensure compliance with the requirements.

Official Notices

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

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

Department of Transportation (Mn/DOT)

Office of Transit

Notice of Public Comment on the draft Greater Minnesota Transit Investment Plan

NOTICE IS HEREBY GIVEN that the public is invited to review and provide comments through **April 11, 2017** on the draft Greater Minnesota Transit Investment Plan.

The Greater Minnesota Transit Investment Plan provides a twenty-year strategic plan for investing in Greater Minnesota. It recommends additional service and estimates funding needed to support the legislative target of meeting 90 percent of public transit need in Greater Minnesota by 2025.

The plans are the result of extensive collaboration during the last year between the Minnesota Department of Transportation and citizens, stakeholders and transportation partners. This will be the final opportunity for the public to provide input on the plans.

The plan can be accessed electronically at <http://www.minnesotago.org>. It is also available for review in hard copy at the MnDOT Library, 395 John Ireland Blvd., in St. Paul and at the eight MnDOT district headquarters located statewide.

Written comments will be accepted through April 11 and can be submitted online at <http://www.minnesotago.org>, emailed to stateplans.dot@state.mn.us, or addressed to:

Mike Schadauer
MnDOT Office of Transit
395 John Ireland Blvd, MS 430
Saint Paul, MN 55155

Follow the plan on Twitter, @minnesotago, on Facebook, www.facebook.com/MinnesotaGO, or online at <http://www.minnesotago.org>.

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.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Minnesota Department of Human Services

Alcohol and Drug Abuse Division

Notice of Request for Proposals to Implement a Plan that Will Facilitate Coordination of Systems and Outreach and Engage to Individuals with a Severe Substance Use Disorder that Are Experiencing Homelessness

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to fund up to four (4) projects at 200,000 per project, each year, for three years. Responders will address the gaps in access and service delivery for individuals with a severe substance use disorder (SUD) and that are at risk or currently experiencing homelessness. Any qualified responder will have a plan to outreach and engage individuals and collaborate, as well as coordinate services with Minnesota's Homeless Coordinated Entry Providers.

A Responders' Conference will be held on **March 24, 2017 at 12:00pm Central Time** at Roseville Library, 2180 Hamline Ave N, Roseville, MN 55113. The conference will serve as an opportunity for Responders to ask specific questions of State staff concerning the project.

Work is proposed to start on or about July 1, 2017. For more information, or to obtain a copy of the Request for Proposal, contact:

Dianne C Wilson
Department of Human Services
Alcohol and Drug Abuse Division
444 Lafayette Road North, St. Paul, MN 55155
Phone: (651)431-2024, Fax: (651) 431-7449
Dianne.c.wilson@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 **4:00 p.m., Central Time, April 24, 2017. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:
<http://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/>.

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.

Minnesota Department of Human Services

Community Partnerships and Child Care Services Division

Notice of Request for Proposals to Provide Services through the Office of Economic Opportunity Safe Harbor Shelter and Housing Grants

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to provide services through the Office of Economic Opportunity Safe Harbor Shelter and Housing Grants with anticipated availability of Safe Harbor Shelter and Housing funding. Funding under these programs may be used to pay the costs of providing outreach, emergency shelter, supportive housing, and specialized foster care for youth victims of sexual exploitation and sex trafficking age 24 and under.

State Grants & Loans

Eligible applicants include non-profit organizations, local units of government and tribal governments. The exact amount of available funding may not be known until the end of the 2017 Minnesota Legislative Session. All funds will be awarded through a competitive grant process.

Work is proposed to start July 1st, 2017. Funds will be awarded for a two-year period, ending June 30, 2019. For more information, or to obtain a copy of the Request for Proposal, contact:

Dina Chou
Department of Human Services
Community Partnerships and Child Care Services Division
Office of Economic Opportunity
P.O. Box 64962
444 Lafayette Road North, St. Paul, MN 55155-0962
Phone: (651) 431-3824
dina.chou@state.mn.us

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

To be considered for funding under this program, one electronic application and two hard copy applications must be received no later than **4:00 p.m., Central Standard Time, April 28, 2017. Late proposals will not be considered.** Email one electronic application to [*barb.alt@state.mn.us*](mailto:barb.alt@state.mn.us) and mail two hard copies of the application to:

Barb Alt
Department of Human Services
Community Partnerships and Child Care Services Division
Office of Economic Opportunity
P.O. Box 64962
444 Lafayette Road North, St. Paul, MN 55155-0962

The Request For Proposals can be viewed by visiting the Minnesota Department of Human Services RFP web site:
[*http://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/*](http://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/)

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

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 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.

Minnesota State Colleges and Universities (MnSCU)

Minneapolis Community and Technical College

Request for Proposal (RFP) for Food Services

NOTICE IS HEREBY GIVEN of the Minneapolis Community and Technical College Request for Proposal (RFP) for food services on its Minneapolis campus. Food services include Plaza Dining, Josephine's Café, and catering.

To receive a copy of the full RFP, please visit: <http://www.mnscu.edu/system/csc/sourcing/RFP.html>.

Proposals are due by **4:00 p.m. central time, Friday, April 7, 2017**, and addressed to Gary Westerland, Director of Auxiliary Services, Minneapolis Community and Technical College, 1501 Hennepin Ave, Minneapolis, MN 55403.

Any questions should be in the form of an RFI and directed to Gary Westerland at e-mail: Gary.Westerland@minneapolis.edu. Late responses will not be considered.

This solicitation does not commit Minneapolis Community and Technical College to award a contract, to pay any costs incurred in the preparation of a proposal, or to procure or contract for the articles of goods or services. The College reserves the right to accept or reject any or all proposals received as a result of this request and to cancel in part or in its entirety this request for proposals, if it is in the best interest of the College to do so. The College further reserves the right to reject all proposals received as a result of this request, and either maintain its current contract or manage and operate its own food service without the benefit of a contract.

Minnesota State Colleges and Universities (MnSCU)

St. Cloud Technical & Community College

Formal Request for Proposal for Carpentry House Built on Blocks

Response Due Date and Time: **Friday, April 7, 2017 at 2:00 p.m. Central Time**

The complete Request for Proposal will be available on Monday, March 6, 2017 on the website <http://www.sctcc.edu/rfp>.

Title of Project: Carpentry House Built on Blocks

Geographic Location Requirements: St. Cloud Technical & Community College, 1540 Northway Drive, St. Cloud, MN 56303

State Contracts

Responses must be received at the location listed below:

St. Cloud Technical & Community College
1540 Northway Drive
St. Cloud, MN 56303
Susan Meyer, Purchasing Agent, Room 1-401
Phone: (320) 308-5973
Fax: (320) 308-5027
E-mail: smeyer@sctcc.edu

Contact for questions: Susan Meyer, Phone: (320) 308-5973 e-mail: smeyer@sctcc.edu

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above. Late responses cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of the RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person above. This is a request for responses to an RFP and is NOT a purchase order.**

Minnesota State Colleges and Universities (MnSCU)

St. Cloud Technical & Community College

Formal Request for Proposal for Curriculum Development and Instruction: CNC Precision Machining, Machine Programming and Operation

Response Due Date and Time: **Monday, March 20, 2017 at 3:30:00 p.m. Central Time**

The complete Request for Proposal will be available on Monday, March 6, 2017 on the website <http://www.sctcc.edu/rfp>.

Title of Project: Curriculum Development and Instruction: CNC Precision Machining, Machine Programming and Operation.

Geographic Location Requirements: St. Cloud Technical & Community College, 1540 Northway Drive, St. Cloud, MN 56303

Responses must be received at the location listed below:

St. Cloud Technical & Community College
1540 Northway Drive
St. Cloud, MN 56303
Susan Meyer, Purchasing Agent, Room 1-401
Phone: (320) 308-5973
Fax: (320) 308-5027
E-mail: smeyer@sctcc.edu

Contact for questions: Susan Meyer, Phone: (320) 308-5973, e-mail: smeyer@sctcc.edu

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above. Late responses cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of the RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person above. This is a request for responses to an RFP and is NOT a purchase order.**

Minnesota Board on Aging

Notice of Request for Proposals to Provide Services, Education, and/or Resources for Persons with Dementia and their Caregivers

NOTICE IS HEREBY GIVEN that the Minnesota Board on Aging is requesting proposals to increase awareness of Alzheimer's disease, increase the rate of cognitive testing, promote the benefits of early diagnosis, or connect caregivers of persons with dementia to education and resources. Grants are intended to stimulate collaboration, coordination, and strengthen community relationships and partnerships to promote the benefit of physician consultation for all individuals suspected of having a memory or cognitive problem, to promote the benefits of early diagnosis of Alzheimer's disease and other dementias, and to provide informational materials and other resources to caregivers of persons with dementia.

Work is proposed to start July 20, 2017. For more information, or to obtain a copy of the Request for Proposal, contact:

Nancy E. Lee
Minnesota Board on Aging
Phone: (651) 431 – 4258
mbagrants@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 emailed and received at the above e-mail address no later than **4:00 p.m., Central Time, April 14, 2017**. **Late proposals will not be considered**. Faxed, mailed, or hand delivered proposals **will not** be considered.

The RFP can be viewed by visiting the Minnesota Board on Aging web site: <http://mnaging.net/Administrator/DementiaGrants/RFP.aspx>. 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.

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>.

State Contracts

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

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 Public 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.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

Hennepin County

Staff Consultant Selection Group

Advertisement for A/E Services

The Hennepin County Staff Consultant Selection Group will be selecting architectural/facility planning firms for strategic office facilities planning services for the following project:

- Hennepin County Office Facilities Study
Supporting Innovation & Change in the Delivery of Public Services

To obtain a Request for Proposal, please access the Hennepin County internet site at www.hennepin.us. From the County home page, search for "DSC" in the search box in the middle of the page. From the Hennepin County Designer Selection Committee page, you may view and print the RFP for your use.

A letter of interest is not required for RFP noted above. All proposals received by the deadline noted in the RFP will be reviewed by the Staff Consultant Selection Group. If you experience difficulty locating or downloading the RFP, you may call Adam Sobiech, Hennepin County Facility Services, at 612-348-3172.