

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 20 November 2017
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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- Withdrawn Rules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. 42 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)
# 22	Monday 27 November	Noon Monday 20 November	Noon Thursday 16 November
# 23	Monday 4 December	Noon Tuesday 28 November	Noon Thursday 23 November
# 24	Monday 11 December	Noon Tuesday 5 December	Noon Thursday 30 November
# 25	Monday 18 December	Noon Tuesday 12 December	Noon Thursday 7 December

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<http://www.senate.mn>

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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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Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal 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 conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited 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.

Minnesota Pollution Control Agency (MPCA) Proposed Expedited Permanent Rules Relating to Dry Cleaner Environmental Response and Reimbursement Account; Notice of Intent to Adopt Expedited Rules without a Public Hearing

Proposed Rules Governing Dry Cleaner Environmental Response and Reimbursement Account, *Minnesota Rules*, ch. 7152 (New Chapter); Revisor's ID Number 4411

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules* part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes* § 14.389. You may submit written comments on the proposed expedited rules until December 22, 2017.

MPCA Contact Person. The MPCA contact person is Yolanda Letnes at MPCA, 520 Lafayette Road North, St. Paul, MN 55155-4194, telephone (651) 757-2527 (toll free 1-800-657-3864), or email yolanda.letnes@state.mn.us.

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules address environmental response reimbursement for dry cleaning facilities. The statutory authority to adopt the rules and use *Minnesota Statutes* § 14.389, including subdivision 5, for expedited rulemaking is provided by *Laws of Minnesota 2016*, chapter 123, section 5. The statutory authority for future rulemaking under the expedited rules process for reimbursement adjustment is provided under *Minnesota Statutes* § 115B.50, subd. 4.

The proposed rules establish definitions of terms, descriptions of the costs that are eligible and ineligible for reimbursement, maximum reimbursable rates, and administrative processes for adjusting reimbursement rates and applying for reimbursement. The proposed lists of the costs that are eligible and ineligible for reimbursement are similar to the costs that are eligible and ineligible for reimbursement under the Petroleum Tank Release Cleanup Fund.

The proposed rules include the following subparts:

- Definitions
- Reimbursement of Costs
- Eligible Costs
- Ineligible Costs
- Maximum Hourly Rates
- Maximum Travel and Per Diem Charges
- Maximum Equipment and Field Supplies Charges
- Reimbursement; Actual Costs
- Adjustment of Dollar Amounts
- Application Process

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A free copy of the rules is available upon request from the MPCA contact person listed above. A copy of the proposed rules is published in the *State Register* and may also be viewed at: <https://www.pca.state.mn.us/public-notice>

Comments. You have until 4:30 p.m. on Friday, December 22, 2017, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the MPCA contact person by the due date. The MPCA encourages comment. Your comment should identify the portion of the proposed expedited rules addressed (RULE CITE OR TOPIC) and the reason for the comment (ISSUE WITH PROPOSED LANGUAGE). In addition, you are encouraged to propose any change desired (SUGGESTED LANGUAGE FIX). You must also make any comments that you have on the legality of the proposed rules during this comment period. Rule cites are provided in the proposed draft rule for each requirement at the following location: <https://www.pca.state.mn.us/public-notice>

Comments submitted in the body of an email. Please provide the following information for each comment: RULE CITE OR TOPIC, ISSUE WITH PROPOSED LANGUAGE, and SUGGESTED LANGUAGE FIX.

Comments submitted as an attachment in an email, by fax, by courier, by US Postal Service, or in person. Please submit comments in table format as indicated below for efficient processing.

Rule cite or topic	Issue with proposed language	Suggested language fix
7152.0100, subp. 1	Briefly discuss issue.	Propose language, if any.
7152.0100, subp. 4	Briefly discuss issue.	Propose language, if any.

Comments must be submitted directly to the MPCA contact person listed above and should identify “R-04411 rulemaking comments” in the subject line. Messages copied to other agency staff, including the commissioner, will not be treated as comments in an effort to minimize duplication and negative impacts to the agency email system.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the MPCA contact person must receive it by 4:30 p.m. on December 22, 2017. Your written request must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the MPCA cannot count it for 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 100 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 100, the MPCA 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 the MPCA is required to hold a public hearing, it will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

Modifications. The MPCA may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes* § 14.05, subdivision 2, paragraphs (b) and (c). Or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules* part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the MPCA will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the agency must publish a copy of the changes in the *State Register*. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information 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 at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone

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(651) 539-1180 or 18006573889.

Adoption and Review of Expedited Rules. If no hearing is required, the agency may adopt the rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date: 10/24/2017

John Linc Stine
Commissioner
Minnesota Pollution Control Agency

7152.0100 DEFINITIONS.

Subpart 1. Scope. The terms used in this chapter have the meanings given them in this part or, if not defined in this part, in Minnesota Statutes, sections 115B.02 and 115B.48.

Subp. 2. Agency. “Agency” means the Pollution Control Agency.

Subp. 3. Applicant. “Applicant” means an owner or operator as defined under Minnesota Statutes, section 115B.48, subdivision 10.

Subp. 4. Commissioner. “Commissioner” means the commissioner of the Pollution Control Agency.

Subp. 5. Consultant services. “Consultant services” means professional opinion, advice, or analysis regarding a release.

Subp. 6. Contractor services. “Contractor services” means products and services that are related to response actions and that are defined by written agreements and plans and specifications, such as excavation, treatment of contaminated soil and groundwater, abatement of vapors, soil borings and well installations, laboratory analysis, surveying, electrical work, plumbing, carpentry, and equipment.

Subp. 7. Draftsperson. “Draftsperson” means a person with a trade school diploma or the equivalent in computer-assisted design.

Subp. 8. Entry-level professional. “Entry-level professional” means a person with:

A. a college degree in agricultural engineering, chemical engineering, civil engineering, environmental engineering, geological engineering, geotechnical engineering, soil science, geology, hydrogeology, or a related science; or

B. at least five years’ experience in performing a majority of the following activities:

- (1) report preparation;
- (2) field work preparation and planning;
- (3) supervision of field work;
- (4) oversight of remediation system installation;
- (5) limited data review and analysis; or

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(6) monitoring activities.

Subp. 9. **Equipment and field supplies.** “Equipment and field supplies” means purchased or rented equipment and supplies necessary to perform consultant services.

Subp. 10. **Field technician.** “Field technician” means a person who performs field work.

Subp. 11. **Field work.** “Field work” means activities that are related to response actions and that take place at a response-action site, such as sampling, installation of wells or borings, and implementation of response actions.

Subp. 12. **Midlevel professional.** “Midlevel professional” means a person with:

A. a college degree in agricultural engineering, chemical engineering, civil engineering, environmental engineering, geological engineering, geotechnical engineering, soil science, geology, hydrogeology, or a related science and at least four years’ experience in performing one or more of the activities listed in item B; or

B. a graduate degree in environmental sciences and at least three years’ experience in performing one or more of the following activities:

(1) management of investigation and response activities;

(2) engineering or equipment design;

(3) report preparation;

(4) data review and analysis;

(5) field work planning;

(6) work plan preparation; or

(7) site inspection.

Subp. 13. **Per diem.** “Per diem” means daily charges for costs of meals and lodging when the distance to the response-action site makes it more cost-effective to lodge overnight near the response-action site.

Subp. 14. **Person.** “Person” means an individual, partnership, association, public or private corporation, or other legal entity, including the United States government, an interstate commission or other body, the state, or any agency, board, bureau, office, department, or political subdivision of the state.

Subp. 15. **Prima facie unreasonable.** “Prima facie unreasonable” means unreasonable absent proof by a preponderance of the evidence.

Subp. 16. **Remediation system.** “Remediation system” means a system that removes, contains, or mitigates releases at a response-action site.

Subp. 17. **Response action.** “Response action” means an action to respond, as defined in Minnesota Statutes, section 115B.02, subdivision 18.

Subp. 18. **Response action plan.** “Response action plan” means activities approved by the commissioner to remove, contain, or mitigate releases at a response-action site.

Subp. 19. **Senior-level professional.** “Senior-level professional” means a person with:

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A. a college degree in agricultural engineering, chemical engineering, civil engineering, environmental engineering, geological engineering, geotechnical engineering, soil science, geology, hydrogeology, or a related science and at least eight years' experience in performing one or more of the activities listed in item B; or

B. a graduate degree in the environmental sciences and at least seven years' experience in performing one or more of the following activities:

- (1) project oversight;
- (2) project management;
- (3) aquifer characterization;
- (4) review of technical reports;
- (5) review of remedial plans; or
- (6) data review and analysis.

Subp. 20. **Site inspection.** "Site inspection" means activities that are related to examination or assessment of a response-action site, such as determining potential sources of contamination, determining sampling locations, and overseeing implementation of response actions.

Subp. 21. **Travel time.** "Travel time" means the time required to mobilize equipment and to travel to and from the response-action site or other location necessary to provide consultant services.

Subp. 22. **Vehicle mileage.** "Vehicle mileage" means the per-mile costs associated with providing and using a vehicle to travel to and from the response-action site or other location necessary to provide consultant services.

Subp. 23. **Word processing.** "Word processing" means using a computer or a typewriter to prepare correspondence or prepare a form, report, or worksheet submitted to the agency.

Subp. 24. **Word processor.** "Word processor" means a person who performs word processing.

7152.0200 REIMBURSEMENT OF COSTS.

Subpart 1. **Applicability.** This chapter applies when an applicant submits an application to the commissioner for reimbursement of the applicant's eligible costs as provided under part 7152.0300 and Minnesota Statutes, section 115B.50, subdivision 2.

Subp. 2. **Conditions for reimbursement.** Under Minnesota Statutes, section 115B.50, the commissioner must reimburse an applicant's eligible costs that are reasonable and necessary to protect the public health or welfare or the environment under the standards required in Minnesota Statutes, sections 115B.01 to 115B.20.

7152.0300 ELIGIBLE COSTS.

Subpart 1. **Costs eligible for reimbursement.** Costs associated with the following response actions conducted under Minnesota Statutes, section 115B.50, subdivision 2, are eligible for reimbursement from the account if the costs meet the conditions under part 7152.0200, subpart 2:

A. emergency response and initial site hazard mitigation measures necessary to abate acute risks to human health, safety, and the environment;

B. temporary site hazard control measures such as security fencing or other measures to limit access, temporary

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provision of drinking water and housing, initial abatement of vapors, removal of free product, and other temporary measures to limit the public's exposure;

C. investigation and source identification such as collecting and analyzing soil samples, soil vapor, groundwater, and drinking water; providing engineering and environmental services; and taking other actions necessary to determine the source, scope, and extent of a release;

D. preparing and submitting reports required by the commissioner; and

E. response actions such as removal, treatment, or disposal of surface and subsurface soil, soil vapor, or groundwater contamination, installation of a vapor mitigation system including venting systems and vapor barriers, provision of a permanent alternative water supply, and other actions that remove or remedy a release. Response actions must be performed according to a response action plan approved by the commissioner.

Subp. 2. **Documentation of eligible costs.** The applicant must retain all records necessary to document incurred costs submitted in an application for reimbursement for seven years from the date the application is submitted to the commissioner. Among the records required are all invoices, time records, equipment records, and receipts.

7152.0400 INELIGIBLE COSTS.

Subpart 1. **Generally.** Costs associated with actions conducted under Minnesota Statutes, section 115B.50, subdivision 2, are not eligible for reimbursement from the account when the costs are:

A. not incurred by the applicant; or

B. not reasonable according to Minnesota Statutes, section 115B.50.

Subp. 2. **Specific items.** The following specific items are not eligible for reimbursement:

A. loss of income;

B. the applicant's attorney fees or other fees charged by an attorney or by another person for providing legal or quasi-legal advice, filing appeals, or providing legal testimony;

C. costs for permanent relocation of residents;

D. decreased property values for the applicant's property;

E. costs for the applicant's own time spent in planning, performing, or administering a response action;

F. costs for aesthetic or site improvements not deemed reasonable and necessary by the commissioner to protect the public health or welfare or the environment under the standards required in Minnesota Statutes, sections 115B.01 to 115B.20;

G. costs for work performed that is not in compliance with applicable codes;

H. per diem charges for sites less than 60 miles from an office of the person providing consultant services or contractor services;

I. costs for repair or restoration of structures, surfaces, or land damaged by equipment used in the response action, unless the damage was unavoidable to implement the response action;

J. administrative costs incurred by the applicant, such as:

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- (1) costs for preparing applications;
- (2) costs for responding to inquiries from agency staff regarding applications; and
- (3) other administrative costs;
- K. costs for priority turnaround of laboratory analysis, unless requested by the commissioner in writing;
- L. late payment fees;
- M. fees charged by property owners for access to private property;
- N. interest costs;
- O. costs for work done solely to facilitate a property transfer or refinance;
- P. purchasing price of property being acquired;
- Q. administrative costs associated with acquiring business, preparing or responding to a request for proposal, or preparing invoices for services provided or performed;
- R. costs for reports not submitted to the commissioner or not required by the commissioner;
- S. costs for work that must be redone due to workmanship that fails to meet industry standards;
- T. consultant markup charges;
- U. costs reimbursed by insurance;
- V. costs for repair, replacement, or upgrade of a facility or equipment;
- W. investigation or response actions related to contamination not associated with a dry cleaning operation;
- X. costs resulting from illegal actions as provided in Minnesota Statutes, section 115B.51;
- Y. costs for third-party review or oversight of another party's environmental work; and
- Z. the first \$10,000 of aggregate response-action costs, according to Minnesota Statutes, section 115B.50, subdivision 2, paragraph (a).

7152.0500 MAXIMUM HOURLY RATES.

- A. After the applicant accepts a consultant's or contractor's written proposal for services at the response-action site, hourly rate charges for subsequent services performed at the site by that consultant or contractor that exceed the hourly rates listed in the written proposal for services at the response-action site are prima facie unreasonable.
- B. Notwithstanding item A, hourly rate charges that exceed by a maximum of five percent per year the hourly rates listed in the written proposal for services at the response-action site are not prima facie unreasonable when at least one year has passed since the applicant approved the proposal in writing.
- C. Notwithstanding items A and B, hourly rate charges for consultant services in excess of the following are prima facie unreasonable:
 - (1) senior-level professional at \$173 per hour;

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- (2) midlevel professional at \$128 per hour;
- (3) entry-level professional at \$94 per hour;
- (4) field technician at \$87 per hour;
- (5) draftsperson at \$74 per hour; and
- (6) word processor at \$53 per hour.

D. An hourly rate for consultant services is prima facie unreasonable when the rate for the consultant services is higher than the level of consultant services required to perform the task.

7152.0600 MAXIMUM TRAVEL AND PER DIEM CHARGES.

The cost for travel time, vehicle mileage for consultant services, or per diem is prima facie unreasonable when the cost exceeds the amount specified in the proposal for consultant services or contractor services or the maximum cost specified in items A to C, whichever is less:

A. travel time has a maximum cost of the maximum hourly rate charge specified for the traveler's level of professional expertise required for the required task to be performed;

B. for consultant services, vehicle mileage has a maximum cost of the standard mileage rate for business established by the Internal Revenue Service; and

C. per diem has a maximum cost of \$180 per day.

7152.0700 MAXIMUM EQUIPMENT AND FIELD SUPPLIES CHARGES.

The costs for equipment and field supplies are prima facie unreasonable when the cost exceeds:

A. for a disposable item, the cost to buy the item; or

B. for a reusable item, the cost to buy the item or to rent it for the amount of time necessary to transport and use it, whichever is less.

7152.0800 REIMBURSEMENT; ACTUAL COSTS.

Notwithstanding parts 7152.0100 to 7152.0700, the commissioner must not reimburse applicants for a cost that exceeds the cost for the actual hours spent by a consultant or contractor performing the service when services are charged based on the consultant's or contractor's time.

7152.0900 ADJUSTMENT OF DOLLAR AMOUNTS.

A. When the Petroleum Tank Release Compensation Board makes adjustments to maximum charge dollar amounts according to chapter 2890 to reflect changes in the implicit price deflator for the gross domestic product, the commissioner must use the expedited rulemaking process in Minnesota Statutes, section 14.389, as authorized under Minnesota Statutes, section 115B.50, subdivision 4, to reflect the same adjustments in dollar amounts in parts 7152.0500 and 7152.0600.

B. If the Petroleum Tank Release Compensation Board does not make adjustments as required under chapter 2890, the commissioner must determine the adjustment rate using the process established in chapter 2890 and adjust the rates as required under item A.

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7152.1000 APPLICATION PROCESS.

Subpart 1. **Applications.** An applicant must complete, sign, and submit a written application to the commissioner. The application must be made on a form prescribed by the commissioner.

Subp. 2. **Time of application; costs payable under insurance policy.** The applicant must make reasonable efforts to collect payment from an insurer for any costs that are payable under an applicable insurance policy before applying for reimbursement for those costs.

Subp. 3. **Supplemental applications.** An applicant who has already submitted an application to the commissioner for reimbursement and who has incurred additional or continuing eligible costs may apply for reimbursement of those costs by filing a supplemental application. An applicant may file a supplemental application only if the applicant has not submitted the costs on a previous application.

Subp. 4. **Certification.** A person who signs an application for reimbursement must make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete."

Subp. 5. **Resolution of denied reimbursement request.** If a request for reimbursement is denied by the commissioner, the applicant may appeal the decision as a contested case under Minnesota Statutes, chapter 14.

Board of Cosmetologist Examiners

Adopted Expedited Permanent Rules Relating to Eyelash Technicians; Order Adopting Rules

Adoption of Expedited Permanent Rules Governing Eyelash Technicians and Eyelash Salons *Minnesota Rules, Chapters 2105 and 2110* Revisor's ID Number 04497

BACKGROUND INFORMATION

A. The Board of Cosmetologist Examiners has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law. The Board authorized proposing the rules at its meeting on July 17, 2017 and a quorum was present.

B. The board received 10 written comments and submissions on the rules. There were no requests for a hearing.

C. The board modified the proposed rules in accordance with the Administrative Procedure Act. None of the changes discussed below create a substantially different rule from the proposed rule.

The modifications are within the scope announced in the notice of intent to adopt expedited rules, and are in character with the issues raised in the notice. The notice of intent sought to convey the breadth and scope of the proposed rules, and stated that proposed rules were about the training, licensing, and practice of eyelash technicians; curriculum requirements and eyelash instructors; and the licensing and operation of eyelash salons.

The modifications are a logical outgrowth of the contents of the notice of intent, comments made in response to the notice, and discussions related to the proposed rules.

Fair warning was provided that the outcome of the rulemaking proceeding could be the amended rules because the notice of intent cautioned modifications might be made. The subject matters of the modified rules are not different from the subject matter or issues contained in the notice of intent to adopt expedited rules. In general, the modifications do not

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differ from the effects of the proposed rule contained in the notice of intent.

For these reasons, the Board believes that the rule modifications discussed below do not create substantially different rules as determined under Minnesota Statutes, section 14.015, subdivision 2.

DEFINITIONS:

2105.0010 Subp. 11. Licensed Services: The modification simply corrects an oversight in not including the new license field in the list used in the definition of licensed services, and does not change the meaning of the definition.

2105.0010 Subp. 11d. Operator: The modification simplifies the definition by substituting the word “practitioner” for the list of different license types held by operators, and does not change the meaning of the definition.

2105.0145 Applicants for Individual License:

Subp. 2 Salon Managers: The modification simplifies the rule by eliminating an unnecessary list of license types, and does not change the requirement for salon managers.

Subp. 4 Instructors, Item B: The modification corrects an oversight in not including the new license in the practitioner fields eligible for an instructor license. Instructor licenses were in the scope of the issues identified in the notice of intent.

2105.0182 Grandfathered Eyelash Technology Instructors: As a result of questions on the proposed rules from licensed schools and from unlicensed individuals providing training and certificates in eyelash extension services, the modification provides a method for grandfathering eyelash technology instructors. The notice of intent to adopt expedited rules identified eyelash instructors as one of the topics addressed by the proposed rules. A provision for grandfathering lash instructors is a logical outgrowth of the comments and discussions about the need for licensed instructors for the new eyelash technician curriculum.

The requirements for the eyelash instructor license are the same as they are for any instructor but allow experience in providing training or in providing services in an unlicensed environment to count towards the standard 2700 hours of experience required of all instructor applicants under current rule part 2105.0145 Subp. 4.

2105.0310 Salon Licensure Application:

Subp. 1a. Types of salon licenses: This modification resulted from discussions regarding the addition of eyelash technology salons to the lists of types of salons licensed by the board. Rule amendments adopted in 2016 established one set of licensure and operation requirements for all salons regardless of the licensure field practiced in any particular salon. In lieu of adding eyelash technology salon to the list of salon license fields, and given that the rule was no longer relevant after the adopted rules standardized requirements across salon types, the rule is repealed. The modification is within the scope announced in the notice of intent.

Subp. 2. Application: Instead of adding eyelash salon to the list of types of salons, the modification removes the lists and relies on a universal “salon” to describe the license application.

2105.0322 Maintaining Salon Licenses:

Subp. 5. Salon Premises: The modification clarifies that the school must be licensed and does not create a substantially different rule from the rule amendment originally proposed.

2105.0375 Infection Control:

Subp. 16 Eyelash extension services: Questions from unlicensed individuals who currently provide eyelash extension services indicate an unfamiliarity with practices preventing cross contamination. Eyelashes used in extension services may be packaged in bulk, or more typically, in a number of long strips of individual lashes. The packages contain enough lashes for multiple lash services. The modification clarifies that an eyelash technician must portion out the anticipated number of lashes to be used in a service so that the entire package of lashes is not exposed to bacterial or other contamination. The modification does not change the impact of the original proposed rule, which requires all

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unused lashes which were removed for a service or set out for a service to be discarded.

2105.0377 Salon Prohibitions:

Item I: This modification is a repeal of the rule provision, and resulted from discussions regarding the addition of eyelash technology salons to the lists of types of salons licensed by the board. Rule amendments adopted in 2016 established one set of licensure and operation requirements for all salons regardless of the licensure field practiced in any particular salon. In lieu of adding eyelash technology salon to the list of salon license fields, and given that the rule was no longer relevant after the adopted rules standardized requirements across salon types, the rule is repealed. The modification is within the scope announced in the notice of intent.

2105.0390 Salon Supervision:

Item B: This modification is a repeal of a portion of the rule provision, and resulted from discussions regarding the addition of eyelash technology salons to the lists of types of salons licensed by the board. Rule amendments adopted in 2016 established one set of licensure and operation requirements for all salons regardless of the licensure field practiced in any particular salon. Each salon license requires a designated licensed salon manager. In lieu of adding eyelash technology salon managers to the list of potential designated licensed salon managers, and adding a new list of potential designated licensed salon managers for an eyelash technology salon, the related portion of the rule is repealed. The modification is within the scope announced in the notice of intent.

2105.0395 Mobile Salons:

Subp. 1. Mobile Salons: Consistent with other modifications and with proposed eyelash technology rules, this modification replaces the list of various license fields for mobile salons with a single descriptive, “salon”, instead of adding eyelash mobile salons. It does not change the impact of the rule.

2110.0010 Definitions:

Subp. 18a. Operator: The modification simplifies the definition by substituting the word “practitioner” for the list of different license types held by operators, and does not change the meaning of the definition.

2110.0320 Maintaining A School License:

Subp. 16 Separation of school from any salon: The modification simplifies the rule by eliminating the list of types of salons and replacing it with a generic “salon”, and does not change the impact of the rule.

2110.0500 Curriculum Approval and Content:

Subp. 2 Field Trips and extracurricular activities: The modification repeats the provisions of part 2110.0580, Item D related to eyelash technician training and field trips to this part for clarity, and does not create a new requirement or restriction.

Subp. 3. Guest Presenters: The modification repeats the provisions of part 2110.0580, Item D related to eyelash technician training and guest presenters to this part for clarity, and does not create a new requirement or restriction.

2110.0545 Skills Courses:

Item A: This modification repeats an existing requirement in this part for better clarification, and does not create a new requirement.

2110.0740 School Clinics:

Item H: This modification is in response to questions from schools related to the requirement that students wear badges, and simplifies the rule by eliminating the requirement that the badge include the field of study. The modification does not change the impact of the current rule, which is to require students to be easily identified as “students” in the school clinics.

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E. A copy of the board's authorization to adopt the rules is attached.

ORDER

The above-named rules, in the form published in the State Register on August 7, 2017, with the modifications as indicated in the Revisor's draft, file number aR4479, dated 10/17/17, are adopted under my authority in Statutes, sections 155A.26.

Signed by Gina Fast, Executive Director, on November 3, 2017

The rules proposed and published at State Register, Volume 42, Number 6, pages 121-125, August 07, 2017 (42 SR 121), are adopted with the following modifications:

2105.0010 DEFINITIONS.

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

Subp. 11. **Licensed services.** "Licensed services" means those services defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and includes services provided by cosmetologists, estheticians, ~~and~~ nail technicians, ~~advanced practice estheticians, and eyelash technicians~~. The definition of "cosmetology" in Minnesota Statutes, section 155A.23, subdivision 3, must be construed to not prohibit or regulate hair braiding, hair braiding services, and hair braiders, as defined in subparts 10a to 10c.

[For text of subps 11a to 11c, see M.R.]

Subp. 11d. **Operator.** "Operator" means a standard license for a ~~cosmetologist, esthetician, or nail technician practitioner~~ and not an ~~advanced practice license or a manager license~~.

[For text of subps 11e to 14, see M.R.]

2105.0145 APPLICANTS FOR INDIVIDUAL LICENSES.

Subp. 2. **Salon managers.** An applicant for a salon manager license must:

- B. hold a current Minnesota ~~cosmetologist, esthetician, nail technician, or eyelash technician operator~~ license;

2105.0182 GRANDFATHERED EYELASH TECHNOLOGY INSTRUCTORS.

A. A licensed eyelash technician may apply for a grandfathered eyelash technology instructor license by meeting the requirements in this subpart. The completed application must be received by the board no later than June 30, 2018.

B. An applicant for a grandfathered eyelash technology instructor must submit:

- (1) a completed application;
- (2) a Minnesota eyelash technician operator or manager license;
- (3) documented work experience in the past three years of: at least 2,700 hours providing in-person training on eyelash extension services; at least 2,700 hours providing eyelash extension services; or a combination of providing in-person eyelash extension training and eyelash extension services equal to 2,700 hours;
- (4) an original course completion certificate of a board-approved instructor course not more than one year old;
- (5) original passing test results no more than one year old of a board-approved instructor general theory test;
- (6) original passing test results no more than one year old of a board-approved instructor practical test;

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(7) original passing test results no more than one year old of a board-approved instructor state laws and rules test; and

(8) payment of the fees required in Minnesota Statutes, section 155A.25.

2105.0310 SALON LICENSURE APPLICATION.

Subp. 1a. [See repealer.]

Subp. 2. **Application.** An applicant for a cosmetology, esthetician, or nail salon license must apply on forms supplied by the board, giving the following information:

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

2105.0322 MAINTAINING SALON LICENSE.

Subp. 5. **Salon premises.** Regulated services must not be provided in a place other than a licensed salon, licensed school, or as otherwise provided by this chapter.

2105.0375 INFECTION CONTROL REQUIREMENTS.

Subp. 16. **Eyelash extension services.**

C. Eyelash extensions must be stored in a clean, closed container or in closed, original packaging. Eyelash extensions that are removed from the container or original packaging for a client's eyelash service and not used must be disposed of and must not be used for another client. When removing eyelashes from the container or package to portion out eyelashes for a service, a licensee must use a disinfected scissors, blade, or other tool to snip a portion of a strip, or a disinfected tweezer to portion out the lashes for each service.

2105.0377 SALON PROHIBITIONS.

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

~~I. Nail salons must not offer esthetician services without an esthetician salon license, and esthetician salons must not offer nail services without a nail salon license. Nail and esthetician salons must not offer services which require a cosmetology salon license.~~

2105.0390 SALON SUPERVISION.

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

B. The salon must designate and register only one person as the DLSM for each salon. This does not preclude a salon from having a business manager or other managers who are not licensed as operators or managers. ~~Salons holding both a nail salon and an esthetician salon license may have a designated licensed salon manager for each license, or a cosmetologist salon manager may serve as the designated licensed salon manager for both licenses.~~

[For text of items C and D, see M.R.]

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, mobile nail technology salons, and mobile eyelash extension salons. Mobile salons are subject to the following provisions:~~

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2110.0010 DEFINITIONS.

[For text of subps 1 to 18, see M.R.]

Subp. 18a. **Operator.** “Operator” means a standard license for a ~~cosmetologist, esthetician, or nail technician license practitioner~~ and not an advanced practice or a manager license.

[For text of subps 18b to 20, see M.R.]

2110.0320 MAINTAINING A SCHOOL LICENSE.

[For text of subps 1 to 15, see M.R.]

Subp. 16. **Separation of school from any salon.** Any ~~cosmetology, esthetician, or nail salon~~ must be operated as a separate and distinct business and the salon must be completely separated physically from the school.

2110.0500 CURRICULUM APPROVAL AND CONTENT.

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

Subp. 2. **Field trips and extracurricular activities.** Schools may offer field trips and extracurricular activities related to the course curriculum for industry educational purposes when students are accompanied by instructors, for a maximum of one percent of the total training hours required for cosmetologists, estheticians, or nail technicians. Eyelash technician courses must not include field trips.

Subp. 3. **Guest presenters.** Guest presenters may be used by a school when accompanied by the regular course instructor as long as the guest presenters are limited to one percent of the total curriculum time. If the regular course instructor is not in attendance when a guest presenter is present, the limitations of part 2110.0630 apply unless the guest presenter holds a current instructor license. Eyelash technician courses must not utilize guest presenters.

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

2110.0545 SKILLS COURSES.

A. A skills course must be offered in person and taught by an instructor licensed in the course subject.

2110.0740 SCHOOL CLINICS.

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

H. All students are required to wear an identification badge at all times. The badges must be at least two inches by one inch; state the student’s name; and state ~~that the student is either a “Cosmetologist Student,” “Esthetician Student,” or “Nail Technician “Student.”~~ Badges must be furnished by the school as part of tuition costs.

[For text of items I and J, see M.R.]

REPEALER. Minnesota Rules, part 2105.0310, subpart 1a, is repealed.

Official Notices

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

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

Minnesota Higher Education Facilities Authority Notice of Public Hearing on Revenue Obligations

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of the University of St. Thomas (the "University"), as owner and operator of the University of St. Thomas, at the Authority's office at 380 Jackson Street, Suite 450, Saint Paul, Minnesota, on **December 6, 2017 at 1:00 p.m.**

Under the proposal, the Authority would issue its revenue bonds or other obligations in one or more issues or series in an original aggregate principal amount of up to approximately \$93,000,000 to finance a project (the "Project") consisting of (a) the refunding of the Authority's outstanding Revenue Bonds, Series Seven A (University of St. Thomas), dated December 16, 2009, which were issued in the original principal amount of \$79,440,000 (the "Series Seven A Bonds"); (b) the refunding of the Authority's outstanding Revenue Bonds, Series Seven O (University of St. Thomas), dated May 30, 2012, which were issued in the original principal amount of \$15,325,000 (the "Series Seven O Bonds"); and (c) the refunding of the Authority's outstanding Revenue Bonds, Series Seven P (University of St. Thomas), dated May 30, 2012, which were issued in the original principal amount of \$12,300,000 (the "Series Seven-P Bonds").

The Series Seven-A Bonds were issued to provide funds to finance site preparation (including demolition of existing buildings) and construction, equipping and furnishing of the three-level (plus basement), approximately 218,000 square foot Anderson Student Center, construction and equipping of outdoor tennis courts, and renovations to McCarthy Gym.

The Series Seven-O Bonds were issued to provide funds to finance the refunding of (A) the Authority's outstanding Variable Rate Demand Revenue Bonds, Series Four-O (University of St. Thomas) dated September 25, 1997, which were issued in the original principal amount of \$10,800,000 to finance (i) the construction, furnishing and equipping of Morrison Hall, a residence hall for approximately 350 beds, (ii) the construction, furnishing and equipping of an approximately 350 stall parking ramp beneath Morrison Hall, (iii) the construction, furnishing and equipping of a Commons Building connecting Brady Hall and Dowling Hall for administrative and office space and recreational facilities and related improvements to connecting areas of Brady and Dowling Halls, and (iv) the construction of a skyway between the Commons Building and Morrison Hall and related site improvements; and (B) the Authority's outstanding Variable Rate Demand Revenue Bonds, Series Five C (University of St. Thomas) dated October 28, 1999, which were issued in the original principal amount of \$10,000,000 to finance the renovation, furnishing and equipping of Albertus Magnus Hall for use as an office and classroom facility.

The Series Seven-P Bonds were issued to provide funds to finance the refunding of the Authority's outstanding Variable Rate Demand Revenue Bonds, Series Six H (University of St. Thomas) dated February 16, 2006, which were issued in the original principal amount of \$12,300,000 to finance the construction, equipping and furnishing of McNeely Hall, an approximately 73,000 square foot undergraduate business building.

All of the facilities and improvements to be refinanced by the Project are owned and operated by the University and are located on the University's Saint Paul, Minnesota, campus, the principal street address of which is 2115 Summit Avenue, Saint Paul, Minnesota.

Official Notices

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

Dated: November 20, 2017.

By Order of the
Minnesota Higher Education Facilities Authority
Barry W. Fick
Executive Director

Minnesota Higher Education Facilities Authority Notice of Public Hearing on Revenue Obligations on Behalf of the College of Saint Benedict

NOTICE IS HEREBY GIVEN that a public hearing will be held on **Wednesday, December 6, 2017, at 1:00 p.m.**, by the Minnesota Higher Education Facilities Authority (the "Authority"), at its offices at Suite 450, 380 Jackson Street, Saint Paul, Minnesota, with respect to the proposal to issue revenue obligations on behalf of the College of Saint Benedict (the "College"), as owner and operator of the College of Saint Benedict. Under the proposal, the Authority would issue revenue bonds or other obligations in the maximum principal amount of \$11,000,000 to refund (i) the Authority's Revenue Bonds, Series Six-V (College of Saint Benedict), dated May 8, 2008, in the original aggregate principal amount of \$19,430,000 (the "Series Six-V Bonds"); and (ii) the Authority's Revenue Bonds, Series Seven-M (College of Saint Benedict), dated December 14, 2011, in the original aggregate principal amount of \$9,135,000 (the "Series Seven-M Bonds").

The Series Six-V Bonds were issued for the purpose of (a) financing the acquisition of four two-bedroom loft housing units and garages in the Millstream residential-rental development located at 15 Minnesota Street East, St. Joseph, Minnesota; and (b) refunding (i) the Authority's Revenue Bonds, Series Four-G (College of Saint Benedict), dated July 1, 1996, in the original principal amount of \$3,000,000 (the "Series Four-G Bonds"); and (ii) the Authority's Revenue Bonds, Series Four-T (College of Saint Benedict), dated July 15, 1998, in the original principal amount of \$25,430,000 (the "Series Four-T Bonds"). The Series Four-G Bonds financed the acquisition, construction, equipping and furnishing of a three-story residence hall for approximately 120 students with a connecting skyway to the College's existing Margretta Residence Hall. The Series Four-T Bonds were originally issued to finance the construction of an approximately 10,000 square foot bookstore and student development offices within and renovation of Mary Hall Commons; relocation of the inter-campus bus stop; construction of a central chiller tower; renovation of the Loft building for academic services; renovation and expansion of East Apartments; and renovation of the first and second floors of Gertrude Hall; and the advance refunding of a portion of the Authority's Revenue Bonds, Series Three-W (College of Saint Benedict) (the "Series Three-W Bonds"). The Series Three-W Bonds financed the acquisition, construction and equipping of Lottie Hall, a residence hall; the refunding of the Authority's Variable Rate Demand Revenue Bonds, Series Three-D (College of Saint Benedict) which financed the acquisition, construction, furnishing and equipping of the Ardolf Science Center; and the refunding of the Authority's Revenue Bonds, Series Two-Q (College of Saint Benedict), which financed the construction, furnishing and equipping of Margretta Hall, the renovation of St. Teresa Hall, installation of air conditioning in Claire Lynch Hall and installation of a storm sewer.

The Series Seven-M Bonds were issued to finance the construction and equipping of student residential housing, consisting of four separate two-story buildings or approximately 7,000 square feet each, and containing eight units of four bedrooms and also, a separate single-story building of approximately 4,000 square feet to be used for common facilities for residents of such student housing; the project provides housing for a total of 124 students and one resident director and consists, in total, of approximately 32,000 square feet.

The projects or improvements and other facilities described in this notice are owned and operated by the College and located on or near its main campus, the principal street address of which is 37 South College Avenue, St. Joseph, Minnesota.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the refunding of the Series Six-V Bonds and the Series Seven-M Bonds.

Dated: November 20, 2017

By Order of the
Minnesota Higher Education Facilities Authority
Barry W. Fick
Executive Director

Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issues for Qualified Mortgage Bonds

Notice is hereby given that the Minnesota Housing Finance Agency (the “Agency”) will hold a public hearing at **9:30 a.m. on Friday, December 8, 2017** at the Minnesota Housing Finance Agency, 400 Wabasha Street, Suite 400, St. Paul, Minnesota 55102, for the purposes of taking public testimony regarding the issuance of qualified mortgage bonds, comprising one or more series, in an aggregate principal amount not exceeding \$500,000,000. The bonds will be issued as qualified mortgage bonds subject to the mortgage eligibility requirements of Section 143 of the Internal Revenue Code of 1986, as amended, and will provide funds for the purchase by the Agency of mortgage loans of certain low and moderate income, first-time homebuyers of single family owner-occupied residences located throughout the State of Minnesota, which homebuyers qualify under the Agency’s bond financed single family mortgage program (the “Program”) and applicable federal tax law. The Agency’s Program is further described in the MHFA Start Up Program Procedural Manual, as updated from time to time, a copy of which may be obtained from the Agency. Said bonds may be issued either as refunding bonds to refund certain outstanding bonds of the Agency or as “new money” bonds using a portion of the Agency’s state bond volume allocation, and may be issued either as short-term bonds, subject to refunding or remarketing at a subsequent date on a long-term, fixed or variable rate basis, or as long-term, fixed or variable rate bonds on original issuance. The bonds covered by this hearing notice, up to an aggregate principal amount not exceeding \$500,000,000, including a plan of finance therefor, are anticipated to be issued in more than one series, on more than one date, to fund the Program during calendar years 2017, 2018 and 2019, until fully utilized.

Parties wishing to comment on the financing for the Program may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing, which comments will be considered at the hearing. Parties desiring additional information should contact Ms. Kong Yang of the Agency (651-296-6322).

Mary Tingerthal, Commissioner
Minnesota Housing Finance Agency

Department of Human Services Purchasing and Service Delivery Division Notice of Request for Information regarding a proposed Preferred Incontinence Product and Volume Purchase Program for the Minnesota Health Care Programs

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is seeking comment regarding a proposed preferred product and volume purchase program for disposable incontinence products for the Minnesota Health Care Programs.

For more information, or to obtain a copy of the Request for Information, contact:

Camille Miller, Agency Policy Specialist
Minnesota Department of Human Services
Purchasing and Service Delivery Division
PO Box 64984
444 Lafayette Road North
St. Paul, MN 55155
Email: camille.miller@state.mn.us

Official Notices

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, December 15, 2017.**

The RFI can be viewed by visiting the Minnesota Department of Human Services RFP web site:
http://www.dhs.state.mn.us/id_000102.

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.

Investment Advisory Council Official Meeting Notice

The Investment Advisory Council of the Minnesota State Board of Investment will meet on **Monday, November 20, 2017 at 12:00 P.M.** at the Retirement Systems Building, Room 106 (Main Floor), 60 Empire Drive, St. Paul, MN.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the State Register, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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

Department of Employment and Economic Development (DEED) Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at <https://mn.gov/deed/about/contracts/>

Department of Human Services

Child Safety and Permanency Division

Revision to November 6, 2017 Request for Proposals for a Qualified Grantee to Provide Family Group Decision Making Throughout the Child Welfare Continuum

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services through its Child Safety and Permanency Division has published a Revised Request for Proposal for a Qualified Grantee to Provide Family Group Decision Making Throughout the Child Welfare Continuum that was originally published in the November 6, 2017 State Register. The following include some of the changes to the RFP: (a) The requirement to submit RFP to SWIFT (page 1) is removed; (b) reference to appendix H, I and J (page 18 and 19) are removed; (c) paragraph 1 under Proposal Submission (page 20) is removed; (d) phase 1 under Evaluation Phases (page 22 and 23) is removed; (e) the points under Evaluation of Technical Proposal (page 23) have been adjusted; (f) Evaluation of Cost Proposals (page 25) is removed; and (g) Paragraph d under Selection of the Successful Responder(s) (page 26) is removed.

State Grants & Loans

To request a full text of the revised RFP please contact:

Jacalyn Pederson
Jacalyn.s.pederson@state.mn.us
Department of Human Services
Child Safety and Permanency Division
P.O. Box 64943
444 Lafayette Road North, St. Paul, MN 55155
Phone: (651) 431-4698, Fax: (651) 431-7522

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

The text of the RFP Addendum can also be viewed by visiting the Minnesota Department of Human Services RFP web site: http://www.dhs.state.mn.us/main/id_000102

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

Department of Human Services

Mental Health Division

Notice of Request for Proposals from qualified responders to Provide School-Linked Mental Health Services to Children and Families across Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is seeking proposals from qualified responders to provide School-Linked Mental Health Services to Children and Families across Minnesota.

Work is proposed to start July 1, 2018. For more information, or to obtain a copy of the Request for Proposal, contact:

Kristin Lofgren
Department of Human Services
Mental Health Division
P.O. Box 64985
444 Lafayette Road, St. Paul, MN 55155 0985
Phone: (651) 431-3225, Fax: (651) 431-7566
kristin.lofgren@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, on Tuesday, January 16, 2018** to be considered. 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:
<https://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 (Minnesota State) Request for Proposal (RFP) for Annual IT Conference

Background

Minnesota State Colleges and Universities (Minnesota State) is the fifth-largest system of higher education in the United States. It is comprised of 37 two-year and four-year state colleges and universities with 54 campuses located in 47 Minnesota communities. Minnesota State serves approximately 430,000 students and over 16,000 employees each year. Minnesota State is a state entity that is governed by a 15 member Board of Trustees. The law creating the system was passed by the Minnesota Legislature in 1991 and went into effect July 1, 1995. The law merged the state's community colleges, technical colleges and state universities into one system, excluding the University of Minnesota campuses. For more information about Minnesota State Colleges and Universities, please view its website at www.minnstate.edu.

Nature of RFP

The purpose of this RFP is for Minnesota State to solicit proposals for a resort or hotel and/or conference center to hold the annual Information Technology (IT) conference. This three day – three night conference event to be held in late April 2019. The proposal shall identify facilities for the specified number of breakout rooms, meals, vendor display area, staff housing, and conference planning staff as specified in this document.

Selection of vendor shall be based on Minnesota State's evaluation of responses, with a site visit of the finalist(s). Minnesota State intends to enter into a contract through June 30, 2019, with the selected vendor. Minnesota State reserves the right to extend the contract for up to five (5) years through a formal amendment to the contract.

Vendors must include required information called for in this RFP. Minnesota State reserves the right to reject a proposal if required information is not provided. This request for proposal does not obligate Minnesota State award a contract or complete the project, and Minnesota State reserves the right to cancel the solicitation if it is considered to be in Minnesota State's best interest.

Scope of Services

- Three nights food and lodging
- Guest Rooms for up to 400 attendees
- All locations must be within a 10-15 minute walking distance
- Reception Desk Space
- Vendor Show with room up to 55 Vendor Tables (100 Vendors)
- Large breakfast, lunch and dinner space for up to 400 individuals
- Eight Breakout Rooms for up to 50 guests
- No cost Wi-Fi for individuals in guest rooms – up to 10 MB
- Up to 100 MB Wi-Fi in large room and break out rooms

General Selection Criteria

Minnesota State is looking for a complete conference with conference room space, meal space and guest room availability. This RFP is not limited to a single hotel/resort solution, but a solution from a collaborative offering such as convention center and hotel(s)/resorts is acceptable, if the requirements of the RFP can be met.

Selection and Implementation Timeline

Monday, November 6

Monday, November 20, 3:00 p.m. CST

Monday, November 27

Thursday, December 7, 3:00 p.m. CST

January/February/March 2018

Monday, April 2, 2018

Publish RFP notice

Submit questions on RFP

Publish answers to RFP questions

Deadline for RFP proposal submissions

Review RFP proposals, Site visits of finalist(s)

Estimated deadline for executing contract

Any questions please contact: Jennell Flodquist (email: jennell.flodquist@minnstate.edu phone: 651-201-1524)

The RFP can be downloaded at the following URL: <http://www.minnstate.edu/vendors/index.html>

Minnesota State Colleges and Universities (Minnesota State)

Lake Superior College

Request for Proposal for Digital and Programmable Main Entrance Sign

NOTICE IS HEREBY GIVEN that proposals are being solicited for development and installation of a digital and programmable message sign at the main entrance to the college's main campus located at 2101 Trinity Road in Duluth, MN 55811.

For additional information or to request a copy of the RFP packet, please contact:

Mike Francisco, Purchasing purchasing@lsc.edu
Lake Superior College
2101 Trinity Rd, Duluth MN 55811
Telephone: 218-733-5968

Proposals are due at the Lake Superior College Business Office, 2101 Trinity Road, Duluth, MN 55811 by **12:00 p.m. CT on November 27, 2017**.

This notice and the Request for Proposal do not obligate the State of Minnesota, Minnesota State Colleges and Universities or Lake Superior College to award a contract; and reserves its right to withdraw from the RFP if it is considered to be in its best interest.

Minnesota State Colleges and Universities (Minnesota State)

St. Cloud Technical & Community College

Formal Request for Proposal for Starbucks Coffee Shop Operations

Response Due Date and Time: **Tuesday, November 28, 2017 at 2:00 p.m. Central Time**

The complete Request for Proposal will be available on Monday, November 13, 2017 on the website <http://www.sctcc.edu/rfp>.

Title of Project: Starbucks Coffee Shop Operations

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 (Minnesota State)

Winona State University

Notice of Availability of Request for Qualifications (RFQ) for Winona State University Education Village – Phase 2 Bid Package #2

Kraus Anderson Construction Company, acting on behalf of the Board of Trustees of the Minnesota State Colleges & Universities, on behalf of the Winona State University, is soliciting qualifications proposals from interested, qualified firms for the Phase 2 Bid Package #2 portion of the Winona State University Education Village project.

A full Request for Qualifications will be available on November 6, 2017 at the offices of Kraus-Anderson Construction Company, or at the following websites: <http://www.franzrepro.com/>, click on “public plan rooms” or at www.bexroch.com and www.laxbx.com click on “plan room”.

Project questions shall be referred to the appropriate person listed in the Request for Qualifications. Qualifications from interested firms must be delivered to Andy Johnson, Project Manager, Kraus-Anderson Construction Company, 416 South Broadway, Rochester, MN 55904, not later than **4:00 PM, November 28th, 2017**. Late responses will not be considered.

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

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

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/>.

Dakota County

Notice Of Request For Proposal (RFP) For Case Management for Disability Services

Notice is hereby given that Dakota County Community Services is seeking to contract with one or more community agencies to provide case management for individuals with disabilities who receive funding through one of the following home and community-based Medical Assistance waiver programs: Community Alternatives for Community Access for Disability Inclusion (CADI), Brain Injury (BI) or Developmental Disabilities (DD).

Case management services include but are not limited to, informing the clients or the client's legal representative of service options, identification of potential service providers, development of a service plan based on the client's assessed needs and preferences, accessing and coordinating services, and evaluation and monitoring of services identified in the client's plan. Case management for these clients will require travel throughout the Metro area.

Successful responder's will have proven experience the aforementioned areas, has the appropriate certification, qualified staff and meet the service criteria. Provider must be able to assure access to service though out the entire area served by Dakota County.

The selected Respondents will be expected to enter into a contractual agreement with Dakota County commencing March 1, 2018.

To access the complete RFP online, or to acquire additional information about Dakota County visit our website at: <http://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/default.aspx>

Contact: Sarah Montgomery, Contract Specialist
Dakota County Community Services Division
1 Mendota Road West, Suite 500
West St. Paul, MN 55118-4773

Email: Sarah.Montgomery@co.dakota.mn.us

Responders with questions pertaining to this RFP must be sent to Sarah Montgomery Sarah.Montgomery@co.dakota.mn.us, on or before **3:30 p.m. Friday, December 1st, 2017**.

On **Tuesday, December 5th, 2017**, a written text with all received questions and answers will be available via the County's Internet web site at www.co.dakota.mn.us. Click on E-Government and select RFP on the menu.

Deadline for proposals is 3:30 p.m. CST on Friday, December 15, 2017. No late proposal will be considered.

— Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2018 Food Court Expansion

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2018 Food Court Expansion
MAC Contract No: 106-2-835
Bids Close At: 2:00 p.m. on Tuesday, 19 December, 2017

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project will provide for the renovation and expansion of the existing Main Mall Food Court onto the existing oversized baggage handling roof and a new building portion over the existing loading dock. Demolition and renovation of the existing mall seating area, mezzanine break room and corridor.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 6%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Alliance; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; PH: 763.503.3401; FX: 763.503.3409. Make checks payable to: Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on November 20, 2017, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2018 Restroom Upgrade Program

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2018 Restroom Upgrade Program
MAC Contract No: 106-2-845
Bids Close At: 2:00 p.m. on Tuesday, December 12, 2017

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450. This project includes demolition of existing tenant spaces on the main level near gate F3 and construction of a restroom set including expansion of the main level.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

Non-State Public Bids, Contracts & Grants ---

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 6%.

Bid Security: Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Alliance; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; PH: 763.503.3401; FX: 763.503.3409. Make checks payable to: Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on November 20, 2017, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).



Several convenient ways to order:

- **Retail store** Open 8 a.m. - 3 p.m. Monday - Friday, 660 Olive Street, St. Paul
 - **Phone** (credit cards): 8 a.m. - 4 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nation-wide toll-free)
 - **On-line orders:** www.minnesotasbookstore.com
 - **Minnesota Relay Service:** 711
 - **Fax** (credit cards): 651.215.5733 (fax line available 24 hours)
 - **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155
- Minnesota's Bookstore accepts VISA, MasterCard, American Express & Discover for all purchases.**

PREPAYMENT REQUIRED. *Prices and availability subject to change.* **Fax and phone orders** require credit card.

Please allow 1-2 weeks for delivery. For **mail orders**, complete order blank and send to address above.

Enclose payment - for security reasons, we do not recommend mailing credit card information.

Please allow 2-3 weeks for delivery.

Please make checks payable to "Minnesota's Bookstore."

A \$20.00 fee will be charged for returned checks.