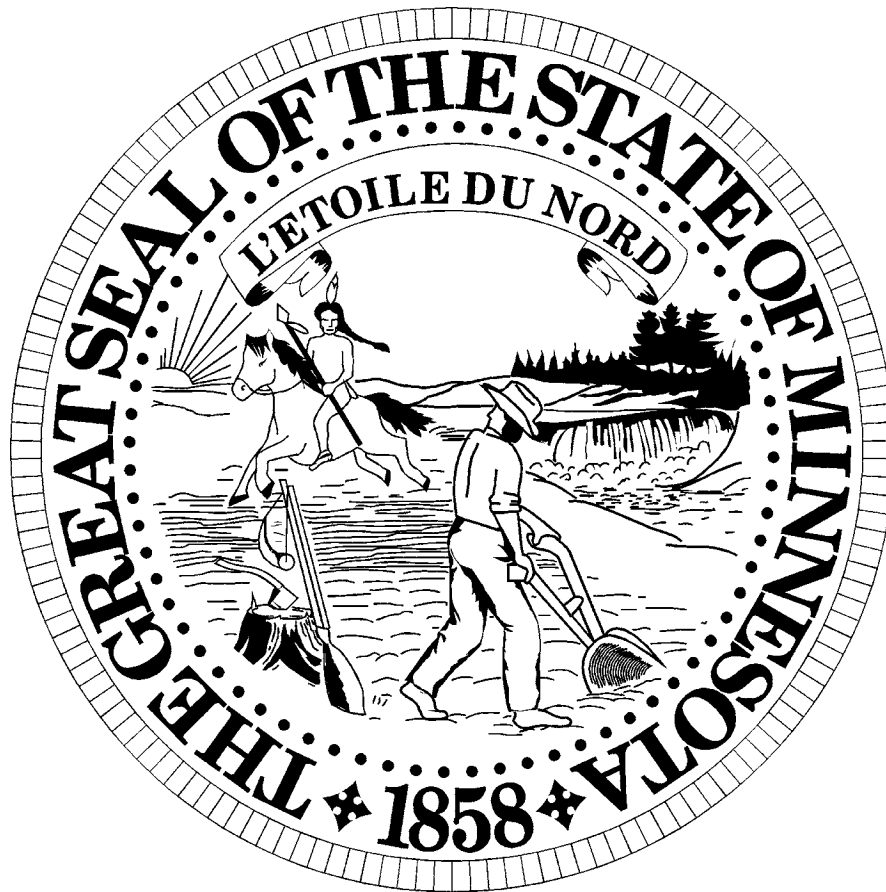


Minnesota State Register

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 24 October 2022
Volume 47, Number 17
Pages 381 - 400**

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- Withdrawn Rules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. 47 Issue Number	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)
#18	Monday 31 October	Noon Tuesday 25 October	Noon Thursday 20 October
#19	Monday 7 November	Noon Tuesday 1 November	Noon Thursday 27 October
#20	Monday 14 November	Noon Tuesday 8 November	Noon Thursday 3 November
#21	Monday 21 November	Noon Tuesday 15 November	Noon Thursday 10 November

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

THE MINNESOTA STATE REGISTER IS PUBLISHED by the Communications Division, Department of Administration, State of Minnesota, pursuant to Minnesota Statutes § 14.46 and is available on-line at: <https://mn.gov/admin/bookstore/register.jsp>

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25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
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Federal Register

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U.S. Government Printing Office – Fax: (202) 512-1262
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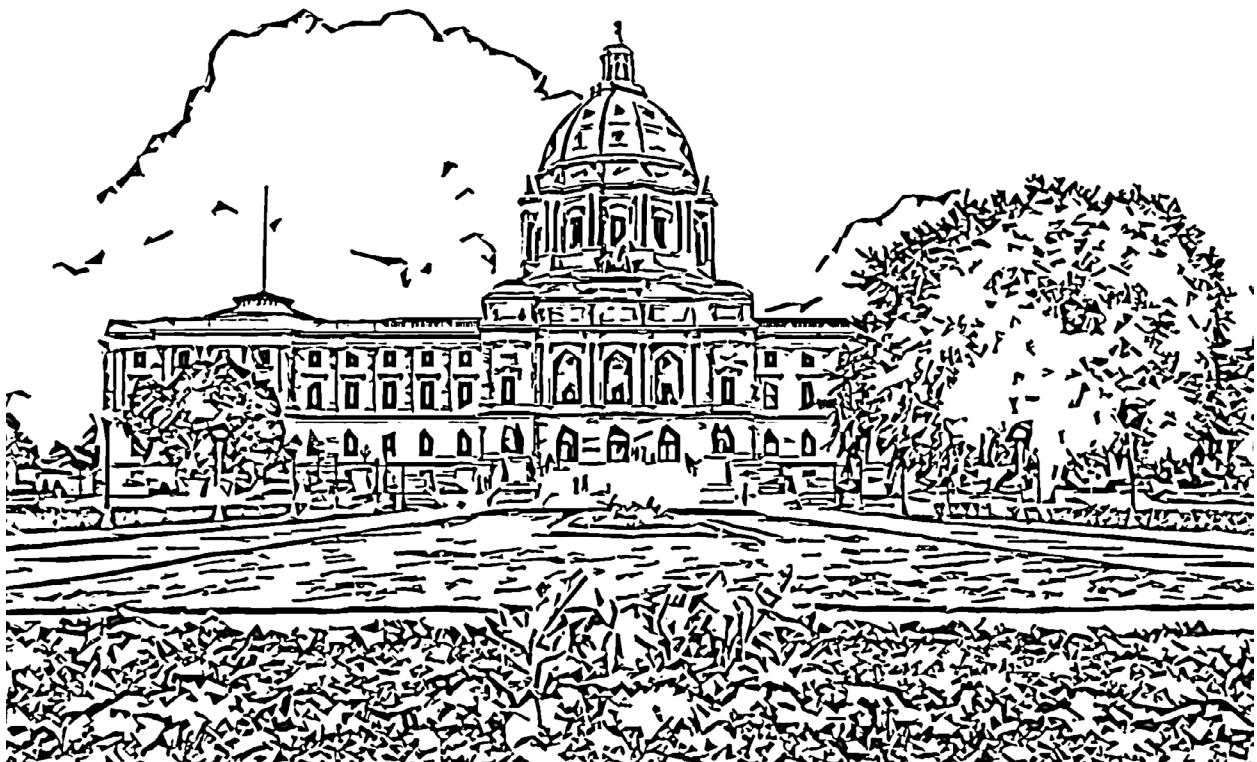
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NOTICE: How to Follow State Agency Rulemaking in the State Register

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 #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

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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.

Minnesota Board of High Pressure Piping Systems

Proposed Permanent Rules Regulating the Board of High Pressure Piping; 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-04739

Proposed Amendment of Rules Governing the High Pressure Piping Code, *Minnesota Rules* Chapter 5230

Introduction. The Board of High Pressure Piping Systems intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings (“OAH”), *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 Wednesday, November 23, 2022**, the Board will hold a public hearing via WebEx. An Administrative Law Judge will conduct the hearing starting at **9:30 a.m. on Thursday, January 26, 2023**. You may participate in the hearing, if one is held, via an internet connection with a computer, smart phone, or tablet. You may also participate via phone with an audio connection only.

To register to join the hearing through an internet connection, please go to: <https://tinyurl.com/5230Hearing>. Once you are registered, information about how to attend the hearing will be emailed to you. This information will include a link to the hearing on **January 26, 2023, at 9:30 a.m.**, if a hearing is held.

Proposed Rules

To attend the hearing by telephone connection only (audio only), you may call **1-855-282-6330** or **1-415-655-0003**, and, when prompted, enter access code: **2498 690 7737**, on the day of the hearing.

To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after November 23, 2022, and before December 15, 2022.

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: Brittany Wysokinski at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, Minnesota, 55155, phone (651) 284-5295, and email to dli.rules@state.mn.us.

Subject of Rules and Statutory Authority. The proposed rules are about the Minnesota High Pressure Piping Code, Minnesota Rules, chapter 5230. Within the pipefitting industry, the High Pressure Pipefitting Code regulates high pressure steam or heating media piping systems, ammonia piping systems, and bioprocess piping systems. High pressure steam, heating media, and ammonia refrigeration systems are located almost exclusively in industrial facilities, commercial facilities, and educational and business campuses. Some of these locations include power generating facilities, petrochemical refineries, food processing companies, college campuses, and ice hockey rinks. Bioprocess piping systems are used in pharmaceutical research and production facilities that require ultra-pure steam.

The High Pressure Piping Code was last updated in 2018 to incorporate by reference what, at the time, were the most recent national standards in the industry. Since that time, the national standards have gone through routine updates to incorporate the latest technology and safety practices. The proposed rule adopts the most recent editions of those standards, as amended.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 326B.925, subdivision 2 and 6. A copy of the proposed rules is published on the Board's web site at: ***Rulemaking docket for Minnesota Rules Chapter 5230; R-04739 | Minnesota Department of Labor and Industry (mn.gov)***. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until **4:30 p.m. on Wednesday, November 23, 2022**, 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 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.

Comments on the rule should be submitted using the Administrative Hearings' Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>. If using the eComments website is not possible, you may submit post-hearing comments in person or via United States mail addressed to William Moore, Rules Coordinator, Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55164-0620.

Request for a Hearing. In addition to submitting comments, you may also request that the Board 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, November 23, 2022**. 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 Board 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 Board 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 Board will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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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 Board 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 Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Board will cancel the hearing scheduled for January 26, 2023, if the agency does not receive valid 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) 284-5295 after November 23, 2022, to find out whether the hearing will be held. You may also check for whether the hearing will be held by going on-line at: or going on-line at *Rulemaking docket for Minnesota Rules Chapter 5230; R-04739* | *Minnesota Department of Labor and Industry (mn.gov)*.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and in the manner listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Ann O'Reilly is assigned to conduct the hearing. Judge O'Reilly's legal assistant, Michelle Severson, can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7874, and email: michelle.severson@state.mn.us.

Hearing Procedure. If the Board 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.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings (OAH) strongly encourages all persons submitting comments and responses to do so using the Administrative Hearings' Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>. If using the eComments website is not possible, you may submit post-hearing comments in person or via United States mail at the address set forth in the Comments section above.

All comments or responses received will be available for review on the OAH Rulemaking eComments website (above), as well as on the Department of Labor and Industry's website at *Rulemaking docket for Minnesota Rules Chapter 5230; R-04739* | *Minnesota Department of Labor and Industry (mn.gov)*.

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.

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. Or, you may access a free copy on the agency's website at: *Rulemaking docket for Minnesota Rules Chapter 5230; R-04739* | *Minnesota Department of Labor and Industry (mn.gov)*.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign

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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 Board may adopt the rules after the end of the comment period. The Board 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 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: October 20, 2022

Mark Worms, Chair
Board of High Pressure Piping Systems

5230.0220 BIOPROCESS PIPING.

Subpart 1. **ASME BPE.** All bioprocess piping must meet the requirements of ASME BPE. For purposes of this chapter, "ASME BPE" means the ~~2016~~ 2019 edition of the Bioprocessing Equipment Standard adopted and published by ASME, Two Park Avenue, New York, New York 10016. ASME BPE is incorporated by reference and made part of the code for high pressure piping systems. ASME BPE is not subject to frequent change and a copy of ASME BPE is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

[For text of subpart 2, see Minnesota Rules]

5230.0260 SCOPE.

Valves, fittings, and piping for boilers, as prescribed in the ASME Code for Power Boilers, are within the scope for this code but provisions of the ASME Code for Power Boilers shall govern where they exceed corresponding requirements of this code. For purposes of this chapter, "ASME Code for Power Boilers" means the ~~2017~~ 2021 edition of the ASME Boiler and Pressure Vessel Code, section I, as adopted and published by ASME, Two Park Avenue, New York, New York 10016. The ASME Code for Power Boilers is incorporated by reference in the code for steam or heating media piping systems. The ASME Code for Power Boilers is not subject to frequent change and a copy is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

Economizers, heaters, tanks, and other pressure vessels are outside the scope of this code, but connecting piping shall conform to the requirements herein specified.

5230.0265 ADOPTION OF ASME B31.1 BY REFERENCE.

For purposes of this chapter, "ASME B31.1" means the ~~2016~~ 2020 edition of the standard for power piping, as approved and published by ASME, Two Park Avenue, New York, New York 10016. ASME B31.1 is incorporated by reference and made part of the code for steam or heating media piping systems, except as amended in this chapter. Portions of this chapter reproduce text from ASME B31.1. ASME B31.1 is not subject to frequent change and a copy of ASME B31.1 is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. ASME B31.1 is copyright by ASME. All rights reserved.

5230.0275 CHAPTER I, SCOPE AND DEFINITIONS.

Subpart 1. **Section 100.1.2.** The first paragraph of part (A) Subparagraph (a) of ASME B31.1, section 100.1.2 is amended to read as follows:

(A) (a) This ~~code~~ Code covers boiler external piping as defined below for power boilers and ~~high temperature, high pressure high-temperature, high-pressure~~ water boilers in which: steam or vapor is generated at a pressure of more than 15 ~~p.s.i. gauge psig~~ [100 kPa (gage)]; and ~~high temperature high-temperature~~ water or other medium used for heating is generated at pressures exceeding 30 ~~p.s.i. gauge psig~~ [207 kPa (gage)] and temperatures exceeding 250 degrees Fahrenheit (120 degrees Celsius).

Subp. 2. **Section 100.1.3.** Subparagraph (F) (f) of ASME B31.1, section 100.1.3, is deleted.

5230.0325 APPENDICES.

Notwithstanding anything to the contrary in ASME B31.1, the following “Mandatory Appendices” in ASME B31.1 are recommended rather than mandatory: A, D, G, H, and ~~FP~~. The department shall not enforce compliance with “Mandatory Appendices” A, D, G, H, or ~~FP~~ of ASME B31.1.

5230.5001 INCORPORATIONS BY REFERENCE.

Subpart 1. **ANSI/IIAR 2.** For purposes of this chapter, “ANSI/IIAR 2” means the ~~2014~~ 2021 revision of the standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems, as approved by the American National Standards Institute and as published by the International Institute of Ammonia Refrigeration, 1001 North Fairfax Street, Suite 503, Alexandria, Virginia 22314. ANSI/IIAR 2 is incorporated by reference and made part of the code for ammonia refrigeration systems, except as amended in this chapter. Portions of this chapter reproduce text from ANSI/IIAR 2. ANSI/IIAR 2 is not subject to frequent change and a copy of ANSI/IIAR 2 is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. ANSI/IIAR 2 is copyrighted by the International Institute of Ammonia Refrigeration. All rights reserved.

Subp. 2. **ASME B31.5.** For purposes of this chapter, “ASME B31.5” means the ~~2016~~ 2019 revision of the standard for Refrigeration Piping and Heat Transfer Components as approved and published by ASME, Two Park Avenue, New York, New York 10016. ASME B31.5 is incorporated by reference and made part of the code for ammonia refrigeration piping. ASME B31.5 is not subject to frequent change and a copy of ASME B31.5 is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

5230.5005 CHAPTER 13, PIPING.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. **Chapter 13.3.** ANSI/IIAR 2, chapter 13.3, is amended by adding a subsection as follows:

~~13.3.8~~ **13.3.2.9.** Operating speed of control valve actuators shall be considered in the system design. Quarter turn valves (ball valves, butterfly valves, etc.) must utilize an actuator that restricts the time from fully open to fully closed, both directions, to a minimum of 60 seconds.

5230.5007 CHAPTER 15, OVERPRESSURE PROTECTION DEVICES.

Subpart 1. **Chapter ~~15.2.5~~ 15.2.7.** ANSI/IIAR 2, chapter ~~15.2.5~~ 15.2.7, is amended to read as follows:

~~15.2.5~~ **15.2.7.** Relief valves shall not be located in refrigerated spaces unless precautions are taken to prevent moisture migration into the valve body or relief valve vent line. A drip pocket the size of the discharge pipe and at least 24 inches in length must be installed below a vertical riser in the discharge pipe and must be fitted with a drain plug or valve.

Proposed Rules

Subp. 2. ~~Chapter 15.2.6.2~~ **15.2.8.2.** ANSI/IIAR 2, chapter ~~15.2.6.2~~ 15.2.8.2, is amended by adding the following paragraph at the end:

Rupture discs may only be used when installed in series with a pressure relief valve.

Subp. 3. ~~Chapter 15.3.2~~ **15.3.3.** ANSI/IIAR 2, chapter ~~15.3.2~~ 15.3.3, is amended by adding a subsection as follows:

~~15.3.2.1~~ **15.3.3.1.** Where the refrigerant inlet and outlet of air-cooled or evaporative condensers can be isolated, they shall be equipped with overpressure protection.

[For text of subpart 4, see Minnesota Rules]

5230.5920 QUALIFICATION OF WELDING PROCEDURES, WELDERS, AND WELDING OPERATORS.

Subpart 1. **Scope.** This part applies to welding that is part of any high pressure piping work, except where the welding is regulated by other codes or Minnesota state regulatory bodies, such as the Power Boiler and Unfired Pressure Vessel sections of the ASME Boiler and Pressure Vessel Code.

Subp. 2. **Incorporation by reference.** For purposes of this chapter, “ASME section IX” means the ~~2017~~ 2021 edition of section IX of the Boiler and Pressure Vessel Code, as approved and published by ASME, Two Park Avenue, New York, New York 10016. ASME section IX is incorporated by reference and made a part of this chapter. ASME section IX is not subject to frequent change. A copy of ASME section IX is available in the office of the commissioner of labor and industry and at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155.

[For text of subparts 3 and 4, see Minnesota Rules]

Subp. 5. **Weld procedure and qualification requirements.** No welding may be performed on high pressure piping systems without a welding procedure specification and an associated procedure qualification record. Welding performed on high pressure piping systems must be performed using only welders or welding operators properly qualified according to the welding procedure in accordance with ASME section IX. All welding procedures must meet the requirements of ASME section IX.

Subp. 6. ~~Evaluation standards~~ **Department evaluation.** The welding procedure ~~specification and specifications~~, procedure qualification record records, and welder or welding operator performance qualification and associated continuity records must be objectively evaluated by and acceptable to the administrative authority in accordance with ASME section IX.

Subp. 7. **Documentation required.** Welding performed on high pressure piping systems must be supported by the mandatory documents of the welding procedure specification, ~~welding procedure qualification~~, and procedure qualification record. These documents, along with support for welder qualification, must be available at the work site upon request.

Subp. 8. **Welder identification and log requirement.** A welder or welding operator qualified for a project must be assigned an identification number, letter, or symbol unique to that welder. Each weld must be stamped or marked with the welder’s identification symbol. A welding log must be maintained as set forth in ASME section IX: unique identifier. Alternatively, the contractor shall maintain records that identify welds made by the welder or welding operator.

[For text of subpart 9, see Minnesota Rules]

Adopted Rules

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

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

Adopted Rules - Underlining indicates additions to proposed rule language. Strikeout indicates deletions from proposed rule language.

Department of Human Services

Adopted Permanent Rules Relating to Child Care Assistance Program

The rules proposed and published at State Register, Volume 46, Number 50, pages 1411-1476, June 13, 2022 (46 SR 1411), are adopted with the following modifications:

3400.0020 DEFINITIONS.

Subp. 11a. **Child in an at-risk population.** "Child in an at-risk population" means a child with environmental or familial factors that may create barriers to the child's optimal achievement, such as a federal or state disaster, limited English proficiency in a family, a history of abuse or neglect, a determination that the child is at risk of abuse or neglect, family violence, homelessness, the age of the child's mother, the level of maternal education, mental illness, a developmental disability, parental chemical dependency, or a history of other substance abuse.

Subp. 12b. **Child care assistance program.** "Child care assistance program" means financial assistance for child care costs. The child care assistance program supports a parentally responsible individual with a low income who is employed, engaged in a job search, or engaged in education. The child care assistance program ensures that children of parentally responsible individuals have access to child care and ~~are prepared to enter school~~ thrive as successful learners.

3400.0110 CHILD CARE ASSISTANCE AUTHORIZATIONS AND PAYMENTS.

Subp. 9. **Payment during child absences and holidays.**

H. A child with a documented medical condition may exceed the 25-absent-day limit, or ten consecutive full-day absent limit, as provided by Minnesota Statutes, section 119B.13, subdivision 7, paragraph (b). The following criteria apply.

(3) The exemption may begin on the first day of the child's illness, but not more than ~~30~~ 90 days prior to the date that the CCAP agency receives documentation of the child's illness. When documentation is submitted by a medical practitioner, public health nurse, or school nurse, the exemption is limited to the time period of the child's medical condition or up to 12 months if the exemption is due to a chronic medical condition.

3400.0170 INCOME ELIGIBILITY FOR CHILD CARE ASSISTANCE.

Subp. 4. **Determination of gross annual income.** The income standard for determining eligibility for child care assistance is a family's gross annual income. A family's gross annual income is the sum of each family member's income sources under Minnesota Statutes, sections 119B.011, subdivision 15, and 256P.01, subdivisions 3 and 8, including earned income, self-employment income, unearned income, and lump sum payments. A CCAP agency must include offset negative self-employment income ~~in the determination of a family's gross annual income from~~

Adopted Rules

~~one business against self-employment income from a different business, resulting in a reduction in total gross annual income from self-employment.~~ Lump sum payments that a family receives prior to participating in the child care assistance program are not included in the family's total gross annual income. If a participant's eligibility ends after receiving a lump sum and the participant reapplies for child care assistance, a CCAP agency must count the lump sum for 12 months from the date of the lump sum receipt. A CCAP agency must calculate earned income, self-employment income, unearned income, and lump sum payments separately.

Subp. 7. **Earned income from self-employment.** In determining a family's gross annual income for purposes of eligibility under this part, a CCAP agency must determine earned income from self-employment according to Minnesota Statutes, section 256P.05, subdivision 2. If a family provides verification for and meets income and authorized activity eligibility requirements under both income determination methods but does not choose a method, the CCAP agency must use the method that results in the lowest copayment to the family.

A. ~~Earned income from self-employment is the difference between gross receipts and self-employment expenses that must not include expenses under subpart 8.~~

~~(1) A family must document gross receipts and self-employment expenses with business records, such as charts of accounts, books, ledgers, and tax schedules provide verification of self-employment income for either income determination method and provide expenses for the taxable income method.~~

~~B. (2) At the time of application, or redetermination, or during the 12-month eligibility period, a CCAP agency must allow a family in the start-up phase of self-employment to submit a self-attestation verifying income if financial documentation is unavailable or insufficient to accurately predict self-employment income. A family is subject to recoupment or recovery of an overpayment under part 3400.0187 and Minnesota Statutes, section 119B.11, subdivision 2a, if the commissioner or CCAP agency determines that the family's estimated income does not reflect the family's actual income.~~

~~C. A family may change the method of self-employment income determination when the current income calculation does not provide the most accurate assessment of annual ongoing income available to the family. The family must meet verification requirements of the chosen method.~~

~~B. D. Self-employment business records must be kept separate from the family's personal records.~~

~~E. If the person's business is a partnership or a corporation and that person is drawing a salary, the salary must be treated as earned income.~~

Subp. 8. ~~**Self-employment deductions which are not allowed.**~~ In determining eligibility under this part, self-employment expenses must be subtracted from gross receipts. However, the expenses listed in items A to L must not be subtracted from gross receipts:

{For text of items A to F, see Minnesota Rules}

~~G. the cost of transportation between the individual's home and the individual's place of employment;~~

{For text of item H, see Minnesota Rules}

~~I. expenses not allowed by the United States Internal Revenue Code for self-employment income, unless specifically authorized in this chapter;~~

~~J. federal, state, and local income taxes;~~

~~K. employer's own share of FICA; and~~

~~L. money set aside for the self-employed person's own retirement.~~

Subp. 9. ~~**Self-employment budget period.**~~ A family must budget gross receipts from self-employment in the month

Adopted Rules

in which the family received gross receipts. Expenses must be budgeted against gross receipts in the month that the family paid the expenses except for items A to C.

A. The purchase cost of inventory items, including materials that are processed or manufactured, must be deducted as an expense at the time that a family receives payment for the sale of those inventory items, processed materials, or manufactured items, regardless of when those costs are incurred or paid.

B. Expenses and other costs that are commonly paid at least annually, but less often than monthly, must be prorated forward as deductions from gross receipts over the period they are intended to cover, beginning with the month in which the payment for these items is made.

C. Gross receipts from self-employment must be prorated forward to equal the period of time during which the expenses were incurred. However, gross receipts must not be prorated over a period that exceeds 12 months. This provision applies only when gross receipts are not received monthly but expenses are incurred on an ongoing monthly basis.

Subp. 10. **Determination of farm income.** Farm income must be determined for a one-year period. Farm income is gross receipts minus operating expenses, except for expenses listed in subpart 8 determined according to Minnesota Statutes, section 256P.05, subdivision 2. Gross receipts include income includes items such as sales, rents, subsidies, farm-related insurance payments, soil conservation payments, production derived from livestock, and income from the sale of home-produced foods.

Subp. 11. **Determination of rental income.**

B. When a family lives on the rental property, a CCAP agency must divide the allowable expenses described in this subpart by the number of units to determine the expense per unit. A CCAP agency must deduct expenses from rental income only for the number of units rented, not for units occupied by family members.

{For text of item C, see Minnesota Rules}

B. When an owner does not spend an average of 20 or more hours per week on maintenance or management of the property, income from rental property is considered unearned income.

D. C. The expenses described in this subpart are subtracted from gross rental receipts regardless of whether the rental income is considered earned or unearned income. Allowable expenses are: Rental income is determined according to Minnesota Statutes, section 256P.05, subdivision 2.

- ~~(1) real estate tax;~~
- ~~(2) insurance;~~
- ~~(3) utilities;~~
- ~~(4) interest;~~
- ~~(5) upkeep and repairs;~~
- ~~(6) tax return preparation fees;~~
- ~~(7) license fees, franchise fees, professional fees, and professional dues;~~
- ~~(8) advertising;~~
- ~~(9) postage;~~
- ~~(10) attorney fees allowed by the Internal Revenue Code; and~~
- ~~(11) payments on the principal of the purchase price of income-producing real estate.~~

Expedited Emergency Rules

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

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

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

Adopted Rules - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: Repeal of Nontoxic Ammunition Requirements in State Park Special Hunts

Notice is hereby given that the above titled rule has been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b). The statutory authority for the contents of this rule is *Minnesota Statutes*, section 97B.731.

The conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows. Ammunition that meets non-toxic requirements for hunting in state park special hunts is not readily available and could significantly reduce participation this year. This would reduce the deer population management benefits of these special hunts, adversely affecting other natural resources in state parks.

The process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13(b) allows the repeal of the non-toxic ammunition requirement before the start of as many hunts as possible. This will increase participation and as well as the probability of meeting disease control and resource protection goals.

Dated: October 18, 2022

Sarah Strommen
Commissioner of Natural Resources

REPEALER. The expedited emergency amendments to Minnesota Rules, parts 6232.1600, subpart 7; 6232.2100, subpart 4; and 6232.2500, subpart 2, item K, as published in the State Register, volume 47, page 141, August 29, 2022, are repealed. The expedited emergency amendments to Minnesota Rules, part 6232.2550, subpart 3, item B, as published in the State Register, volume 47, page 238, September 12, 2022, are 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.

Teachers Retirement Association

Audit Committee

Notice of Meeting

The Minnesota Teachers Retirement Association Audit Committee will hold a meeting on **Tuesday, November 22, 2022 at 12:00 p.m.** in Room 414, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the committee. Committee members may participate in the meeting by electronic means.

The public may monitor the meeting electronically from a remote site as set out on the Teachers Retirement Association's website, which can be found at www.minnesotatara.org.

Teachers Retirement Association

Board of Trustees

Notice of Meeting

The Minnesota Teachers Retirement Association Board of Trustees will hold a meeting on **Thursday, November 10, 2022 at 9:30 a.m.** in Room 117, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board. Board members may participate in the meeting by electronic means.

The public may monitor the meeting electronically from a remote site as set out on the Teachers Retirement Association's website, which can be found at www.minnesotatara.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/>

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/open-rfp.jsp>

State Grants & Loans

Department of Labor and Industry

Request for Proposals for Labor Education Advancement Program (LEAP) Grant 2023

Apprenticeship Minnesota at the Department of Labor and Industry (DLI) announces the availability of *grant funding for the operation of Labor Education Advancement Programs (LEAP)* in Minnesota under Minnesota Statutes § 178.11 and Minnesota Rules Chapter 5227. The available funding for calendar year 2023 is \$100,000. DLI anticipates funding four to five community-based organizations for 2023. Grants will be awarded on a competitive basis.

Purpose

The purpose of this grant is to provide funding to community-based organization programs to facilitate the participation of people of color, Indigenous people and women in registered apprenticeship programs. There are currently 11,000 registered apprentices in Minnesota. However, women and communities of color have been historically underrepresented in apprenticeship participation.

Objective

The objective of the LEAP Grant is to increase participation of people of color, Indigenous people and women in apprenticeship programs registered with DLI. Successful applicants will articulate and demonstrate an ability to achieve these objectives through various means including outreach, education, assessment, preparation, support services, instruction, training, placement and retention activities.

Eligibility

Proposals will be accepted from community-based organizations serving the targeted population. The deadline to submit a written proposal to the Department is no later than **4:30 p.m., central time, on Nov. 21, 2022.**

Application Process

Information about this grant, eligibility, proposal requirements, and deadlines are available online at: <http://www.dli.mn.gov/business/workforce/apprenticeship-funding-opportunities>. Contact Betsy Adamson, DLI, at 651-284-5196 or ApprGrants.DLI@state.mn.us with questions or for technical assistance.

Minnesota Department of Transportation (MnDOT)

Office of Civil Rights

Request for Proposal: SFY 2023 Certified Small Business Micro Grant Program

MnDOT requests responses from Minnesota-based Certified Small Businesses to financially assist them with their eligible expenses that increases their business capacity and/or industry knowledge to assist in their pursuit of MnDOT projects/contracts.

Responses must be received no later than 02:00 p.m. Central Standard Time on April 28, 2023 or until funding is exhausted. Late responses will not be considered.

To view the RFP go to: mndot.gov/civilrights/requests-for-proposals.html.

For more information, visit: mndot.gov/civilrights/micro-grant.html.

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 - \$5,000 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)

Notice of Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for contract opportunities, goods/commodities and related services on its Vendor and Supplier Opportunities website (<https://www.minnstate.edu/vendors/index.html>). 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.

If you have any questions regarding this notice or are having problems viewing the information on the Vendor and Supplier Opportunities website, please email the Minnesota State Procurement Unit at Sourcing@MinnState.edu.

Department of Corrections

Request for Proposals for Culturally Responsive Programming

PROJECT NAME: Culturally Responsive Programming

DETAILS: ON Friday, November 14th the Minnesota Department of Corrections will be soliciting proposals from nongovernmental organizations to deliver programming and/or services designed to support disparate populations incarcerated in our prisons and releasing to diverse communities throughout the state of Minnesota.

Funding for this contract is provided through State Funding. Funding is available through June 30, 2023. There is a possibility of an option to extend.

Work is anticipated to start on or after December 1, 2022.

COPY REQUEST: A copy of this request will be available at this link: <https://mn.gov/doc/staff-partners/doing-business-doc/request-proposals/>.

PROPOSAL DEADLINE: Proposals in response to the Request for Proposals in this advertisement must be received via email or through SWIFT Supplier Portal not later than **4:00 pm, Central Time, Friday, November 4, 2022**. **Late proposals will not be considered.** Fax or mailed proposals will not be considered.

This request does not obligate the State of Minnesota to award a contract or complete the proposed program, and the State reserves the right to cancel this solicitation if it is considered in its best interest. All costs incurred in responding to this solicitation will be borne by the responder.

State Contracts

Minnesota House of Representatives

Minnesota House Minority Caucus

Notice of Request for Bid a Constituent Management Solution for our Elected Members for 2022-2024

PUBLIC NOTICE IS HERBY GIVEN that the Minnesota House of Representatives is seeking bids from constituent management services for the Members and Staff of the Minnesota House Minority Caucus

All work must be done in-house unless specifically approved by the House.

All bids must be submitted no later than November 4, 2022 at 2 p.m. on the forms accompanying the specifications in a sealed envelope and delivered to:

Annie Paruccini
Executive Assistant to the Minority Caucus
271 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul Minnesota 55155

A copy of the Request for Bid packet and specifications can be obtained by contacting:

Annie Paruccini
651-296-8880
Annie.Paruccini@house.mn

Other department personnel are not allowed to discuss the Request for Bid with anyone, including responders, before the proposal submission deadline.

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting

P/T Contracting Opportunities: MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. 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.

Taxpayers' Transportation Accountability Act (TTAA) Notices: MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

MnDOT's Prequalification Program: MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

MnDOT Consultant Services website: *www.dot.state.mn.us/consult*

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

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/>.

Minnesota Sports Facilities Authority (MSFA) Request for Proposals for 2022 IP Television System Project

Location: U.S. Bank Stadium
Project Name: 2022 IP Television System Project
Proposals Due: November 14, 2022, 4:00 P.M.

Notice to Proposers: Proposals for the project listed above will be received by the Minnesota Sports Facilities Authority (MSFA) at the office located at 1005 South 4th Street, Minneapolis, Minnesota 55415, until the date and hour indicated.

The project scope includes turnkey replacement of the existing IP Television System with a new IP TV System in U.S. Bank Stadium.

NOTE: Additional specification information, drawings, pictures, and other documents for the RFP are available for review on the MSFA's website at: <https://www.msfa.com/project-opportunities.php>

AFFIRMATIVE ACTION: All proposers, applicants, prime contractors, and prospective subcontractors will be subject to a pre-award compliance review to ensure the employment of minorities, women, and disabled persons.

QUESTIONS: Questions concerning this solicitation should be directed to Ed Kroics at ASM Global, email: ekroics@usbankstadium.com, phone number: #612-777-8700.

The Minnesota Sports Facilities Authority reserves the right to reject any and all proposals and to waive any informalities in any proposal received without explanation.

Michael Vekich, Chair
Minnesota Sports Facilities Authority



**GO WHERE YOU WANT.
GET THE STATE REGISTER SENT TO YOU.
SUBSCRIBE TODAY.**

