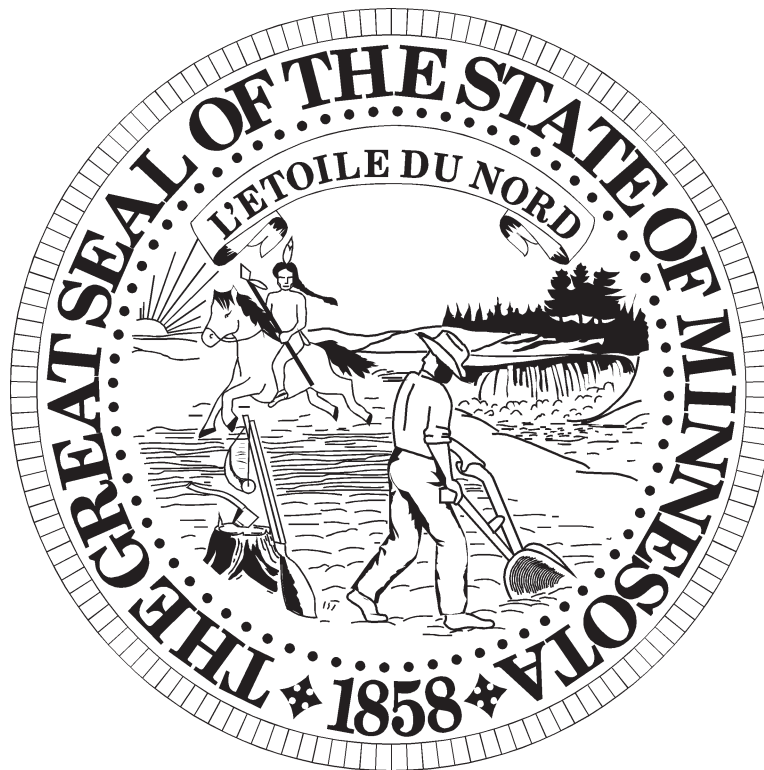


State of Minnesota

# State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;  
Commissioners' Orders; Revenue Notices; Official Notices;  
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**  
Published every Monday (Tuesday when Monday is a holiday)

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Volume 37, Number 20  
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# State Register

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The *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. The *State Register* contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- 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. 37 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 21	Monday 19 November	Noon Tuesday 13 November	Noon Wednesday 7 November
# 22	Monday 26 November	Noon Tuesday 20 November	Noon Wednesday 14 November
# 23	Monday 3 December	Noon Tuesday 27 November	Noon Wednesday 21 November
# 24	Monday 10 December	Noon Tuesday 4 December	Noon Wednesday 28 November

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<b>Governor:</b> Mark Dayton (651) 296-3391	<b>Administration Commissioner:</b> Spencer R. Cronk (651) 201-2555	<b>Editor:</b> Robin PanLener (651) 297-7963, <a href="mailto:robin.panlener@state.mn.us">robin.panlener@state.mn.us</a>
<b>Lieutenant Governor:</b> Yvonne Prettner Solon (651) 296-3391	<b>Plant Management Division:</b> Christopher A. Guevin (651) 201-2350	<b>Assistant editor:</b> John Mikes (651) 297-4616, <a href="mailto:john.mikes@state.mn.us">john.mikes@state.mn.us</a>
<b>Attorney General:</b> Lori Swanson (651) 296-6196	<b>Minnesota's Bookstore:</b> Mary Mikes (651) 297-3979	<b>Subscriptions Manager:</b> Loretta J. Diaz (651) 297-8777, <a href="mailto:loretta.diaz@state.mn.us">loretta.diaz@state.mn.us</a>
<b>Auditor:</b> Rebecca Otto (651) 296-2551		
<b>Secretary of State:</b> Mark Ritchie (651) 296-2803		

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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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## 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.

## Minnesota Department of Health (MDH) Adopted Expedited Permanent Rules Governing Health Care Quality Measures

The rules proposed and published at *State Register*, Volume 37, Number 7, pages 242-244, August 13, 2012 (37 SR 242), are adopted with the following modifications:

### 4654.0800 INCORPORATION BY REFERENCE.

"Minnesota Statewide Quality Reporting and Measurement System: Appendices to Minnesota Administrative Rules, Chapter 4654," issued by the Minnesota Department of Health, ~~August~~ November 2012, is incorporated by reference. It is available through the Minitex interlibrary loan system and the Minnesota Department of Health Web site at <http://www.health.state.mn.us/healthreform/measurement/index.html>. They are not subject to frequent change.

## Appointments

*Minnesota Statutes*, Section 15.06, Subd. 5. requires notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the *State Register*.

## Department of Transportation (Mn/DOT) Notice of Appointment of Acting Commissioner Bernie Arseneau

**NOTICE IS HEREBY GIVEN**, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Mark Dayton appointed Bernie Arseneau as Acting Commissioner of the Minnesota Department of Transportation, effective December 1, 2012. He replaces Commissioner Thomas K. Sorel, who was first appointed on April 27, 2008 and reappointed on January 3, 2011.

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled. The laws and rules governing the Department of Transportation are:

- *Minnesota Statutes*, Chapters 11A, 13, 15A, 16B, 17, 84, 103A, 103C, 103E, 116, 116C, 117, 160-162, 165, 167, 169, 173, 174, 216C, 218, 219, 221, 222, 360, 457A and 505
- *Minnesota Rules* 8800-8870

Acting Commissioner Arseneau can be reached at 395 John Ireland Blvd., St. Paul, Minnesota 55155 in Ramsey County in Congressional District Four. **Telephone:** (651) 366-3037. **Toll-free:** 1-800-657-3994. **Web site:** <http://www.dot.state.mn.us> **E-mail:** [info@dot.state.mn.us](mailto:info@dot.state.mn.us) **Road Condition Information:** dial 5-1-1, or go to: <http://www.511mn.org>

# Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

**KEY:** Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

## Department of Revenue

### Revenue Notice # 12-11: Sales Tax – Exemptions – Qualified Data Centers

#### Introduction

Sales tax exemptions for certain purchases for use in a “qualified data center” were enacted during the 2011 Special Session, amending *Minnesota Statutes*, sections 297A.68 (new subdivision 42), and 297A.75, subdivisions 1 (new clause (16)), 2 and 3.

Purchases of “enterprise information technology equipment and computer software for use in a qualified data center,” including “enterprise information technology equipment and computer software that is purchased to replace or upgrade enterprise information technology equipment and computer software in a qualified data center,” are exempt. However, the purchaser must first pay the sales tax on the equipment and software and then, after June 30, 2013, the “owner of the business” may apply for a refund of the sales tax paid on the purchases. To be exempt, the sales and purchases of the equipment and software must be made after June 30, 2012. The exemption ends either 20 years from the date of the first purchase of “enterprise information technology equipment and computer software for use in a qualified data center” or by July 1, 2042, whichever is earlier.

Electricity used or consumed in the operation of the qualified data center also is exempt, but as an upfront exemption. To be exempt, the sales and purchases of the electricity must be made after June 30, 2012, and by July 1, 2042.

This Revenue Notice sets out the department’s positions on what is required by taxpayers to qualify for these exemptions.

#### Department Positions

##### I. Total cost and 24-month period.

**Background:** The definition of “qualified data center” in *Minnesota Statutes*, section 297A.68, subdivision 42, paragraph (c)(1), provides that the “total cost of construction or refurbishment, investment in enterprise information technology equipment, and computer software is at least \$50,000,000 within a 24-month period.”

##### Positions:

A. The 24-month period must begin on a date that is after June 30, 2012. In determining if the \$50,000,000 threshold has been met, only construction and refurbishment costs incurred after June 30, 2012, and purchases of enterprise information technology equipment and computer software made after June 30, 2012, will be included.

B. The months of the 24-month period must be consecutive months.

C. The cost of land acquisition, if any, is not included in the \$50,000,000.

D. A qualified data center may include one or more businesses using enterprise information technology equipment. If more than one such business is located at the facility, either as co-owners or tenants of the building or buildings that constitute the facility, the following applies:

1. Their combined total cost of construction or refurbishment, investment in enterprise information technology equipment, and computer software must be at least \$50,000,000 within a 24-month period.
2. The 24-month period for all co-owners or tenants begins when the initial purchase and investment is made by any of the co-owners or tenants.

## II. Qualities and square footage.

**Background:** A requirement of a “qualified data center” is that the facility have the following qualities:

- The facility must be used to house “enterprise information technology equipment,” as that term is defined in *Minnesota Statutes*, section 297A.68, subdivision 42, paragraph (d); and must have the characteristics required by *Minnesota Statutes*, section 297A.68, subdivision 42, paragraph (c)(3), which are “(i) uninterruptible power supplies, generator backup power, or both; (ii) sophisticated fire suppression and prevention systems; and (iii) enhanced security...”
  
- The facility must be at least 30,000 square feet in the aggregate, as described in *Minnesota Statutes*, section 297A.68, subdivision 42, paragraph (c)(1); and, for purposes of meeting the square footage requirement, may include the following spaces or facilities in support of the operation of the enterprise information technology equipment: the supporting office or meeting space, and mechanical and other support facilities, pursuant to *Minnesota Statutes*, section 297A.68, subdivision 42, paragraph (c).

### Positions:

- A. The square footage must be documented and the computation of the square footage must follow industry standards.
  
- B. The mechanical and other support facilities are “in support of the operation of the enterprise information technology equipment” if their function is to control, direct, maintain, manage, monitor, regulate or service the enterprise information technology equipment. If so, their square footage may be included to determine if the facility has at least 30,000 square feet.
  
- C. The office or meeting spaces are “in support of the operation of the enterprise information technology equipment” if their function is to control, direct, maintain, manage, monitor, regulate, or service the enterprise information technology equipment, or to provide training, discussions, performance evaluation and enhancement, and other similar functions to better provide for the operation of the enterprise information technology equipment. If so, their square footage may be included to determine if the facility has at least 30,000 square feet.

## III. Substantially refurbished.

**Background:** An additional requirement of a “qualified data center” is that the facility must be “constructed or substantially refurbished after June 30, 2012.” The term “substantially refurbished” is defined to mean “that at least 30,000 square feet has been rebuilt or modified,” as described in *Minnesota Statutes*, section 297A.68, subdivision 42, paragraph (c)(2).

### Positions:

- A. The terminology “refurbished” and “rebuilt or modified” both mean that the facility has been repaired, remodeled or altered. This refurbishment may include, but is not limited to, upgrading, expanding or retrofitting enterprise information technology equipment and its supporting infrastructure and systems, as well as significant interior or exterior structural modification.
  
- B. Making cosmetic changes to the interior or exterior appearance of a building does not constitute a “substantially refurbished” facility. Space which has been changed cosmetically and has not otherwise been repaired, remodeled or altered will not be included in the minimum 30,000 square feet for determining if the facility has been substantially refurbished.
  
- C. The substantial refurbishment must encompass one or more of the descriptions provided in *Minnesota Statutes*, section 297A.68, subdivision 42, paragraphs (c) and (d), as noted above under “II. Qualities and square footage.”
  
- D. The resulting facility must meet all of the statutory requirements of a qualified data center, as provided in *Minnesota Statutes*, section 297A.68, subdivision 42.
  
- E. **Example of what may be considered “substantial refurbishment”:**  
A business installs 15,000 square feet of a raised floor to meet the specifications of a data center in one building of a facility on one parcel of land in Minnesota. Additionally, on the facility’s current data center building located on a contiguous parcel, the business installs a new roof covering 20,000 square feet and an updated uninterruptible power supply covering 10,000 square feet. A total of 45,000 square footage of the facility has been rebuilt or modified, and is considered substantially refurbished.

### F. Examples of what would not be considered “substantial refurbishment”:

**Example 1:** An existing facility paints or carpets 10,000 square feet of the floor to update its appearance, and this area is not

# Revenue Notices

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otherwise rebuilt or modified. It also installs 20,000 square feet of a raised floor in another area to meet the specifications of the data center. No other modifications are made. The square footage of the area whose cosmetic appearance has been updated, whether the interior or exterior of a facility building, for example, by painting or carpeting, is not included in the definition of “substantial refurbishment.” In this example, only 20,000 square feet (the raised floor) has been rebuilt or modified, not enough square footage to meet the definition of “substantially refurbished.”

**Example 2:** The facility comprises two buildings that consist of 60,000 square feet in the aggregate, and that are located on a single parcel. The facility has office spaces and meeting spaces that have a combined 30,000 square feet, for which either the ceilings or the floors need to be rebuilt or modified to meet the specifications of the data center. The remaining 30,000 square feet will remain unaltered. Of the 30,000 square feet of office and meeting space, 2,000 square feet is not used by staff in support of the operation of the enterprise information technology equipment, but is made available for the training and meeting needs of entities other than the data center. In this example, only 28,000 square feet of what is being refurbished meets the requirement found above under “II. Qualities and square footage,” Position C, not enough square footage to meet the definition of “substantially refurbished.”

## IV. Electricity exemption.

**Background:** *Minnesota Statutes*, section 297A.68, subdivision 42, paragraph (b), provides that “electricity used or consumed in the operation of a qualified data center is exempt.” Electricity is “used or consumed in the operation of a qualified data center” if the electricity is used in the operation of one or more of the required characteristics set forth in *Minnesota Statutes*, section 297A.68, subdivision 42, paragraph (c)(3), (i) through (iii); used to operate enterprise information technology equipment as defined in paragraph (d); or used in office and meeting spaces, and mechanical and other support facilities in the facility, in support of the operation of the enterprise information technology equipment.

### Positions:

- A. The business that pays for the electricity used or consumed in the operation of the data center may purchase it exempt.
- B. While the use of separate meters that solely measure the electricity for qualifying uses and spaces is preferable, the Department will accept a valid energy audit conducted by a qualified energy audit engineer or consultant, or other reasonable methods, to determine the portion of the total electricity that is used for qualifying uses and spaces at the facility.
- C. When the business provides a fully completed exemption certificate, Form ST3, to its utility provider, it must indicate on the form the percentage of the total electricity that qualifies for the exemption.

## V. Software.

**Background:** Purchases of “computer software for use in a qualified data center” are exempt under *Minnesota Statutes*, section 297A.68, subdivision 42, paragraph (a). This exemption includes computer software purchased to replace or upgrade computer software in a qualified data center.

### Positions:

**A. Prewritten computer software.** The term “computer software” in *Minnesota Statutes*, section 297A.68, subdivision 42, refers to “prewritten computer software,” since customized computer software is already exempt. Only prewritten (also known as “canned”) computer software is otherwise subject to sales tax, pursuant to *Minnesota Statutes*, section 297A.61, subdivision 3, paragraph (f), which provides “A sale and a purchase includes the transfer for a consideration of prewritten computer software whether delivered electronically, by load and leave, or otherwise,” and subdivision 10, which includes prewritten computer software in the definition of “tangible personal property.” See *Minnesota Statutes*, section 297A.61, subdivisions 16a through 17b for relevant definitions. The exemption for computer software for use in a data center includes licenses to use the computer software.

**B. Software maintenance contracts.** The exemption for purchases of computer software, including software that replaces or upgrades computer software in a qualifying data center, does not include purchases of maintenance contracts sold in connection with the sale of prewritten computer software, even if the contract provides that the purchaser will be entitled to receive “upgrades or enhancements” as that term is defined in *Minnesota Rules*, Part 8130.9910, subpart 1, item G. Instead, the tax treatment of software maintenance contracts remains the same as described in *Minnesota Rules*, Part 8130.9910, subpart 2.



## VI. Refunds.

**Background:** As provided in *Minnesota Statutes*, section 297A.68, subdivision 42, paragraph (a), sales tax on purchases of enterprise information technology equipment and computer software for use in a qualified data center must be paid as if the sales tax rate applied, and then be refunded after June 30, 2013.

- Processing claims. Pursuant to *Minnesota Statutes*, section 297A.75, subdivision 3, the statute of limitation and refund provisions of sections **289A.40** and **289A.50** apply to refund requests for qualifying purchases. The statute of limitations for filing a refund claim is generally three-and-one-half years from the due date of the return.

- Owner of qualified business. Under *Minnesota Statutes*, section 297A.75, subdivision 2, clause (7), and subdivision 3, paragraph (a), only “the owner of the qualifying business” may apply for a refund equal to the sales tax paid on the gross receipts of the enterprise information technology equipment and computer software for use in the qualified data center, and “if the tax was paid by a contractor, subcontractor, or builder,” then that person “must furnish to the refund applicant a statement including the cost of the exempt items and the taxes paid on the items.”

### Positions:

A. For purposes of processing the refund claim, the department will presume the sales tax was reported on a sales tax return for the month of the invoice date.

B. The “owner of the qualifying business” is one of the following:

1. Where the qualified data center is used to house “enterprise information technology equipment” which is owned by one person, that person is the “owner of the qualifying business” and may apply for a refund of the tax paid on the enterprise information technology equipment and related software.
2. Where the qualified data center is used to house “enterprise information technology equipment,” where different enterprise information technology equipment is owned by different persons, each person is the “owner of the qualifying business” for purposes of applying for a refund of the tax paid on the enterprise information technology equipment and related software that are owned by that person.

**Publication Date:** 13 November 2012

Susan Von Mosch, Assistant Commissioner  
for Tax Policy and External Relations  
Department of Revenue

## 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.

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## Minnesota State Agricultural Society (MSAS)

### Notice of Meeting of the Board of Managers on Tuesday, Nov. 13, 2012

The Minnesota State Agricultural Society board of managers will meet at 9 a.m. Thursday, Nov. 15 at the Libby Conference Center on the State Fairgrounds. The session opens with a meeting of the board's sales committee. A general business meeting will follow. The Society is the governing body of the Minnesota State Fair. Agendas are available upon request by calling the Minnesota State Fair at (651) 288-4400.

The 2013 Minnesota State Fair will run Aug. 22 through Labor Day, Sept. 2.

## Executive Council

### State Board of Investment

### Land Exchange Board

### Investment Advisory Council

### Official Notice of Meetings on 20 November 2012 and 6 December 2012

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Thursday, December 6, 2012 at 10:00 A.M. in Room 123, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Tuesday, November 20, 2012 at 12:00 Noon at the State Board of Investment, Board Room (Main Floor), 60 Empire Drive, St. Paul, MN.

**Minnesota Department of Health (MDH)  
Division of Health Policy****Notice of Proposed Revised Rules:**

**Minnesota Uniform Companion Guide for the Implementation of the  
ASC X12N/005010X222A1 Health Care Claim: Professional (837), version 5.0;**

**Minnesota Uniform Companion Guide for the Implementation of the  
ASC X12N/005010X223A2 Health Care Claim: Institutional (837), version 5.0;**

**Minnesota Uniform Companion Guide for the Implementation of the  
ASC X12N/005010X224A2 Health Care Claim: Dental (837), version 5.0; and**

**Minnesota Uniform Companion Guide for the Implementation of the  
ASC X12N/005010X221A1 Health Care Claim Payment/Advice (835), version 5.0.**

**Introduction.** Notice is hereby given that the Minnesota Department of Health (MDH) is seeking information or opinions from outside sources regarding proposed revised versions (version 5.0) of the Minnesota Uniform Companion Guides (MUCGs) for the following ASC X12N transactions:

- ASC X12N/005010X222A1 Health Care Claim: Professional (837);
- ASC X12N/005010X223A2 Health Care Claim: Institutional (837);
- ASC X12N/005010X224A2 Health Care Claim: Dental (837); and
- ASC X12N/005010X221A1 Health Care Claim Payment/Advice (835).

The revised versions are proposed by the Commissioner of Health and were developed in consultation with the Minnesota Administrative Uniformity Committee (AUC) and its Medical Code, Claims DD, and EOB/Remit Technical Advisory Groups (TAGs).

**Contact Person.** MDH requests information and opinions concerning the applicability and functionality of proposed revisions be submitted to Judy Edwards as described below. Interested persons or groups may submit data or views in writing, to be received no later than 4:00 p.m. December 11, 2012. Electronic submissions should be sent in Word format. Written statements should be addressed to Judy Edwards, Minnesota Department of Health, P.O. Box 64882, St. Paul, MN 55164-0822, or submitted via e-mail at: [health.asaguides@state.mn.us](mailto:health.asaguides@state.mn.us) or faxed to: (651) 201-3830. E-mail is preferred.

**Description of the Rules.** *Minnesota Statutes*, section 62J.536, requires the Minnesota Commissioner of Health, in consultation with the Minnesota Administrative Uniformity Committee (AUC), to promulgate rules pursuant to section 62J.61 establishing and requiring group purchasers, clearinghouses, and health care providers to exchange specified health care administrative transactions electronically, using the applicable single, uniform companion guide adopted by the Commissioner of Health. Under *Minnesota Statutes*, section 62J.61, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59.

**Technical Changes and Updates to Previously Adopted Rule.** The Commissioner of Health, in consultation with the AUC and its Technical Advisory Groups (TAGs), has determined that it is necessary to make revisions to the MUCG rules previously adopted in the *Minnesota State Register* as shown below. The previously adopted MUCGs were published as “version 4.0” and are available at: <http://www.health.state.mn.us/asa/rules.html>.

The proposed new versions of the rules are “version 5.0” and will be available at: <http://www.health.state.mn.us/asa/index.html> starting November 12, 2012.

# Official Notices

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Notices of previously adopted versions 4.0 of the MUCGs below were published in the *State Register* as follows:

- Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X222A1 Health Care Claim: Professional (837) v4.0 was published in Volume 35, Number 47, May 23, 2011;
- Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X223A2 Health Care Claim: Institutional (837) v4.0 was published in Volume 35, Number 47, May 23, 2011;
- Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X224A2 Health Care Claim: Dental (837) v.40 was published in Volume 35, Number 47, May 23, 2011; and
- Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X221A1 Health Care Claim/ Payment Advice (835) v4.0 was published in Volume 35, Number 51, June 20, 2011.

Because the Commissioner of Health has determined that it is unduly cumbersome to publish the entire text of the proposed rule revisions, the Commissioner is publishing this notice of the proposed revisions to the adopted rules.

The proposed version 5.0 rules describe the data content and other transaction specific characteristics of the transactions listed above, for use by entities subject to *Minnesota Statutes*, section 62J.536.

When the proposed rules are adopted, they:

- Are to be used in conjunction with all applicable Minnesota and federal regulations, including 45 CFR Parts 160, 162, and 164 (HIPAA Administrative Simplification, including adopted federal operating rules) and related ASC X12N and retail pharmacy specifications (ASC X12N and NCPDP implementation specifications).
- Will supplement, but will not otherwise modify, the ASC X12N and NCPDP implementation specifications in a manner that will make their implementation by users to be out of compliance.
- Must be appropriately incorporated by reference and/or the relevant transaction information must be displayed in any companion guides provided by entities subject to *Minnesota Statutes*, section 62J.536. In particular, the applicable information in the adopted rules must be appropriately incorporated by reference and/or displayed in companion guides of covered entities to meet requirements of CFR 45 § 162.1203 for companion guide compliance with “Phase I CORE 152: Eligibility and Benefit Real Time Companion Guide Rule, version 1.1.0, March 2011, and CORE v5010 Master Companion Guide Template. (Incorporated by reference in § 162.920).”

**Modifications.** The revisions in version 5.0 are proposed to improve the clarity and readability of the rules. As a result, the organization, content, and appearance of the proposed version 5.0 of the MUCGs above are often different than the most recently adopted version (version 4.0).

The title page through section 4 in the version 4.0 MUCGs have been reorganized, revised, renumbered, and in many cases shortened in version 5.0. In some cases, sections appearing in version 4.0 that are now considered as redundant or no longer necessary were not included in version 5.0.

In particular, in all the above referenced version 5.0 MUCGs:

- 1) A new cover page has been added to provide summary information regarding the document, including: the applicable statutes; a description of the document, including its purpose and relationship with other laws and related documents; and the status of the document (as a proposed rule for public comment). The cover page also includes a placeholder to indicate permission has been granted to use ASC X12 copyrighted material.
- 2) Information previously published on the inside front cover page and as section 4 (Introduction and Overview) in version 4.0 has been revised and relocated to new sections 1 (Overview) and 3 (How to use this document) in version 5.0.
- 3) The following sections in version 4.0 have been removed:
  - a. Section 2 (Statement of the Minnesota Department of Health);

- b. Section 3 (Statement of the Minnesota Administrative Uniformity Committee (AUC)); and
- c. Much of the information published previously as Section 5.1 (Introduction to Table) section.

4) Section 4.1.2 (Applicability) from version 4.0 is now shown as Section 1.2 of version 5.0, and has been lengthened to include additional information about the applicability of the state's health care administrative data exchange requirements to health care clearing-houses;

5) A proposed new section 2.0 (Purpose of this document and its relationship with other applicable regulations) was added to version 5.0. This section repeats information from the cover page for emphasis, corrects the website address for obtaining a copy of the ASC X12 implementation specifications, and also has a placeholder to indicate that permission has been granted to use ASC X12 copyrighted material.

6) The data content tables in section 5 of version 4.0 have been appreciably shortened and moved to section 4 in version 5.0 as a result of:

- 1) An overall reorganization of the MUCGs;
- 2) Deleting references to and explanations of the designation "Not Considered for Processing (NCFP)";
- 3) Listing only those loops, segments, and elements for which there are clarifications and/or instructions that are different than the ASC X12N implementation specifications.

7) Other grammatical and formatting revisions were made throughout in the version 5.0 MUCGs to improve readability, organization, and ease of use.

In addition, Appendix A (Medical Code Set – Supplemental Information for Minnesota Uniform Companion Guides) of the version 5.0 MUCGs for the X12N/005010X222A1 Health Care Claim: Professional (837) and the ASC X12N/005010X223A2 Health Care Claim: Institutional (837) has been reformatted and updated as follows below.

1) Table A.5.1, "Minnesota Coding Specifications: When to Use Codes Different From Medicare", was reformatted and updated with the following changes:

- a) Where the "Minnesota Rule" for a Medicare Claims Processing Chapter included several subtopics, those subtopics are now shown separately for easier identification and reference;
- b) A new column, "Specific coding topic", was added to better identify the separate Minnesota Rule subtopics described above;
- c) The "Minnesota Rule" entry for Medicare Chapter 14 was revised for clarification to read, "Per trading partner agreement, either transaction the 837P or the 837I claim type is allowed pending further guidance from CMS. Check with payer to determine preferred billing method."

2) The table for "Mental Health Related Modifiers" in section A.5.2, was reformatted and updated with the addition of new modifiers U1 (Dialectical Behavior Therapy) and U6 (Interactive);

3) Table A.5.2, "Behavioral Health Procedure Code/ Modifier Combinations: For Specific Benefit Packages Unique to State Government Programs" was reformatted and updated. In particular, these changes include:

- a) Additions of new listings for "Mental health diagnostic assessment" and "Dialectical behavior therapy";
- b) Changes to the table entry for "CTSS Children's Day Treatment" to replace the codes shown in version 4.0 with only two codes in version 5.0: H2012UA (behavioral health day treatment, per hour, CTSS); and H2012 UA U6 (behavioral health day treatment, per hour, CTSS, interactive)

4) Table A.5.3 "Substance Abuse Table" was reformatted to show the table entries more clearly for "hospital", "all other residential", and "outpatient services". The table was also updated as follows:

# Official Notices

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- a) The section of the table for “Outpatient services – Outpatient program; treatment only” has been revised and corrected. An additional row has also been added for “All other medication therapy assisted (MAT) drugs.”

5) Table A.5.4, “Maternal and Child Health Billing Guide for Public Health Agencies” was reformatted to show the table entries more clearly for “public health nurse clinic services”; “maternal and child health visits”, and “other services” and “miscellaneous”. The table was also updated to show the UC modifier as added to the coding listed for “Maternal Depression Screenings” in the “miscellaneous” section of the table.

In the version 5.0 MUCG for the X12N/005010X222A1 Health Care Claim: Professional (837), additional changes were made to Appendix A, Table A.5.1 including:

- The entry in Medicare Chapter 16 (Laboratory Services) for “genetic coding modifiers” was removed as no longer applicable; and

- An entry for “Licensed Traditional Midwife Services (Not Certified Midwife Services)” was added at the end of the table.

In the version 5.0 MUCG for the X12N/005010X223A2 Health Care Claim: Institutional (837), additional changes were made to Appendix A, Table A.5.1 including:

- The “Minnesota Rule” entry for Medicare Chapter 17 (Drugs and Biologicals) was revised. The previous entry for “Reporting any portion of a single use vial or package as discarded” was corrected to now show “N/A” in “specific coding topic” column, and “Follow Medicare coding guidelines” in Minnesota Rule column; and

- A new entry for “Freestanding Birthing Centers” was added at the end of the table.

The following changes were made only to the version 5.0 MUCG for the ASC X12N/005010X221A1 Health Care Claim/Payment Advice (835):

- 1) The definition of “adjustment” in the front matter has been revised slightly to more accurately quote the ASC X12 definition;

- 2) Appendix A: A new Appendix A (Minnesota Crosswalk for the Claim Adjustment Reason Codes (CARC) and Claim Adjustment Group Codes, and Remittance Advice Remark Codes (RARC) replaces the version 4.0 Appendix A (Terminology and Acronyms), which was deleted. The new Appendix A addresses:

- a) Code usage as part of business scenarios;
- b) Instructions for special cases of Property and Casualty, Pharmacy, and Workers’ Compensation Payers;
- c) Code usage for the business scenario “Additional Information Required—Missing/Invalid/Incomplete Information From the Patient.” This business scenario refers to situations where additional information is needed from the patient.

- 3) Appendix B: (Workers Compensation Reporting of Reason for a Denial or Reduction of Payment) was previously published in version 4.0 as Appendix C. In addition to moving the appendix to a new location, it was slightly modified and updated in version 5.0;

- 4) Appendix C: The examples previously published in version 4.0 as Appendix D (Coordination of Benefits (COB) Examples) are now in Appendix C in version 5.0 and have been updated and slightly revised; and

- 5) Appendix D: A new Appendix D (Prepaid Medical Assistance Program (PMAP) Program Codes for Medicaid Remittances) was added to version 5.0 and provides instructions for reporting 2-digit PMAP codes.

**Public Review Process.** MDH will provide free copies of the proposed version 5.0 of the MUCGs above in paper or electronic PDF format, to persons and organizations interested in reviewing them. The proposed version will be available for viewing and downloading on November 12, 2012 at: <http://www.health.state.mn.us/asa/>. Comments and suggestions for improvements of the proposed rule will be accepted at the above address until 4 p.m. December 11, 2012.

After the Commissioner of Health has considered all comments received, the Commissioner will publish a notice of adoption of any revisions to the above referenced MUCG rules in the *State Register*. The adopted versions will be known as version 6.0 and will supersede any previous versions. The version 6.0 rules will take effect 30 days subsequent to the notice of adoption.

**How to Obtain the Proposed Changes to Minnesota Uniform Companion Guides.** Free copies of the proposed version 5.0 rules as described above are available for viewing or downloading on the World Wide Web at: <http://www.health.state.mn.us/asa/>. Persons who wish to obtain paper copies should call Judy Edwards at MDH, phone: (651) 201-3578, or fax a request to (651) 201-3830, or write or email to Judy Edwards at the address above, and clearly identify the document(s) being requested.

Dated: 12 November 2012

Edward P. Ehlinger, MD, MSPH, Commissioner  
Minnesota Department of Health  
P.O. Box 64975  
St. Paul, MN 55164-0975

## Minnesota Plumbing Board

### REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Minnesota Plumbing Code *Minnesota Rules, Chapter 4715; Revisor's ID Number R-4139*

**Subject of Rules.** The Minnesota Plumbing Board requests comments on its possible amendment to the plumbing code rules to replace the Minnesota Plumbing Code with a model plumbing code. Specifically, the Board requests your comments on its possible incorporation of the 2012 Uniform Plumbing Code by reference, with amendments.

**Persons Affected.** The amendment to the rules would likely affect plumbing contractors, journeymen, apprentices, master plumbers, restricted master plumbers, restricted journeymen, plumber's apprentices, employers of persons who perform plumbing work, persons who wish to perform plumbing work, plumbing inspectors, building officials, engineers, residential and commercial building contractors and owners.

**Statutory Authority.** *Minnesota Statutes*, section 326B.43 authorizes the Board to adopt and amend rules of minimum standards for plumbing. *Minnesota Statutes*, section 326B.435 authorizes the Board to adopt and amend the plumbing code.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on Monday, March 4, 2013. The Board's National Code Review Committee will review the comments received and report to the Board. The Board does not plan to appoint an advisory committee to comment on the possible rules.

An amendment to the Plumbing Code may require a local unit of government to adopt or amend an ordinance or other regulation. If you believe that a possible amendment of the Plumbing Code would require your local unit of government to adopt or amend an ordinance or other regulation, the Board requests that you provide information about the ordinance or regulation to the Agency Contact Person listed below.

The Board also requests that you submit comments assessing the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

**Rules Drafts.** A draft of the possible rule amendments is being compiled. When the Board has approved a draft compilation, the draft and other information about the rulemaking will be posted on the Department of Labor and Industry rulemaking docket at: <http://www.dli.mn.gov/rulemaking.asp>.

**Agency Contact Person.** Written comments, questions, and requests for more information on these possible rules should be directed to: Kelli Peters, MN Plumbing Board, c/o Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, **Phone:** (651) 284-5006, **Fax:** (651) 284-5725, and **e-mail:** [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us). **TTY** users may call the Board at (651) 297-4198.

# Official Notices

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**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

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

Dated: 2 November 2012

John Parizek, Chair  
Minnesota Plumbing Board

## Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

### NOTICE OF SUSPENSION

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) has ordered that the following vendors be suspended for a period of sixty (60) days, effective October 3, 2012 until December 2, 2012:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

### NOTICE OF DEBARMENT

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective February 24, 2010 until February 24, 2013:

- Joseph Edward Riley, Morris, MN
- John Thomas Riley, Morris, MN

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

*Minnesota Statute* section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller’s or transfer’s debarment.



# 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.

## Grant Funds and Loans

The *State Register* is one of the best ways to advertise your grants - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 per 1/10 of a page you cannot go wrong.

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of all the current rules, a growing index, and previous years' indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

- Word Search Capability
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- Easy Access to *State Register* Archives
- Updates to Index to Vol. 31
- "Contracts & Grants" Open for Bid
- Early delivery, on Friday
- E-mailed to you . . . its so easy
- Indexes to Vols. 31, 30, 29, 28 and 27

It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at **phone:** (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** [loretta.diaz@state.mn.us](mailto:loretta.diaz@state.mn.us)

## Minnesota Pollution Control Agency (MPCA) Request for Application/Proposals for Grant Contracts for Surface Water Assessment Monitoring

The Minnesota Pollution Control Agency (MPCA) requests water monitoring proposals for projects that support Minnesota's condition monitoring strategy for lakes and streams. The water quality data collected under these grants must be of the proper type, adequate frequency, and quality to allow the MPCA to assess the chemical, physical, and bacteriological integrity of the water body and determine if the designated uses for aquatic life and/or aquatic recreation are being met. Up to \$650,000 is available this grant round for use through June 30, 2015. No matching funds or in-kind are required under this program.

The MPCA seeks applicants with experience in project administration, water quality monitoring, and data management. We strongly encourage the use of volunteers in the projects, which will equate to the awarding of additional points during the evaluation process. Data submission to EQUIS (via MPCA) is required.

For a copy of the Request for Proposal Contact:

Sally Pinski

**E-mail:** [Contracts.pca@state.mn.us](mailto:Contracts.pca@state.mn.us)

**Telephone:** (651) 757-2649

**Fax:** (651) 297-8324

**TTY:** (651) 282-5332 (For deaf or hard of hearing callers)

Responders are encouraged to supply an e-mail address and to receive the RFP documents electronically. The subject line of the e-mail request should state "CR6168 SWAG".

**Application Due Date and Time: December 14, 2012, at 2:00 p.m.** (Central Standard Time). Applications must be submitted electronically. Late Proposals will not be considered.

**Questions:** Responders must submit in writing a list of questions they would like addressed. Questions must be e-mailed to Sally Pinski and received by November 30, 2012. All questions and responses will be posted online at

<http://www.pca.state.mn.us/water/swagrant.html>

# State Grants & Loans

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no later than December 5, 2012.

This request does not obligate the State to complete the work contemplated in this notice.

The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at: [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

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

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

## On-going State Contracts

The state spends \$2-3 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 each 1/10 of a page, you cannot go wrong.

Subscribers receive a list of **all current contracts and grants**, as well as LINKS to the *State Register*; Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. To view, open the *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

- **Word Search Capability**
- **Updates to Index to Vol. 31**
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- **LINKS, LINKS, LINKS**
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Subscriptions cost \$180 a year (an \$80 savings). It's all E-MAILED to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** [loretta.diaz@state.mn.us](mailto:loretta.diaz@state.mn.us).

**Minnesota State College and Universities (MnSCU)****Inver Hills Community College****Notice of Request for Proposals for Design Services for Renovation of the College Center Building First Floor**

To receive a copy of the RFP, free of charge, send an e-mail to [pbuhl@inverhills.edu](mailto:pbuhl@inverhills.edu) or fax your request to (651) 450-3706.

Proposals are due back by Thursday December 14, 2012 , 2p.m. CST and are to be addressed to Patrick Buhl, Inver Hills Community College, Heritage Hall Room HH102, 2500 East 80<sup>th</sup> Street, Inver Grove Heights, Minnesota 55076 with “ *College Center 1<sup>st</sup> Floor Design Services Proposal*” clearly written on the outside of the sealed envelope. Faxes are not acceptable. Late responses will not be considered. Any questions should be directed to Patrick Buhl: [pbuhl@inverhills.edu](mailto:pbuhl@inverhills.edu) This notice and the Request for Proposal do not obligate the State of Minnesota, Minnesota State Colleges and Universities or Inver Hills Community College to award a contract; and reserves its right to withdraw from the RFP if it is considered to be in its best interest.

**Minnesota State Colleges and Universities (MnSCU)****Iron Range Engineering, Northeast Higher Education District****Request for Bids for a CNC Abrasive Waterjet**

NOTICE IS HERBY GIVEN that Iron Range Engineering is requesting bids for the following equipment:

Advertisement for Sealed Bids for a CNC Abrasive Waterjet with the following minimum specifications:

Entry level cnc abrasive waterjet for engineering student lab, cutting surface 48"x48", min 20 HP pump, 40,000 PSI. Bid must include price for machine, pumps & software, shipping (zip code 55792), installation & travel expenses, training, water conditioning and chiller, PC requirements, warranty and service contract details, consumables per 1000 hours of operation, power requirements (wired for 1 – 480V three phase plus 1- 208V single phase).

Bids must be received by Les Flemming by 3:00 P.M. CST on Monday November 26<sup>th</sup>, 2012. Late bids will not be considered. Faxed or emailed bids will not be considered. For additional information / questions, please contact:

Les Flemming  
Iron Range Engineering  
1001 Chestnut St. W.  
Virginia, MN 55792  
**Phone:** (218) 404-6281 or  
**Fax:** (218) 742-9168  
**E-mail:** [les.flemming@ire.mnscu.edu](mailto:les.flemming@ire.mnscu.edu)

**Minnesota State Colleges and Universities (MnSCU)****Metropolitan State University****Notice of Availability of Request for Proposal (RFP) for Metropolitan State University Student Center Design Services**

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Metropolitan State University, St Paul, Minnesota, is seeking a designer for the above referenced project.

After November 13, 2012, a full Request for Proposal is available at:

[http://www.metrostate.edu/msweb/resources/depts\\_services/bldg\\_services/RFP.html](http://www.metrostate.edu/msweb/resources/depts_services/bldg_services/RFP.html)

# State Contracts

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A **mandatory** project informational meeting has been scheduled for **10:00 a.m. CST on November 20, 2012 at Metropolitan State's Saint Paul Campus in the Founders Hall Auditorium.**

Proposals must be delivered to: Metropolitan State University, Diana McCollum, Suite 321 Founders Hall, 700 East Seventh Street, Saint Paul, MN 55106, no later than **10 a.m. CST December 4, 2012.**

Late responses will not be considered.

Minnesota State Colleges and Universities System is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

## **Department of Health (MDH) Community and Family Health Division, Maternal and Child Health Section Notice of Multiple Contracts for Motivational Interviewing Training and Extended Practice Enhancement Sessions for Family Home Visiting Unit**

Notice of Availability of multiple contracts for Motivational Interviewing (MI) Training and Extended Practice Enhancement Sessions for Family Home Visitors and their Supervisors. Trainers and those delivering sessions must be current Motivational Interviewing Network of Trainers (MINT) members who have completed the endorsed MINT training. The **maximum total budget** for this project is \$75,000 over 2 years. Depending on the vendor's proposal and capacity to deliver training and extended practice sessions, one or more vendor(s) may be selected to receive a contract for all or a portion of the **maximum total budget.**

The term of this contract is anticipated to run from December 31, 2012 to December 31, 2014 with an option to extend one year. This request for proposal does not obligate the state to award a contract or complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Work is proposed to start after December 31, 2012. A Request for Proposals and other relevant information, including frequently asked questions, will be available from this link *MDH FHV Motivational Interviewing Request for Proposal* or:  
<http://www.health.state.mn.us/divs/fh/mch/fhv/mirfp.html>

through 5pm, December 3, 2012. Proposals are due by 5 pm December 3, 2012.

### **Submission:**

**Five copies** of the proposals must be delivered to:

Terri McNeil  
Minnesota Department of Health  
Community & Family Health Division  
Maternal & Child Health Section  
85 East 7th Place (Courier)  
P.O. Box 64882 (Mail)  
Saint Paul, MN 55164-0882

Include one copy of the Proposals Cover Sheet with the Proposals packet.

All proposals must be received by the MDH no later than 5 p.m., Central Time, on December 3, 2012. No e-mailed or faxed responses will be accepted. **Late responses, responses lost in transit by courier, faxed or e-mailed responses will not be considered for review.**

## Questions and MDH Support:

Questions concerning the RFP should be submitted by e-mail on or before Monday November 19<sup>th</sup>, 2012 to:

Terri McNeil  
Minnesota Department of Health  
**E-mail:** [terri.mcneil@state.mn.us](mailto:terri.mcneil@state.mn.us)

Questions will not be answered by phone. Other personnel are not authorized to discuss this RFP. All relevant questions and answers will be posted on or before 6pm Wednesday, November 21st, 2012 on the **MDH FHV Motivational Interviewing Request for Proposal** or <http://www-dev.health.state.mn.us/divs/fh/mch/fhv/mirfp.html>. Responders should check that site frequently for updated information.

**Late proposals will NOT be considered.** No time extensions will be granted. Fax or emailed proposals will **NOT** be considered. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Minnesota Judicial Branch Request for Proposal for Implementation, Configuration and Migration Services of VNX 5500 and 5300 Implementation with VPLEX and RecoverPoint Services

The Minnesota Judicial Branch, State Court Administrator's Office, (State) is using a competitive selection process to select the vendor responsible for implementation and configuration of EMC Storage Area Network SAN VNX 5500 with VPLEX and RecoverPoint. VPLEX is intended to provide real-time data replication between SAN VNX(5500 & 5300) while VNX RecoverPoint is to provide local and remote disaster recovery with point-in-time recovery. This is a request for proposals that could become the basis for negotiations leading to a contract with one or more vendors to provide the supplemental analyst staff as described in this document.

### Timeline

Posting Date:	November 5, 2012
Questions Due:	November 16, 2012
Answers to Questions posted:	November 27, 2012
Proposal Submission Deadline:	November 30, 2012

Your proposal must be submitted in writing in a sealed envelope to:

Eltayeb Elhassan, Information Technology Division  
State Court Administration  
25 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

The complete Request for Proposal can be found on the State Court website: [www.mncourts.gov](http://www.mncourts.gov) under Public Notices.

## Minnesota Management & Budget (MMB) Notice for Requests for Proposals for the Pay for Performance Pilot Program Request for Proposals (RFP) for Third Party Management Services for the Pay for Performance Pilot Program—Supportive Housing Services Request for Proposals (RFP) for Third Party Management Services for the Pay for Performance Pilot Program—Workforce Development Services

Minnesota Management & Budget (MMB) is seeking proposals from interested parties to provide third party management services for the Minnesota Pay for Performance Pilot Program. MMB is issuing two RFPs for third party management services for the pilot program in the separate service areas of supportive housing and workforce development. Responders may respond to both RFPs and serve as the third party contractor for both service areas.

# State Contracts

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The Minnesota Pay for Performance Pilot Program was authorized by the state legislature in 2011 under the Minnesota Pay-for-Performance Act of 2011 (*Minnesota Statutes* 16A.93-16A.96). The program uses up to \$10 million in bond proceeds to pay service providers for certain financial outcomes that will result in decreased costs or increased revenues to the State. Providers will only be paid upon demonstrating that they have met the agreed upon outcomes, which must result in savings (or increased revenues) greater than the debt service needed to repay the bonds. When they achieve the outcomes, the state pays the service providers and uses the ongoing savings or revenue increases from those programs to repay the issued bonds.

Responsibilities of the party selected to provide third party management services for each of the service areas will include:

- Design and develop the Pay for Performance program model
- Monitor and track service providers' outcomes
- Arrange sources of working capital for service providers
- Develop service provider RFP, contracts and schedule of payments
- Manage provider performance, contracts, and payments
- Participate in evaluation activities with the State's evaluation partner
- Design and develop the return on investment goal, methodology and calculation
- Coordinate data collection
- Administer other aspects of the pilot program
- Provide non-state funding to provide the services listed above.

MMB anticipates that these third party managers also will assist developing RFPs for evaluation services related to the two service areas for the pilot program.

The Request for Proposals (RFP) for Third Party Management Services for the Pay for Performance Pilot Program—Supportive Housing Services and the Request for Proposals (RFP) for Third Party Management Services for the Pay for Performance Pilot Program—Workforce Development Services are available on the MMB website at <http://www.mmb.state.mn.us/pay-for-performance-committee>. Responses are due no later than **December 21, 2012, at noon, Central Daylight Time**.

## Minnesota Department of Natural Resources (DNR) Notice of Hearing on Sale of State Land in Watonwan County

**NOTICE IS HEREBY GIVEN**, that pursuant to *Minnesota Statutes*, section 97A.135, subd. 2a, a hearing will be held by the Department of Natural Resources, in the conference room at the Watonwan County Human Services Building, Community Room located at 715 - 2<sup>nd</sup> Avenue South in St. James, MN, on November 27, 2012 at 11:00a.m.

The purpose of the hearing is for public input regarding the sale of 99.75 acres of state land situated in the County of Watonwan, and described as:

In Township 105 North, Range 32 West of the Fifth Principal Meridian:

A strip of land 100 feet in width extending over and across the East Half of the Northwest Quarter of Section 3, said strip of land being 50 feet in width on each side of the center line of the main track (now removed) of the Minneapolis and St. Louis Railway Company (now and Chicago and North Western Railway Company), as said main track center line was originally located and established over and across said Section 3.

ALSO: A strip of land 100 feet in width extending over and across the Southwest Quarter of said Section 3, said strip of land being 50 feet in width on each side of said original main track center line.

EXCEPTING THEREFROM:

That part lying between the Easterly extension of the North line of Main Street in Echols, and a line drawn at right angles to the Southeasterly line of Railroad Avenue at a point thereon distant 575 feet Southwesterly from its intersection with said Easterly extension of the North line of Main Street.

ALSO: A strip of land 100 feet in width extending over and across the Southeast Quarter of the Southeast Quarter of Section 9; the West Half of the Northwest Quarter, the Northwest Quarter of the Southwest Quarter and Government Lot 4 of Section 10; the East Half of the East Half of Section 16; the Northeast Quarter, and the West Half of the Southeast Quarter of Section 21; the West Half of the Northeast Quarter, the Southeast Quarter of the Northwest Quarter, and the East Half of the Southwest Quarter of Section 28; the Northwest Quarter and the North Half of the Southwest Quarter, of Section 33, said strip of land being 50 feet in width on each side of said original main track center line.

ALSO: A strip of land 50 feet in width lying Northwesterly of and adjoining said above described 100 foot wide strip of land and in the Northeast Quarter of said Section 21, and lying between lines drawn at right angles to said original main track center line at points thereon distant 21 feet and 1321 feet, respectively, Northeasterly, from its intersection with the South line of said Northeast Quarter of Section 21.

In Township 106 North, Range 32 West:

A strip of land 100 feet in width extending over and across the Southeast Quarter of the Northeast Quarter and the East Half of the Southeast Quarter, of Section 22; Lot E and Lots 1 and 2 of Lot B of Melvill's Subdivision and Government Lot 2 of Section 23; said strip of land being 50 feet in width on each side of said original main track center line.

ALSO: A strip of land 100 feet in width of extending over and across that part of Lot C and Lot 3 of Lot B of Melvill's Subdivision of said Section 23 lying Southerly of the Southerly right of way line of the Chicago, St. Paul, Minneapolis and Omaha Railway Company, said strip of land being 50 feet in width on each side of said original main track center line.

ALSO: A strip of land 100 feet in width extending over and across the Northeast Quarter, and the West Half of the Southeast Quarter, of Section 27; the West Half of the Northeast Quarter, the Southeast Quarter of the Northwest Quarter, and the East Half of the Southwest Quarter, of Section 34, said strip of land being 50 feet in width on each side of said original main tract center line.

AND EXCEPTING: Parcel 232A transferred to MN DOT described as:

That part of the Southeast Quarter of the Southeast Quarter of Section 22, the Northeast Quarter and the Northwest Quarter of the Southeast Quarter, both in Section 27, all in Township 106 North, Range 32 West, shown as Parcel 232A on the plat designated as State Highway Right of Way Plat No. 83-2 on file and of record in the office of the Register of Deeds in and for Watonwan County, Minnesota; containing 7.25 acres, more or less.

*Minnesota Statutes*, section 97A.135, subd. 2a, requires that a public hearing be held before lands within a Wildlife Management Area can be disposed of through sale or exchange. The parcel is designated as part of Watline Wildlife Management Area.

It is proposed that this parcel of land be offered for sale by the Department of Natural Resources in a private sale to Watonwon County for development of a public trail. This parcel is no longer needed for resource management purposes. The land will remain open for hunting and trapping with further information on the deed restrictions provided at the hearing. If, after public hearing, the disposal of the land is in the public interest, the Commissioner of Natural Resources may vacate the parcel from Wildlife Management Area designation.

Questions regarding this proposal can be directed to Jodi Dehn at (651) 259-5391 or [Jodi.Dehn@dnr.state.mn.us](mailto:Jodi.Dehn@dnr.state.mn.us).

Dated: 16 October 2012

Kathy A. Lewis, Assistant Director  
Division of Lands and Minerals  
Department of Natural Resources

# State Contracts

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## Department of Natural Resources (DNR)

### Notice of Availability of Contract for the Walnut Lake Bridge Replacement

CERTIFICATION NUMBER: # 31663

The Minnesota Department of Natural Resources is requesting proposals for the purpose of Engineering Services for the removal and replacement of the existing 125<sup>th</sup> Street Brush Creek Township bridge and upstream sheet pile weir near Wells, Minnesota, includes hazmat testing, geotechnical evaluation, design, and construction testing and administration.

Work is proposed to start after January 2, 2013.

A Request for Proposals will be available by email from this office through November 16<sup>th</sup>, 2012. **A written request email is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Deb Johnson  
Department of Natural Resources  
500 Lafayette Road N.  
St. Paul, MN 55155  
**E-mail:** *Debra.a.johnson@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 3:00 p.m. Central Standard Time, Wednesday, November 21, 2012. **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

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

## Minnesota Department of Transportation (Mn/DOT)

### Engineering Services Division

### Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.



Send completed application material to:

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

## **Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices**

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

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

## **Minnesota Zoo Notice of Request for Proposals for Design Services for Renovation of the Snow Monkey Exhibit**

The Minnesota Zoo requests proposals for Design Services as they relate to the renovation of the snow monkey exhibit and off exhibit space. The current exhibit and surrounding areas will be renovated and redesigned as part of the Facility Master Plan.

Details are included in the complete Request for Proposals which is available by e-mailing Angie Guggisberg, Minnesota Zoo Project Manager at [angie.guggisberg@state.mn.us](mailto:angie.guggisberg@state.mn.us) . The deadline for submitting a proposal is 11:00AM., CST, Monday, December 3, 2012.

This Request for Proposals does not obligate the State of Minnesota or the Minnesota Zoo to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation. All expenses incurred in response to this notice are solely the responsibility of the responder.



**Several convenient ways to order:**

- ♦ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- ♦ **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- ♦ **On-line orders:** www.minnesotasbookstore.com
- ♦ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- ♦ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

**PREPAYMENT REQUIRED. Prices and availability subject to change.**

**Fax and phone orders:** Credit card purchases ONLY (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery. **Mail orders:** Complete order blank and send to address above. Enclose check or include credit card information. Please allow 4-6 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A \$20.00 fee will be charged for returned checks.

Stock No.	Title	Quantity	Unit Price	Total

Send my order to:

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Name \_\_\_\_\_

Street Address (Not deliverable to P.O. boxes) \_\_\_\_\_

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Daytime phone (In case we have a question about your order) \_\_\_\_\_

Credit card number: \_\_\_\_\_

Expiration date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Shipping Charges**

<i>If Product</i>	<i>Please</i>
<i>Subtotal is:</i>	<i>Add:</i>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$1,000	\$ 17.00*
*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.	
More than \$1,000	Call

Product Subtotal \_\_\_\_\_

Shipping \_\_\_\_\_

Subtotal \_\_\_\_\_

Sales tax \_\_\_\_\_

*(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 7.125% MN transit tax or other local sales tax if applicable)*

**TOTAL** \_\_\_\_\_

If tax exempt, please provide ES number or completed exemption form.  
ES# \_\_\_\_\_