

Minnesota State Register =

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

Proposed Rules Adopted Rules Exempt Rules Expedited Rules

• Withdrawn Rules

Executive Orders of the Governor
Appointments
Proclamations

Vetoed Rules

Commissioners' OrdersRevenue NoticesOfficial NoticesState Grants

and Loans

 Contracts for Professional, Technical and Consulting Services
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Vol. 50 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)	
#24	Monday 15 December	Noon Tuesday 9 December	Noon Thursday 4 December	
#25	Monday 22 December	Noon Tuesday 16 December	Noon Thursday 11 December	
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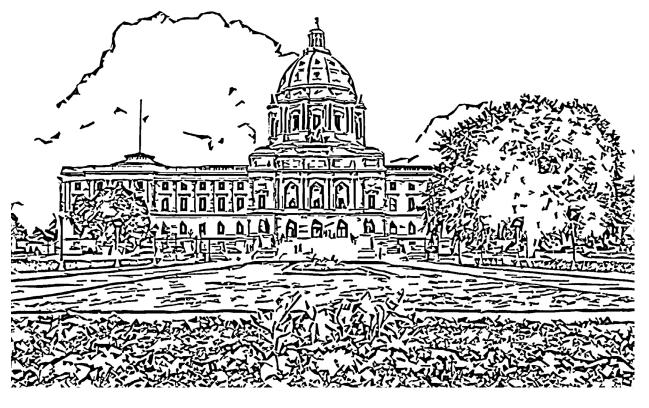
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Minnesota Rules: Amendments and Additions536	State Contracts
	Minnesota Office of the Attorney General
Adopted Rules	Request for Qualifications for Outside Counsel Services Relating to: Representing and
Minnesota Pollution Control Agency (MPCA)	Advising Various State Agencies for the State of Minnesota in General Employment Law
Resource Management and Assistance Division	Matters
Adopted Permanent Rules Relating to PFAS in Products; Reporting and Fees; Order	Minnesota State Colleges and Universities (Minnesota State)
Adopting Rules	Notice of Bid and Contracting Opportunities
	Troube of Bid and Confidency Opportunities
Official Notices	Minnesota Competency Attainment Board (MNCAB)
Investment Advisory Council (IAC)	Request for Proposal for Human Resources Management (HRM) System55.
Official Meeting Notice	
g .	Minnesota Department of Transportation (MnDOT)
Minnesota Pollution Control Agency (MPCA)	Engineering Services Division
Watershed Division	Notices Regarding Professional/Technical (P/T) Contracting
Notice of Availability of the Draft Chippewa River Watershed Restoration and Protection	
Strategy (WRAPS) Report Update 2025 and Total Maximum Daily Load (TMDL) Report	Minnesota Department of Veterans Affairs (MDVA)
2025 and Request for Comment	Veterans Community Health
	Second Request for Information Notice: Participation in the Veteran Health Navigator
State Grants & Loans	Program
Department of Employment and Economic Development (DEED)	N C D D D D C D D C
Notice of Grant Opportunity	Non-State Public Bids, Contracts & Grants
	Metropolitan Airports Commission (MAC)
Minnesota Department of Human Services	Notice of Call for Bids for 2026 Airfield Snowmelter Replacement/Upgrades
Notice of Grant Opportunities	Notice of Call for Bids for 2025 Miscellaneous Airfield Construction Phase 2 – 30R
	Fenceline Lighting & Cameras
	Notice of Call for Bids for 2026 Parking Ramp Snowmelter Replacement/Upgrades 55: Notice of Call for Bids for 2026 Victaulic Piping Replacement
	1 totice of Can for Bias for 2020 victatine i iping Replacement

Front Cover Artwork: A wreath hangs on a brick column outside of Glensheen Mansion in Duluth, Minn. Photo by Sean Plemmons



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 #1-26 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

Volume 50 - Minnesota Rules

(Rules Appearing in Vol. 49 Issues #28-53 are in Vol. 49, #53 - Monday 30 June 2025) Volume 50, #23

Monday 7 July - Monday 8 December

1710Hady 7 daly 1710Hady 0 December	
Department of Agriculture 1505.1080, .0980 (proposed repealer)	49
Board of Accountancy 1105.1500, .2600, .2900, .3800, .7900 (proposed expedited)	53
1103.1300, .2000, .2900, .3800, .7900 (proposed expedited)	.55
Department of Commerce	
2675.8500, .8510 (adopted)4	05
2876.5021 (proposed expedited)	
Department of Corrections	
2940.0100 (proposed repealer)	67
2955 (adopted)	87
Office of Emergency Medical Services	
4690.8300 (adopted expedited)1	65
Environmental Quality Board	
4410 (proposed expedited)	54
Department of Human Services	
9543; 9555 (adopted repealer)	5
Minnesota State Lottery	
7856.7040, .7050 (proposed)	51
Department of Labor and Industry	
5205.0010 (adopted exempt)225, 3	91
5221 (adopted exempt)	87

5200.1200 (proposed)	417
Department of Natural Resources	
6230; 6234; 6240 (expedited emergency)	5
6230; 6234 (expedited emergency)	
6230; 6234; 6236; 6237;6240 (expedited emergency)	75
6230; 6232 (expedited emergency)	
6232.2550 (expedited emergency)	148
6262.0576, .0577 (adopted exempt)	
6262.0100 (adopted expedited)	
6262.0300 (adopted expedited)	176
6262.0200 (proposed expedited)	
6262.0575 (proposed expedited)	359
Pollution Control Agency	
7035.2655 (adopted exempt)	152
7019.3060, 3110 (adopted)	
9210 (proposed expedited)	493
7026 (adopted)	537
Professional Educator Licensing and Standards Board	
8705.0100, .0400, .1010; 8710.6400 (adopted)	479
Department of Public Safety	
7501.0900 (proposed expedited)	302
Secretary of State	
8200; 8210; 8215; 8220; 8230; 8235; 8240; 8250 (proposed	
rmanent)	189
8290 (adopted)	
8290 (adopted)	271

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 - <u>Underlining</u> indicates additions to existing rule language. <u>Strikeouts</u> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - <u>Underlining</u> indicates additions to proposed rule language. Strikeout indicates deletions from proposed rule language.

Minnesota Pollution Control Agency (MPCA)

Resource Management and Assistance Division Adopted Permanent Rules Relating to PFAS in Products; Reporting and Fees; Order Adopting Rules

Adoption of Rules Governing Reporting and Fees by Manufacturers Upon Submission of Required Information about Products Containing Per-and polyfluoroalkyl substances (PFAS), Minnesota Rules, part 7026; Revisor's ID Number R-4828, CAH Docket Number 5-9003-40410

BACKGROUND INFORMATION

- 1. The Minnesota Pollution Control Agency (MPCA) has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.
- 2. The MPCA adopts the Administrative Law Judge's Report (ALJ Report) dated August 28, 2025, and incorporates the ALJ Report into this Order, except as described below.
- 3. The MPCA makes the following changes to the proposed rule in accordance with the ALJ Report as required to correct a defect, or as a recommended change.

7026.0010 DEFINITIONS.

3-A. The MPCA added language to the definition of "Brief description of the product" under part 7026.0010 subp. 4 to include the phrase "numeric code assigned to" in accordance with the ALJ's recommended changes. It is reasonable to include this language in the proposed definition because Minn. Stat. § 116.943 subd. 2 (a)(1) requires a manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS to submit a brief description of the product, including a numeric code assigned to the product. The ALJ noted that the inclusion of the "numeric code assigned to" the product in this definition would avoid confusion among those reporting. This change will not result in a rule that is substantially different because manufacturers were already required to submit the numeric product code assigned to the product in accordance with part 7026.0030 subp. 1, item A, subitem (2). Adding this language to the definition of "Brief description of the product" is intended to provide clarity and will not change what information manufacturers are required to submit in their report.

Subp. 4. Brief description of the product. "Brief description of the product" means a character-limited

¹ ALJ Report, Finding 169, page 43. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

description of and numeric code assigned to a product or grouping of similar products with similar components that includes, whenever applicable, brand name, product model, and other characteristics that distinguish the product or grouping of products from similar products made or sold by other manufacturers.

3-B. The MPCA removed subp. 14 from part 7026.0010 of the proposed rule language in accordance with the ALJ's disapproval² of this subpart. This change is reasonable and does not make the rule substantially different because Minn. Stat. § 116.943 subd. 1 (n) defines the term "manufacturer" and the ALJ noted that the word is already clearly defined by the legislature. As a result of this change, the subparts following subp. 14 have been updated accordingly; what was previously subp. 15 is now subp. 14 and so on.

Subp. 14. Manufacturer. "Manufacturer" means the person that creates or produces a product, that has a product created or produced, or whose brand name is legally affixed to the product. In the case of a product that is imported into the United States when the person that created or produced the product or whose brand name is affixed to the product does not have a presence in the United States, manufacturer means either the importer or the first domestic distributor of the product, whichever is first to sell, offer for sale, or distribute for sale the product in the state.

3-C. The MPCA amended the definition of "Substantially equivalent information" under part 7026.0010 subp. 19 in accordance with the ALJ's recommended changes.³ The proposed change removes redundancy and provides the commissioner with guidance in determining what constitutes "substantially equivalent information" when reviewing waiver requests. It is reasonable to propose a change that removes commissioner discretion and results in an objective definition. This change will not result in a rule that is substantially different because Minn. Stat. § 116.943 subd. 3 (a) states that the commissioner may waive reporting requirements if the commissioner determines that substantially equivalent information is already publicly available. The change to this definition removes commissioner discretion while assisting the commissioner in making such a determination as directed by statute.

Subp. 19_18. Substantially equivalent information. "Substantially equivalent information" means information that the commissioner can identify as conveying conveys the same information required under part 7026.0030 and Minnesota Statutes, section 116.943, subdivision 2. Substantially equivalent information includes an existing notification by a person who manufactures a product or component when the same product or component is offered for sale under multiple brands.

7026.0030 REPORT; REQUIRED INFORMATION.

3-D. The MPCA amended the language under part 7026.0030 subp. 1, item A, subitem (1) in accordance with the ALJ's recommended changes. The originally proposed rule language required a product description that includes a brief description of the product or "grouping of similar products," whereas Minn. Stat. § 116.943 subd. 2 (b) refers to "category or type of product." The ALJ recommended using the statutory language to reduce confusion over differing language. It is reasonable to change this language to match the statute and reduce confusion because it creates consistency between the rule and enabling statute and clarifies what is expected of manufacturers and groups of manufacturers subject to the proposed rule. This change will not result in a rule that is substantially different because the phrases "grouping of similar products" and "category or type of product" have similar meanings Deferring to the statutory language will not change the meaning of this subitem; it will only clarify it.

Subpart 1. **Report required.**, item A, subitem (1):

(1) a brief description of the product or grouping of similar products a description of the category or type of product. Once established, the identical brief description of the product must be used during any reporting

² ALJ Report, Finding 166, page 42. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

³ ALJ Report, Finding 173, pages 43 and 44. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

⁴ ALJ Report, Finding 180, pages 44 and 45. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

updates on the product.

7026.0040 REPORTING UPDATES.

3-E. The MPCA removed subparts 2 and 3 from part 7026.0040 in accordance with the ALJ's disapproval of part 7026.0040.⁵ It is reasonable to remove these subparts because the ALJ found the language for recertifications under subp. 2 to exceed the authority given to the MPCA under Minn. Stat. § 116.943, and voluntary updates under subp. 3 to not have the force and effect of law. Removing these subparts will not result in a rule that is substantially different because both recertifications and voluntary updates were minor proposed requirements within the rule. The difference of not including these subparts is still within the scope of the matter announced in the notice of hearing, aligns with some of the comments received during the pre-and post-hearing comments requesting that the MPCA remove such requirements,⁶ and the notice of hearing provided fair warning that the outcome of the rulemaking proceeding could be the rule in question.

Subp. 2. Annual recertification. If an update is not required under subpart 1, a manufacturer or group of manufacturers must recertify the report submitted under part 7026.0030 by February 1 each year.

Subp. 3. **Voluntary updates.** A manufacturer or group of manufacturers may voluntarily update the initial report of information required under part 7026.0030 whenever a PFAS is reduced or eliminated from a product or component or there is a change in the information required under part 7026.0030, subpart 1, items E to G. Voluntary updates submitted under this subpart are not subject to a fee according to part 7026.0100, subpart 6.

3-F. The MPCA removed subp. 4 under part 7026.0040 to no longer require a fee for annual updates to the initial report. The MPCA provided an explanation of why this change is reasonable and why it will not make the rule substantially different under 3-M of this Order.

Subp. 4. Fee required. For submission of the updates and recertifications under subparts 1 and 2 to be considered complete, a manufacturer or group of manufacturers must submit the fee required under part 7026.0100, subpart 3.

3-G. The MPCA amended subp. 5 under part 7026.0040 to remove the reference to "recertifications" in accordance with the ALJ's disapproval of part 7026.0040 and the recommendation to modify the language of subparts that reference the violative subparts 2 and 3.7 This change is reasonable and does not make the rule substantially different because it supports the changes made under 3-E of this Order.

The MPCA also amended subp. 5 under part 7026.0040 to remove the reference to applicable fees for annual updates. The MPCA provided an explanation of why this change is reasonable and why it will not make the rule substantially different under 3-M of this Order.

Subp. 5_2. **Failure to submit.** A manufacturer or group of manufacturers that fails to submit an annual update or recertification under this part or to pay the applicable fee under part 7026.0100 is subject to penalties under Minnesota Statutes, section 116.072.

7026.0050 WAIVERS.

3-H. The MPCA amended part 7026.0050 subp. 1 to remove the language that the ALJ found to exceed the

⁵ ALJ Report, Finding 190, page 46. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

Part One Pre-Hearing and Hearing Response to Comments (June 16, 2025). Part 7026.0040 REPORTING UPDATES: Recertification (pages 78 to 81). https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-07g.pdf

⁷ ALJ Report, Finding 190, page 46. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

discretion granted the MPCA under Minn. Stat. § 116.943.8 It is reasonable to propose this change because it aligns with the enabling statute which limits the MPCA's authority for waivers to information that is "substantially equivalent" and already "publicly available." These terms are already defined in rule and used in this subpart to determine eligibility for a waiver request. The change will not make the rule substantially different because it is only removing the language that the ALJ found to exceed the discretion granted the MPCA.

The ALJ also stated in the findings that this section of rule "would be passable if it simply required manufacturers to point the PCA to where the information concerned is publicly available." The MPCA believes this is already addressed under subpart 2 item F which requires a waiver request to contain "a link to or copy of all publicly available and substantially equivalent information described by the manufacturer."

Subpart 1. Waiver eligibility. Upon request of a manufacturer or group of manufacturers, the commissioner must waive all or part of the information required under part 7026.0030 if the commissioner determines that substantially equivalent information is publicly available. Gaining access to the information must not impose an undue burden in terms of resources required for collection. When determining whether access imposes an undue burden, the commissioner must consider fees, the number of locations to be accessed, and other relevant factors.

3-I. The MPCA added a new subpart 3 to part 7026.0050 to account for the scenario in which a manufacturer or group of manufacturers reports to the Minnesota Department of Agriculture (MDA) under Minn. Stat. § 116.943 subd. 3 (b). This change is in accordance with the ALJ's disapproval of part 7026.00509 because of the rule's failure to address how the statutory waivers for agricultural products will operate or be obtained. This new subp. 3 provides clarification that if a manufacturer or group of manufacturers has reported to MDA in accordance with the enabling statute, they have satisfied the reporting requirements of Minn. Stat. § 116.943 subd. 2 (b). The MPCA originally proposed to provide an exemption to the reporting requirements of this chapter of rule for agricultural products reported to MDA, because Minn. Stat. § 116.943 subd. 3 (b) does not expressly give the MPCA authority to access product information provided by reporters to MDA. This proposal was determined deficient; partially because product information reported to MDA is listed under subd. 3 "Information requirement waivers; extensions" in statute. As a result, the most clear and simple way to address this deficiency in the rule is to refer back to the enabling statute. It is reasonable to propose this change because it ensures that the MPCA's rules are not contradicting statute. The change will not make the rule substantially different because the MPCA had already proposed to provide an exemption to the reporting requirements of this chapter of rule for agricultural product information reported to MDA. The substance of this part of rule is not changing; rather, the agency is classifying this scenario as a waiver to the reporting requirements rather than an exemption to make it clear that those manufacturers are still required to report, just not to the MPCA. This change will not result in any additional reporting requirements or fees for manufacturers or groups of manufacturers that report to MDA under Minn. Stat. § 116.943 subd. 3 (b). As a result of this change, the subparts following subp. 3 have been updated accordingly; what was previously subp. 3 is now subp. 4 and so on.

Subp. 3. Reporting to Department of Agriculture. A manufacturer or group of manufacturers that reports information to the Department of Agriculture under Minnesota Statutes, section 116.943, subdivision 3, paragraph (b), satisfies the requirements of Minnesota Statutes, section 116.943, subdivision 2.

7026.0060 EXTENSIONS.

3-J. The MPCA amended part 7026.0060 subp. 2 to remove the phrase "must submit the request in a format specified by the commissioner" in accordance with the ALJ's recommendations. ¹⁰ The MPCA amended the language so that while a manufacturer or group of manufacturers "may" request an extension, if they submit an extension request, the request "must" contain the following items in rule. The amended language also references part 7026.0030 for the initial report

⁸ ALJ Report, Findings 194 and 196, page 47. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

⁹ ALJ Report, Finding 193, pages 46 and 47. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

¹⁰ ALJ Report, Finding 201, page 48. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

to clarify that an extension can only be issued for the deadline of the initial report. It is reasonable to propose this change because it addresses the ALJ's recommendation to remove phrasing that is superfluous and adds clarity to the rule. This change does not make the rule substantially different because it does not change what is required to be submitted for an extension request.

Subp. 2. **Extension request.** A manufacturer or group of manufacturers requesting an extension must submit the request in a format specified by the commissioner may request an extension to the deadline for submitting information under part 7026.0030. The request must contain:

7026.0090 REPORTING EXEMPTIONS.

3-K. The MPCA removed item D under part 7026.0090 in accordance with the ALJ's disapproval of part 7026.0090. It is reasonable to remove this item because the ALJ found this exemption to be misleading and conflicting with Minn. Stat. § 116.943. Removing this item will not result in a rule that is substantially different because manufacturers that report to MDA still have a waiver to the MPCA's reporting requirements under part 7026.0050 to avoid duplicative reporting. The difference of not including this item is still within the scope of the matter announced in the notice of hearing, the difference is a logical outgrowth of the contents of the notice of hearing, and the notice of hearing provided fair warning that the outcome of the rulemaking proceeding could be the rule in question. As a result of this change, the item following item D has been updated accordingly; what was previously item E is now item D.

D. a product reported to the Department of Agriculture as meeting the reporting waiver requirements under Minnesota Statutes, section 116.943, subdivision 3, paragraph (b); and

7026.0100 FEES.

3-L. The MPCA amended language under subp. 2 of part 7026.0100 based on the ALJ's disapproval of part 7026.0100.12 The fees originally proposed by the MPCA were found to exceed the reasonable costs to implement Minn. Stat. § 116.943. To address this issue, the MPCA made several changes to the fees section of rule, one of which was to lower the fee for the initial report. The MPCA estimated that anywhere from 5,000 to 10,000 manufacturers may be required to report under Minn. Stat. § 116.943 and the proposed rule, but the exact number of manufacturers that will report is unknown. In reviewing the MPCA's cost of implementing Amara's Law and the proposed fees under this rule, the MPCA is amending the fee required for the initial report to \$800. Assuming that the median number of manufacturers report (using the 5,000 to 10,000 range); \$800 x 7,500 reporters = \$6,000,000. If less than 7,500 manufactures submit a report, the fees collected will be less than \$6,000,000. If more than 7,500 manufacturers submit a report, the fees collected will be more than \$6,000,000; however, the MPCA's time and costs required to review the information reported will also increase. This change is reasonable because it ensures that the fees collected as a result of this rule match the costs estimated in the fiscal note¹³ from 2023 Session law. This change will not make the rule substantially different because it is still within the scope of the matter announced in the notice of hearing, it aligns with some of the comments received during the pre-and post-hearing comment periods requesting that the fees be lowered, 14 and the notice of hearing provided fair warning that the outcome of the rulemaking proceeding could be the rule in question.

The MPCA also received comments¹⁵ during the pre-and post-hearing comment periods that the language under

¹¹ ALJ Report, Finding 211, pages 49 and 50. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

¹² ALJ Report, Findings 219 and 220, pages 50 and 51. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-07l.pdf

Brand, Jeff. (2023, March). HF1000-1E-PFAS in Certain Products Prohibited Consolidated Fiscal Note. https://mn.gov/mmbapps/fnsearchlbo/?num-ber=HF1000&year=2023

Part One Pre-Hearing and Hearing Response to Comments (June 16, 2025). Part 7026.0100 FEES: Requested clarity on fees (pages 112 to 117). https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-07g.pdf

¹⁵ Ia

subp. 2 was confusing because it doesn't clarify whether a single flat fee is required or if multiple per-product fees may be required. While amending this subpart to address the ALJ's findings, the MPCA is also adding the term "flat" before fee to make clear that the MPCA's intent is only to charge a flat fee of \$800 per manufacturer on the first report submitted. This change is reasonable because it provides clarity to those required to comply with the rule. This change will not make the rule substantially different because it is not changing the intent of this subpart and will not increase the fee amount that manufacturers are required to pay to submit the initial report.

Subp. 2. **Initial report.** A manufacturer must pay a \$1,000 \$800 flat fee to submit the initial report under part 7026.0030, subpart 1. If a group of manufacturers is reporting or a manufacturer is reporting on behalf of multiple manufacturers as allowed under part 7026.0020, subpart 2, each individual manufacturer must pay a-\$1,000 the \$800 fee.

3-M. The MPCA amended language under subparts 1, 3, 4, and 7 of part 7026.0100 based on the ALJ's disapproval of part 7026.0040¹⁶ and 7026.0100.¹⁷ The fees originally proposed by the MPCA were found to exceed the reasonable costs to implement Minn. Stat. § 116.943. To address this issue, the MPCA made several changes to the fees section of rule, one of which was to remove fees for updates. In reviewing the MPCA's cost of implementing Amara's Law, the estimated manufacturers that may be required to report under Minn. Stat. § 116.943, and the fees proposed under this rule, the MPCA found it was difficult to determine what percentage of manufacturers or groups of manufacturers would be required to submit an update under part 7026.0040. This in turn makes it difficult to determine the overall fees that would be collected from updates. As a result, the MPCA is proposing to remove the fee requirement for updates under subp. 3. This change will not make the rule substantially different because it is still within the scope of the matter announced in the notice of hearing, it aligns with some of the comments received during the pre-and post-hearing comment periods requesting that the MPCA remove such requirements, 18 and the notice of hearing provided fair warning that the outcome of the rulemaking proceeding could be the rule in question. Any references to this subpart or part 7026.0040 are also removed in accordance with the deletion of subp. 3. As a result of this change, the subparts following subp. 3 have been updated accordingly; what was previously subp. 4 is now subp. 3 and so on.

Subpart 1. Fees required. A manufacturer of products or components that is required to submit a report under part 7026.0030 or 7026.0040 or that submits a request under part 7026.0050 or 7026.0060 must pay a fee for the submittal to be considered complete.

Subp. 3. Annual update or recertification. A manufacturer must pay a \$500 flat fee for the annual update according to part 7026.0040, subpart 1, or annual certification update according to part 7026.0040, subpart 3. If a group of manufacturers is reporting or a manufacturer is reporting on behalf of multiple manufacturers as allowed under part 7026.0020, subpart 2, each individual manufacturer must pay the \$500 fee.

Subp. 4<u>3</u>. Waiver request.

- A. A manufacturer or group of manufacturers that submits a reporting waiver request under part 7026.0050 must still pay the fee required under subpart 2 or 3, as applicable.
- В. If the commissioner denies a waiver request, the manufacturer or group of manufacturers must submit a report according to part 7026.0030 or 7026.0040 but is not subject to duplicative fees under subpart 2or 3.

Subp. 7.5. Inflation. Beginning July 1, 2027, and each odd-numbered year thereafter, the unadjusted fee in

¹⁶ ALJ Report, Finding 190, page 46. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-07l.pdf

ALJ Report, Findings 219 and 220, pages 50 and 51. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-07l.pdf 17

Part One Pre-Hearing and Hearing Response to Comments (June 16, 2025). Part 7026.0100 FEES: Annual update and recertification fee (pages 109 to 111). https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-07g.pdf

subparts 2 to 54 must be adjusted for inflation using the aggregated annual consumer price index and becomes the new unadjusted fee rounded to the nearest dollar.

3-N. The MPCA amended part 7026.0100 subp. 3 (previously subp. 4) to add an item C that specifies that the fee required for waiver requests does not apply to a manufacturer or group of manufacturers that reported to MDA. This change is in accordance with the ALJ's disapproval of part 7026.0050¹⁹ because of the rule's failure to address how the statutory waivers for agricultural products will operate or be obtained. The originally proposed version of the rule exempted manufacturers that reported to MDA from having to also report under the MPCA's rules and therefore exempted them from the proposed fees. The MPCA added item C to specify that the fee for a waiver request only applies to manufacturers requesting a waiver if the commissioner determines that substantially equivalent information is already publicly available. Without this change, manufacturers that reported to MDA may think they are subject to the waiver request fee found in part 7026.0100 subp. 3. It is reasonable to propose this change because it supports what was proposed in the rules as noticed. The change will not make the rule substantially different because it does not remove the fee requirement for other waiver requests and does not impose a fee if a manufacturer or group of manufacturers reported to MDA under Minn. Stat. § 116.943 subd. 3 (b).

Subp. 4<u>3</u>. Waiver request.

C. <u>If a manufacturer or group of manufacturers reports information to the Department of Agriculture under Minnesota Statutes, section 116.943, subdivision 3, paragraph (b), they are not required to pay a fee under this subpart.</u>

3-O. The MPCA removed subp. 6 from part 7026.0100 in accordance with the ALJ's disapproval of part 7026.0040. This change removes the reference to "voluntary updates" in accordance with the ALJ's disapproval of part 7026.0040 and the recommendation to modify the language of subparts that reference the violative subp. 3. This change is reasonable and does not make the rule substantially different because it supports the changes made under 3-E of this Order. As a result of this change, the subpart following subp. 6 has been updated accordingly; what was previously subp. 7 is now subp. 5.

Subp. 6. Fees waived. No fee is required for voluntary updates made in accordance with part 7026.0040, subpart 4

4. The MPCA makes the following new changes to the proposed rule that do not make the rule substantially different under Minn. Stat. § 14.05, subd. 2.

7026.0020 PARTIES RESPONSIBLE FOR REPORTING.

4-A. The MPCA amended language to part 7026.0020 subp. 1 to clarify that manufacturers or groups of manufacturers only need to submit one report that includes information for each product or component that contains intentionally added PFAS that is sold, offered for sale, or distributed in the state. During the pre-hearing comment period and subsequent hearing and post-hearing comment period, the MPCA received many questions from manufacturers who understood this part of rule to mean they needed to submit an individual report for each product or component. In the document titled, "Part One Pre-Hearing and Hearing Response to Comments," the MPCA agreed that this language did not clearly articulate the MPCA's intent to allow manufacturers to submit a single initial report. ²¹ It is reasonable to propose a change that clarifies what is meant by a proposed part of rule. This change will not make the rule substantially different because it is not changing the intent of this subpart. This

¹⁹ ALJ Report, Finding 193, pages 46 and 47. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

²⁰ ALJ Report, Finding 190, page 46. https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-071.pdf

Part One Pre-Hearing and Hearing Response to Comments (June 16, 2025). Changes to the Proposed Rules: 7026.0020 Parties Responsible for Reporting (page 5). https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-07g.pdf

language is intended to provide clarity and will not change what information manufacturers are required to submit in their report.

Subpart 1. Scope. A manufacturer or group of manufacturers of a product sold, offered for sale, or distributed in the state must submit a report for that includes information about each product or component that contains intentionally added PFAS.

7026.0030 REPORT; REQUIRED INFORMATION.

4-B. The MPCA amended language to part 7026.0030 subp. 1 to clarify when a report is required for a manufacturer or group of manufacturers of a new product with intentionally added PFAS on or before January 1, 2026. The originally proposed language required a report be submitted to the MPCA before the product could be sold, offered for sale, or distributed in the state; however, the MPCA received comments from manufacturers stating that this requirement contradicted with part 7026.0040 subp. 1, item A, subitem (3) which requires an update to the initial report under part 7026.0030 by February 1 each year if a new product was sold, offered for sale, or distributed in or into the state. In the document titled, "Part One Pre-Hearing and Hearing Response to Comments," the MPCA agreed that this language did not align with its intent to have new products that contain intentionally added PFAS reported in the annual updates under part 7026.0040 subp. 1; by February 1 of each year.²² It is reasonable to propose a change that clarifies what is expected of manufacturers and groups of manufacturers subject to the proposed rule. This change will not make the rule substantially different because the requirement to submit a report on new products sold, offered for sale, or distributed in the state by February 1 was already required under part 7026.0040 subp. 1, item A, subitem (3).

Subp. 1. Report required. A manufacturer or group of manufacturers of a product that is sold, offered for sale, or distributed in the state and that contains intentionally added PFAS must submit a report to the commissioner on or before January 1, 2026. A manufacturer or group of manufacturers of a new product with intentionally added PFAS after January 1, 2026, must submit a report before the product can be sold, offered for sale, or distributed in the state by February 1 the following year. The report must include the following information in a format specified by the commissioner:

4-C. The MPCA amended language under part 7026.0030 subp. 1, item A, subitem (2), unit (a) to allow manufacturers or groups of manufacturers to report harmonized tariff schedule (HTS) codes for all products, not just those that are imported. During the comment periods for this rule, the MPCA received comments requesting that manufacturers should be able to report HTS codes for products regardless of whether they are imported. In the document titled, "Part One Pre-Hearing and Hearing Response to Comments," the MPCA agreed and proposed to strike the phrase "for imported products" from the rule.²³ It is reasonable to propose a change to the rule that allows manufacturers and groups of manufacturers subject to the proposed rule options for compliance. This particular section of rule under subitem (2) outlines a hierarchy of numeric product codes listed from most preferred to least preferred for reporting. HTS codes are included under unit (a) as one of the most preferred numeric product codes, so it is reasonable not to limit these codes only to imported products. This change will not make the rule substantially different because HTS codes were already included in the rule, and the proposed change allows manufacturers to report HTS codes for non-imported products while not requiring them to do so if no HTS code applies to the product.

Subpart 1. **Report required.**, item A, subitem (2), unit (a):

(a) a code with root digits harmonized under the Global Product Classification system for consumer products,

Part One Pre-Hearing and Hearing Response to Comments (June 16, 2025). Changes to the Proposed Rules: 7026.0030 Report; Required Information (page 6). 22 https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-07g.pdf

Part One Pre-Hearing and Hearing Response to Comments (June 16, 2025). Changes to the Proposed Rules: 7026.0030 Report; Required Information (page 6). https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-07g.pdf

including brick or universal product codes or the harmonized tariff schedule code for imported products;

7026.0040 REPORTING UPDATES.

4-D. The MPCA amended language under part 7026.0040 subp. 1 item A to reference the previous "calendar year" rather than the previous "12 months." The MPCA received a comment during the pre-hearing comment period and in hearing testimony that the timing of this update to the initial report was unclear as written. As the rule language was originally proposed, the updates to the initial report due February 1 of each year were for changes, new information, or new products during the previous "12 months." This language could be taken to mean that a manufacturer or group of manufacturers must report from February 1 of the previous year to February 1 of the year the update is submitted for, whereas the MPCA's intent was that the update submitted by February 1 be for the previous calendar year; giving manufacturers a month to provide an update to their initial report if required. The MPCA has amended the language to clarify that updates must be submitted to account for changes, new information, or new products in the previous calendar year. It is reasonable to propose this change because it clarifies the period of time that must be accounted for when submitting an update to the initial report. The change will not make the rule substantially different because it is still within the scope of the matter announced in the notice of hearing, it aligns with a comment received during the pre-and post-hearing comments requesting this clarification, and the notice of hearing provided fair warning that the outcome of the rulemaking proceeding could be the rule in question.

Subpart 1. Updates required.

A. By February 1 each year, a manufacturer or group of manufacturers must submit an update to the report submitted under part 7026.0030 if during the previous 12 months calendar year:

7026.0060 EXTENSIONS.

4-E. The MPCA amended language under part 7026.0060 subp. 3 item B to clarify that only one 90-day extension to the established reporting due date may be granted. The MPCA received many comments regarding extensions during the pre-and post-hearing comment periods;²⁵ some of which seemed to misunderstand how many extensions may be issued, and one that requested the MPCA clarify that extensions are only issued once to the initial report deadline. The MPCA changed the phrase "a 90-day extension" to "one 90-day extension" to make this distinction clearer. It is reasonable to propose this change because it clarifies the rule language. The change will not make the rule substantially different because it is not changing the intent of this and still allows manufacturers to apply for an extension to the deadline for the initial report. This change is still within the scope of the matter announced in the notice of hearing, it aligns with a comment received during the pre-and post-hearing comments requesting this clarification, and the notice of hearing provided fair warning that the outcome of the rulemaking proceeding could be the rule in question.

Subp. 3. Extension request deadline; approval or denial.

- B. If the commissioner determines that the requestor has demonstrated that an extension is justified, based on the materials submitted under subpart 2, the commissioner must grant a one 90-day extension of the established reporting due date.
- 5. The rules are needed and reasonable.

ORDER

The above-named rules, in the form published in the State Register on April 21, 2025, with the modifications as

Part One Pre-Hearing and Hearing Response to Comments (June 16, 2025). Part 7026.0040 REPORTING UPDATES: Timing of annual updates and recertification (page 82). https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-07g.pdf

²⁵ Part Two Pre-Hearing and Hearing Response to Comments (June 23, 2025). Changes to the Proposed Rules: 7026.0060 Extensions (page 4). https://www.pca.state.mn.us/sites/default/files/c-pfas-rule1-07h.pdf

indicated in the Revisor's draft, dated September 22, 2025, with the correction to Minn. R. 7026.0030, subp. 1(A)(1) as indicated in the Order on Review of Resubmitted Rules, dated October 31, 2025, are adopted under my authority in Statutes, section 116.943.

Date: November 4, 2025 Katrina Kessler, P.E. Commissioner

The rules proposed and published at State Register, Volume 49, Number 43, pages 1165-1176, April 21, 2025 (49 SR 1165), are adopted with the following modifications:

7026.0010 DEFINITIONS.

- Subp. 4. **Brief description of the product.** "Brief description of the product" means a character-limited description of and numeric code assigned to a product or grouping of similar products with similar components that includes, whenever applicable, brand name, product model, and other characteristics that distinguish the product or grouping of products from similar products made or sold by other manufacturers.
- Subp. 14. **Manufacturer.** "Manufacturer" means the person that creates or produces a product, that has a product created or produced, or whose brand name is legally affixed to the product. In the case of a product that is imported into the United States when the person that created or produced the product or whose brand name is affixed to the product does not have a presence in the United States, manufacturer means either the importer or the first domestic distributor of the product, whichever is first to sell, offer for sale, or distribute for sale the product in the state.
- Subp. <u>15_14</u>. **Numeric product code.** "Numeric product code" means a numeric code that a manufacturer assigns to a product being reported and that is recognizable to purchasers on labels, listings, invoices, or receipts, including a universal product code (UPC), stock keeping unit (SKU), harmonized tariff schedule (HTS) code, or other numeric code assigned to the product.
 - Subp. 16_15. Packaging. "Packaging" has the meaning given under Minnesota Statutes, section 115A.03.
- Subp. <u>17 16</u>. **Publicly available.** "Publicly available" means lawfully available to the public from federal, state, or local government records or disclosures made to the public that are required by federal, state, or local law.
- Subp. 18_17. **Significant change.** "Significant change" means a change in the composition of a product that results in the addition of a specific PFAS not previously reported in a product or component or a measurable change in the amount of a specific PFAS from the initial amount reported that would move the product into a different concentration range listed under part 7026.0030, subpart 1, item C.
- Subp. 19 18. Substantially equivalent information. "Substantially equivalent information" means information that the commissioner can identify as conveying conveys the same information required under part 7026.0030 and Minnesota Statutes, section 116.943, subdivision 2. Substantially equivalent information includes an existing notification by a person who manufactures a product or component when the same product or component is offered for sale under multiple brands.
- Subp. 20_19. **Used product.** "Used product" means a product that has been installed, operated, or utilized for its intended purpose by at least one owner or operator or that is otherwise not pristine. Used product does not include a product that has been returned to a retailer or that is otherwise offered for resale if the product was not installed, operated, or utilized before resale.

7026.0020 PARTIES RESPONSIBLE FOR REPORTING.

Subpart 1. Scope. A manufacturer or group of manufacturers of a product sold, offered for sale, or distributed in the

state must submit a report for that includes information about each product or component that contains intentionally added PFAS.

7026.0030 REPORT; REQUIRED INFORMATION.

Subpart 1. **Report required.** A manufacturer or group of manufacturers of a product that is sold, offered for sale, or distributed in the state and that contains intentionally added PFAS must submit a report to the commissioner on or before January 1, 2026. A manufacturer or group of manufacturers of a new product with intentionally added PFAS after January 1, 2026, must submit a report before the product can be sold, offered for sale, or distributed in the state by February 1 the following year. The report must include the following information in a format specified by the commissioner:

A. a product description that includes:

- (1) a brief description of the product or grouping of similar products a description of the category or type of product. Once established, the identical brief description of the product must be used during any reporting updates on the product.
- (2) the numeric product codes assigned to the product. The numeric product codes are listed in units (a) to (d) in a hierarchy of the most preferred to least preferred for reporting. The most preferred numeric product code available must be reported. The multiple numeric product codes listed in unit (a) are equal in preference and any may be reported:
- (a) a code with root digits harmonized under the Global Product Classification system for consumer products, including brick or universal product codes or the harmonized tariff schedule code for imported products;

7026.0040 REPORTING UPDATES.

Subpart 1. Updates required.

- A. By February 1 each year, a manufacturer or group of manufacturers must submit an update to the report submitted under part 7026.0030 if during the previous 12 months calendar year:
- Subp. 2. Annual recertification. If an update is not required under subpart 1, a manufacturer or group of manufacturers must recertify the report submitted under part 7026.0030 by February 1 each year.
- Subp. 3. **Voluntary updates.** A manufacturer or group of manufacturers may voluntarily update the initial report of information required under part 7026.0030 whenever a PFAS is reduced or eliminated from a product or component or there is a change in the information required under part 7026.0030, subpart 1, items E to G. Voluntary updates submitted under this subpart are not subject to a fee according to part 7026.0100, subpart 6.
- Subp. 4. Fee required. For submission of the updates and recertifications under subparts 1 and 2 to be considered complete, a manufacturer or group of manufacturers must submit the fee required under part 7026.0100, subpart 3.
- Subp. 52. **Failure to submit.** A manufacturer or group of manufacturers that fails to submit an annual update or recertification under this part or to pay the applicable fee under part 7026.0100 is subject to penalties under Minnesota Statutes, section 116.072.

7026.0050 WAIVERS.

Subpart 1. Waiver eligibility. Upon request of a manufacturer or group of manufacturers, the commissioner must waive all or part of the information required under part 7026.0030 if the commissioner determines that substantially equivalent information is publicly available. Gaining access to the information must not impose an undue burden in terms of resources required for collection. When determining whether access imposes an undue burden, the commissioner must consider fees, the number of locations to be accessed, and other relevant factors.

- Subp. 3. Reporting to Department of Agriculture. A manufacturer or group of manufacturers that reports information to the Department of Agriculture under Minnesota Statutes, section 116.943, subdivision 3, paragraph (b), satisfies the requirements of Minnesota Statutes, section 116.943, subdivision 2.
- Subp. 3.4. Requirements not waived. A manufacturer or group of manufacturers must still submit a report for any requirements under part 7026.0030 that are not waived.
 - Subp. 4 5. Waiver request deadline.
- Subp. 5 6. Fee required. For submission of the waiver request under subpart 2 to be considered complete, a manufacturer or group of manufacturers must submit the fee required under part 7026.0100, subpart. 4.

7026.0060 EXTENSIONS.

- Subp. 2. Extension request. A manufacturer or group of manufacturers requesting an extension must submit the request in a format specified by the commissioner may request an extension to the deadline for submitting information under part 7026.0030. The request must contain:
 - Subp. 3. Extension request deadline; approval or denial.
- B. If the commissioner determines that the requestor has demonstrated that an extension is justified, based on the materials submitted under subpart 2, the commissioner must grant a one 90-day extension of the established reporting due date.

7026.0090 REPORTING EXEMPTIONS.

The following are exempt from the reporting requirements under parts 7026.0020 to 7026.0080:

- C. the sale or resale of a used product; and
- D. a product reported to the Department of Agriculture as meeting the reporting waiver requirements under Minnesota Statutes, section 116.943, subdivision 3, paragraph (b); and
- $E \underline{D}$. information regarding PFAS-containing products or components that is provided to any federal government agency and that is classified information as defined in United States Code, title 18, section 798.

7026.0100 FEES.

- Subpart 1. Fees required. A manufacturer of products or components that is required to submit a report under part 7026.0030 or 7026.0040 or that submits a request under part 7026.0050 or 7026.0060 must pay a fee for the submittal to be considered complete.
- Subp. 2. **Initial report.** A manufacturer must pay a \$1,000 \$800 flat fee to submit the initial report under part 7026.0030, subpart 1. If a group of manufacturers is reporting or a manufacturer is reporting on behalf of multiple manufacturers as allowed under part 7026.0020, subpart 2, each individual manufacturer must pay a \$1,000 the \$800 fee.
- Subp. 3. Annual update or recertification. A manufacturer must pay a \$500 flat fee for the annual update according to part 7026.0040, subpart 1, or annual certification update according to part 7026.0040, subpart 3. If a group of manufacturers is reporting or a manufacturer is reporting on behalf of multiple manufacturers as allowed under part 7026.0020, subpart 2, each individual manufacturer must pay the \$500 fee.

Subp. 43. Waiver request.

A. A manufacturer or group of manufacturers that submits a reporting waiver request under part 7026.0050 must still pay the fee required under subpart 2 or 3, as applicable.

- B. If the commissioner denies a waiver request, the manufacturer or group of manufacturers must submit a report according to part 7026.0030 or 7026.0040 but is not subject to duplicative fees under subpart 2 or 3.
- C. If a manufacturer or group of manufacturers reports information to the Department of Agriculture under Minnesota Statutes, section 116.943, subdivision 3, paragraph (b), they are not required to pay a fee under this subpart.
- Subp. <u>54</u>. Extension request. A manufacturer that submits an extension request under part 7026.0060 must pay a \$300 fee as part of the extension request application. If a group of manufacturers requests an extension as allowed under part 7026.0060, subpart 4, each individual manufacturer must pay the \$300 fee.
 - Subp. 6. Fees waived. No fee is required for voluntary updates made in accordance with part 7026.0040, subpart 4.
- Subp. 7.5. **Inflation.** Beginning July 1, 2027, and each odd-numbered year thereafter, the unadjusted fee in subparts 2 to 5.4 must be adjusted for inflation using the aggregated annual consumer price index and becomes the new unadjusted fee rounded to the nearest dollar.

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.

Investment Advisory Council (IAC) Official Meeting Notice

The Investment Advisory Council (IAC) of the Minnesota State Board of Investment will meet on Wednesday, December 17, 2025 at 1:00 p.m. The meeting will be held at the Retirement Systems Building, Room 117 (Main Floor), 60 Empire Drive, St. Paul, Minnesota.

Some members of the Investment Advisory Council may participate in the meeting electronically. If an IAC Member calls in, in accordance with Minnesota Statutes, section 13D.015, subd. 4, the IAC shall, to the extent practical, allow a person to monitor the meeting electronically from a remote location.

Minnesota Pollution Control Agency (MPCA)

Watershed Division

Notice of Availability of the Draft Chippewa River Watershed Restoration and Protection Strategy (WRAPS) Report Update 2025 and Total Maximum Daily Load (TMDL) Report 2025 and Request for Comment

The Minnesota Pollution Control Agency (MPCA) produced these reports to set pollution reduction goals and strategies for the watershed, and is requesting written comments during the public comment period:

- Public comment period begins: December 8, 2025
- Public comment period ends: January 7, 2026

Official Notices

Comments may be submitted to the MPCA by the two methods below:

- Online at www.pca.state.mn.us/publiccomments
- 2. U.S. Mail to the following address:

Minnesota Pollution Control Agency c/o Paul Wymar 504 Fairgrounds Rd, Ste 200 Marshall, MN 56258-1688

The draft reports are available for review on the MPCA's Public Notice Page

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: https://mn.gov/admin/citizen/grants/

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

Minnesota Department of Human Services Notice of Grant Opportunities

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) places notice of any available grant opportunities on the DHS Grant Requests for Proposals website: *Open grants, RFPs and RFIs*.

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, Office of State Procurement (OSP) Website. Interested vendors are encouraged to monitor the P/T Contract Section of the OSP Website at https://mn.gov/admin/osp 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 Office of State Procurement strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised; \$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.

Contact the Office of State Procurement at: (651) 296-2600

Minnesota Office of the Attorney General

Request for Qualifications for Outside Counsel Services Relating to: Representing and Advising Various State Agencies for the State of Minnesota in General Employment Law Matters

SUBMITTALS DUE BY 4:00 P.M. (Central time) on January 5, 2026.

Please email submittals to RFQ.response@ag.state.mn.us

I. INTRODUCTION

This Request for Qualification (RFQ) has been prepared and released by the State of Minnesota Office of the Attorney General for the purpose of creating a list of qualified counsel to provide legal services to the State of Minnesota and specific state agencies as designated by and under the supervision of the Minnesota Attorney General's Office (AGO).

The State of Minnesota, by and through its state agencies and other entities, is periodically in need of advice and representation related to a wide variety of complex employment law matters. The Minnesota Attorney General is seeking outside counsel to assist in these complex employment law issues that arise from time to time. Some issues may include compliance with employees working across multiple jurisdictions. The appointed outside counsel would be approached on a case-by-case basis and asked to represent a particular agency related to a particular issue, at which time an additional contract will be entered into for that agency. It is anticipated that this work will primarily be advisory in nature, although the Minnesota Attorney General may request that the appointed outside counsel take up specific litigated matters on occasion. ("identified matters").

The AGO seeks to review responses from law firms and qualify counsel for engagement. All services contemplated in this RFQ would be provided on an hourly fee basis.

The AGO has full-time lawyers who handle the majority of legal work for the State. Occasionally, the AGO seeks to engage attorneys with expertise in particular types of legal matters to supplement AGO resources and assist in representing the State and its agencies. In order to ensure that the State is getting the highest quality legal service at the most reasonable rates, and that all law firms who wish to perform this work are able to compete for it, the AGO is issuing this RFQ as an open solicitation.

The review of qualifications and the possible engagement resulting from this RFQ may not be exclusive and the

AGO reserves the right to assign litigation of the identified matter work to more than one firm. In responding to this solicitation, it is understood by all proposers that the AGO reserves the right to select none, any, or all proposers whom the AGO deems to be in the State's best interest. The AGO is not required to submit this work to a competitive bidding process. Any possible engagement letter following this RFQ will depend on the proposals received in response to this RFQ.

The anticipated engagement letter will be for approximately five years.

II. AGO CONTACT INFORMATION

This RFQ is being released by the AGO, which is also the sole point of contact during the review process. Any Special Attorney appointment[s] resulting from this RFQ will be administered by the AGO. The contract administrators are Assistant Attorney General Anne Kealing and Liz Kramer, Solicitor General. If additional information is necessary to interpret the requirements of this RFQ, please direct questions to **RFQ.response@ag.state.mn.us**.

III. CONDITIONS OF SUBMITTING RESPONSES

Proposers responding to this RFQ understand that the following conditions apply to any proposal:

- A. RESPONSE PREPARATION. The minimum qualifications stated in Section IV and the submission content stated in section V of this RFQ are mandatory. Failure by a respondent to respond to a specific requirement can be the basis for elimination from consideration during the comparative evaluation.
- B. RESPONSE SUBMISSION/ DEADLINE. Response(s) should be provided in Adobe (pdf) format and submitted by email to the address on the cover of this RFQ by no later than 4:00PM (Central Time) on **January 5, 2026.** No responses submitted after this deadline will be accepted.
 - C. INCURRING COSTS. The AGO is not liable for any cost incurred by respondents in replying to this RFQ.
- D. ORAL INTERVIEWS AND FURTHER INFORMATION. While not planned at this time, the AGO reserves a right to schedule and conduct an oral interview with any or all the respondents to this RFQ. The AGO also reserves the right to request additional data or a presentation in support of any or all proposals at any time.
- E. PROPRIETARY INFORMATION. Any restrictions on the use of data contained within a response must be clearly stated in the response itself. Information deemed proprietary submitted in response to this RFQ will be handled in accordance with applicable State data practices law.
- F. ACCEPTANCE OF TERMS. The proposer has reviewed and understands the RFQ process and requirements as stated in this RFQ.
- G. CONTROL BY ATTORNEY GENERAL. The identified matter shall be overseen by the Attorney General. The Attorney General shall retain control of all aspects of the representation.
- H. NO ENDORSEMENT. Selection as outside counsel does not constitute an endorsement by the State of Minnesota or the AGO. A chosen firm may not promote or advertise its designation without permission of the AGO.
- I. RESERVED RIGHTS. The AGO reserves the right to reject any and all proposals received in response to this RFQ when determined to be in the State's best interest, and to waive minor noncompliance in a proposal. The AGO further reserves the right to make such investigations as deemed necessary as to the qualifications of any and all firms submitting proposals in response to this RFQ. If all proposals are rejected, the AGO reserves the right to re-solicit proposals. Nothing in this RFQ is intended to limit or constrain the discretion of the AGO in exercising any authority, duty, prerogative, or power established or recognized by the Constitution, statutes, executive orders, regulations, case law, or other applicable law.
- J. FEES. Attorney fees and costs for the identified matter will be paid directly by each agency for which the outside counsel is directed to complete work. Proposals should include information concerning the hourly rates for

all attorneys and staff positions, fees, and costs of the proposer. Invoices must be submitted for review and approval on at least a monthly basis. Additional requirements and terms of payment will be negotiated prior to appointment of any proposer.

K. COSTS. Allowable costs will be determined by a retainer fee agreement and/or special attorney appointment. Firms are expected to take measures to control and reduce costs.

IV. RFQ PROCESS AND REQUIRED QUALIFICATIONS

MINIMUM QUALIFICATIONS. At a minimum, firms submitting a proposal in response to this RFQ should have substantial experience in representing clients in a wide variety of employment law matters. Firms should have no current or anticipated conflict of interests with representation of Minnesota Management and Budget or the State, generally.

- B. EVALUATION CRITERIA. Responses to this RFQ meeting the minimum qualifications will be evaluated based on the following criteria:
 - General Quality of Response
 - Qualifications of Firm Attorneys
 - Experience of Firm within Specific Area of Identified Matter
 - Experience of Firm in Public Enforcement Litigation
 - Fee proposal
 - Cost proposal
 - Minimum of Ethical and Business Conflicts

The AGO reserves the right to consider other factors if it deems the information relevant to the evaluation and selection process.

C. LEGISLATIVE ADVISORY COMMISSION APPROVAL MAY BE NEEDED. Proposers should be aware that Minn. Stat § 8.065 requires notice to the Legislative Advisory Commission of certain outside counsel hires, and the Commission has a right to make a recommendation on the hire.

V. SUBMITTAL CONTENT

Responses must address all the questions and requests in this section. Please also include a cover letter with an executive summary of the proposal.

- A. CONTACT NAME. Name, phone number and email address of individual or individuals responsible for this RFQ response who may be contacted in the event of questions or notification. The proposer also should identify the individual who would be designated as the contact person with the AGO for billings and special attorney appointment[s] administration in the case of retention.
 - B. GENERAL FIRM QUALIFICATIONS. Provide or identify the following information about the firm:
 - 1. The year the firm was established.
 - 2. The address of each office maintained by the firm.
 - 3. The size and composition of staff, including the number of partners, associates, law clerks and legal assistants.
 - 4. The firm's presence or work experience in Minnesota, if any.
 - 5. The firm's experience in representing clients in general employment law matters.
 - 6. The firm's hiring, training, and advancing of traditionally underrepresented attorneys within their firm (including women and lawyers of color), especially in the area of the identified matter. State whether any attorneys identified in section V(C) below are from a traditionally underrepresented group, and what their anticipated role will be in representing the State in the identified matter (second chair, lead attorney, billing

attorney, originating attorney, etc.).

- 7. The firm's approach, human resources, and technical resources to handle document intensive matters, including handling electronically-stored information. Indicate whether the firm uses a vendor for any aspect of these approaches, and if so when, for what, and to what extent. Indicate any anticipated file costs related to electronically-stored information.
- 8. Any agency or department of the State of Minnesota represented by the firm during the last five years. For each matter, provide the name of the State agency or department, a description of the matter, the dates of the engagement and the name and contact information of the State employee responsible for overseeing the work of the firm on that matter.
- 9. The firm's professional liability insurance coverage. Specify the type of malpractice or errors and omissions insurance that the firm carries and the limits of coverage.
- C. QUALIFICATIONS AND EXPERIENCE OF PARTICULAR ATTORNEYS. The proposal should identify the specific attorneys likely to be assigned to perform the requested legal services. For each of these attorneys, provide or identify the following:
 - 1. A professional resume.
 - 2. Their experience handling matters in the area of the identified matter and other indications of expertise (writing articles, giving presentations, etc).
 - 3. The percentage of each attorney's practice dedicated to cases similar to the identified matter.
 - 4. The office at which the attorney primarily works, if the firm has more than one office location.
 - 5. Descriptions of representative matters.
 - 6. Hourly rate or example(s) of any other rates that you would like the AGO to consider (flat fee, capped/collared arrangements), and metrics for diligence of timely and accurate time entry.
- D. NON-ATTORNEY STAFF. Identify any key non-attorney employees or people associated with the firm that the firm likely would use in conducting litigation in the identified matter. For each such person, describe their experience in such cases and other indications of their expertise in this area.
- E. ACTUAL OR POTENTIAL CONFLICTS OF INTEREST. State whether any attorneys within the firm represent any clients or interests adverse to any entity of the State, including lawsuits, administrative proceedings, other legal actions, or lobbying activities. Without violating your duty of confidentiality, the proposal should describe the nature of any such representation. The proposal also must indicate whether any other activities of the firm potentially pose a conflict of interest, or the appearance of a conflict of interest, in representation of the State in the identified matters. The firm should immediately advise the AGO in writing of any real or possible conflicts that arise after the submission of the proposal.

Minnesota State Colleges and Universities (Minnesota State) Notice of Bid and Contracting Opportunities

Minnesota State advertises contract opportunities for goods and services on its Vendor and Supplier Opportunities website (https://www.minnstate.edu/vendors/index.html). New notices may be added daily and will remain posted for the duration specified in each individual notice. For questions or to report any issues viewing the information on the website, please email Minnesota State at Sourcing@MinnState.edu.

Minnesota Competency Attainment Board (MNCAB) Request for Proposal for Human Resources Management (HRM) System

The Minnesota Competency Attainment Board (MNCAB) invites qualified vendors to submit proposals for the development and implementation of a Human Resources Management (HRM) System to enhance and support its personnel management functions.

The request for proposal does not obligate MNCAB to award a contract or complete the project and it reserves the right to cancel the solicitation if it is in the agency's best interest.

Interested vendor submissions must be received by MNCAB no later than 11:59 p.m. CST, December 19, 2025. Electronic proposal submissions may be sent to Allison Holbrook, RFP Administrator at *info.mncab@mncab.us* with the subject line: "Request for Proposal - Human Resources Management (HRM) System". Please contact the RFP Administrator if an alternate submission method is necessary.

A complete copy of the Request for Proposal may be found on the Minnesota Competency Attainment Board website at www.mn.gov/cab.

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 email the Consultant Services Helpline at *ptconsultantserviceshelpline.dot@state.mn.us*.

Minnesota Department of Veterans Affairs (MDVA)

Veterans Community Health

Second Request for Information Notice: Participation in the Veteran Health Navigator Program

PRIOR SUBMISSIONS DO NOT NEED TO RESUBMIT

The Minnesota Department of Veterans Affairs (MDVA) is requesting information from non-VA healthcare systems interested in participating in the Veteran Health Navigator Program. Through this initiative, MDVA will provide technical assistance, including training, workflow integration support, and data tools, to help participating healthcare

systems embed Veteran-informed practices into their clinical workflows. The goal is to improve the identification, care coordination, and health outcomes of Minnesota's Service Members, Veterans, and their Families (SMVF).

MDVA seeks to collaborate with healthcare systems that are ready to integrate Veteran-informed practices into their existing care processes. Participating healthcare systems, if selected, will not receive compensation from the State and will not form an employer-employee relationship with MDVA. Rather, MDVA will serve as a resource by providing technical assistance as outlined above. This support is intended to help healthcare systems independently implement the "Ask the Question" protocol: "Have you or a family member ever served in the military?"

This protocol is intended to be embedded into electronic health records (EHRs) and standard intake workflows to promote early Veteran identification and connection to benefits and services.

Under this cooperative model, participating systems will:

- Designate internal staff to receive training and technical support from MDVA.
- Facilitate warm handoffs to County Veteran Service Officers and community resources.
- Participate in training on military cultural competency, suicide prevention strategies, and crisis response planning.
- Track and report key metrics such as Veteran identification rates, referrals, and staff confidence.

Participating healthcare systems must also submit quarterly reports to MDVA summarizing:

- The number of Veterans identified through the "Ask the Question" protocol.
- The number of referrals made to Veteran services.
- Staff training participation and feedback.
- Patient feedback on the identification process.
- Observed changes in Veteran health outcomes or care coordination.
- De-identifying aggregated patient data (i.e. social drivers of health, conditions, symptoms, primary care provider status, etc.)

Interested systems should provide:

- A brief summary of their healthcare facility and services.
- 2. A description of their interest in participating in the Veteran Health Navigator Program.
- An overview of what they hope to gain from MDVA's technical assistance.

Please submit this information to Rachel Johnson at rachel.johnson@state.mn.us no later than January 9, 2026.

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: https://mn.gov/admin/osp as well as the Office of Grants Management (OGM) at: https://mn.gov/admin/citizen/grants/.

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2026 Airfield Snowmelter Replacement/Upgrades

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2026 Airfield Snowmelter Replacement/Upgrades

MAC Contract No.: 106-1-388

Bids Close At: 2:00 PM on December 17, 2025 Bid Opening Conference Call: 3:00 PM on December 17, 2025

Teleconference Dial In #: 1-612-405-6798 Conference ID #: 897 927 742#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN's website* until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our portal (*https://metroairports.bonfirehub.com*) to receive email notifications of new business opportunities.

Small Businesses (SB): The goal of the MAC for the utilization of Small Businesses on this project is 7%.

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 Construction Documents: Plans and specifications are at the QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring drawings and specifications for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$15.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #9944887 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy drawings and specifications will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will <u>ONLY</u> be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on December 1, 2025, at MAC's web address of *https://metroairports.org/doing-business/solicitations* (construction bids).

Non-State Public Bids, Contracts & Grants —

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2025 Miscellaneous Airfield Construction Phase 2-30R Fenceline Lighting & Cameras

Airport Location: Minneapolis-St. Paul International Airport

Project Name: 2025 Miscellaneous Airfield Construction Phase 2 – 30R Fenceline Lighting &

Cameras

MAC Contract No.: 106-1-389

Bids Close At: 2:00 PM on December 16, 2025 Bid Opening Conference Call: 3:00 PM on December 16, 2025

Teleconference Dial In #: 1-612-405-6798 Conference ID #: 897 927 742#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN's website* until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our portal (*https://metroairports.bonfirehub.com*) to receive email notifications of new business opportunities.

Small Businesses (SB): The goal of the MAC for the utilization of Small Businesses on this project is 9%.

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 Construction Documents: Plans and specifications are at the QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring drawings and specifications for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$15.00, or other fee as determined by QuestCDN, by entering eBidDocTM #9944883 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy drawings and specifications will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will <u>ONLY</u> be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on December 1, 2025, at MAC's web address of *https://metroairports.org/doing-business/solicitations* (construction bids).

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2026 Parking Ramp Snowmelter Replacement/Upgrades

Airport Location: Minneapolis-St. Paul International Airport

Project Name: 2026 Parking Ramp Snowmelter Replacement/Upgrades

MAC Contract No.: 106-3-761

Bids Close At: 2:00 PM on December 16, 2025 Bid Opening Conference Call: 3:00 PM on December 16, 2025

Teleconference Dial In #: 1-612-405-6798 Conference ID #: 897 927 742#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a

— Non-State Public Bids, Contracts & Grants

public corporation, via QuestCDN's website until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our portal (*https://metroairports.bonfirehub.com*) to receive email notifications of new business opportunities.

Small Businesses (SB): The goal of the MAC for the utilization of Small Businesses on this project is 5%.

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 Construction Documents: Plans and specifications are at the QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring drawings and specifications for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$15.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #9944884 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy drawings and specifications will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will <u>ONLY</u> be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on December 1, 2025, at MAC's web address of *https://metroairports.org/doing-business/solicitations* (construction bids).

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2026 Victaulic Piping Replacement

Airport Location: Minneapolis-St. Paul International Airport

Project Name: 2026 Victaulic Piping Replacement

MAC Contract No.: 106-3-738

Bids Close At: 2:00 PM on January 14, 2026 Bid Opening Conference Call: 3:00 PM on January 14, 2026

Teleconference Dial In #: 1-612-405-6798 Conference ID #: 897 927 742#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN's website* until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our portal (*https://metroairports.bonfirehub.com*) to receive email notifications of new business opportunities.

Small Businesses (SB): The goal of the MAC for the utilization of Small Businesses on this project is <u>10</u>%.

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.

Project Labor Agreement: This project is subject to the MAC's Project Labor Agreement requirements. A copy of the Project Labor Agreement and Contract Riders are included in the Appendix D.

Non-State Public Bids, Contracts & Grants —

Availability of Construction Documents: Plans and specifications are on file at the QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring drawings and specifications for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDocTM #9973412 in the "Search Projects" page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy drawings and specifications will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will ONLY be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on Dec. 8, 2025, at MAC's web address of *https://metroairports.bonfirehub.com*.



