
CHAPTER 503—H.F.No.2477
[Coded]

An act relating to water pollution control; authorizing municipalities to let individual contracts for the joint design and construction of sewage treatment facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [471.371] WATER POLLUTION; SEWAGE TREATMENT FACILITIES; CONTRACTS FOR CONSTRUCTION OF TREATMENT WORKS. Subdivision 1. **POLICY.** The United States Environmental Protection Agency is in the process of promulgating rules and regulations under the Federal Water Pollution Control Act which authorize the award of grants for treatment works to be constructed under a contract providing for single source responsibility for the design and construction of the facilities. The legislature determines that such contracts should help prevent pollution, thereby protecting the public health and the environment, should encourage more effective use of existing technology and the development of new technology for waste treatment, should better assure that treatment works will be designed and built to meet applicable treatment standards, and should reduce the time interval between the initial application for a grant and the commencement of operation of the facilities.

Subd. 2. AUTHORIZATION OF DESIGN AND CONSTRUCT CONTRACTS. Notwithstanding the provisions of any law or charter to the contrary, any municipality authorized by law to enter into a contract for the design and/or construction of treatment works facilities may advertise for sealed bids for the design and construction thereof under a single contract. Prior to such advertisement the municipality shall prepare contract documents which shall serve as a basis for the comparison of bids and any contract to be entered into. These documents shall be prepared by a professional engineer in sufficient detail for the bidder to describe the probable cost, scope of work, equipment and materials of construction, and the documents shall include performance standards for the construction and supervisory operation of the facilities which must be met for specified conditions and time periods, prior to final acceptance of the facilities by the municipality and by the Minnesota pollution control agency. The contract documents shall require the bidder to furnish estimates of the annual operation and maintenance costs of the facility, conceptual plans and specifications and any other information deemed relevant for contract award.

In awarding the contract, the municipality shall take into consideration the performance guarantee, completion date, construction cost, capacity of the facility, estimated annual operation and maintenance cost, and other relevant factors.

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The provisions of any law which require the Minnesota pollution control agency to approve all plans and specifications on a municipal or regional waste treatment facility prior to calling for construction bids shall not be applicable to contracts authorized by this act. However, after bids have been received and evaluated by the governing body and the best bid determined, a municipality shall not award a contract until the award is approved by the Minnesota pollution control agency. Nothing in this section shall prohibit the Minnesota pollution control agency from giving consideration to any or all bids prior to the determination by the governing body of the best bid, provided that the Minnesota pollution control agency or the municipality request that such consideration be given.

Upon award of the contract the municipality shall require the bidder to furnish detailed plans and specifications and shall provide for termination of the contract and may provide for penalties if such plans and specifications are insufficient to permit the municipality to satisfy the requirements of any federal or state grant.

Subd. 3. LIMITATIONS. The provisions of subdivision 2 shall not in any way limit the application and effect of laws governing the practice of architecture, professional engineering, or land surveying in this state, including Minnesota Statutes, Sections 326.02 to 326.16, and 541.051.

Subd. 4. DEFINITIONS. As used in this section, "municipality" has the meaning given to it in Minnesota Statutes, Section 471.345; "contract" includes not only construction work but also all necessary design services, including process and mechanical equipment, provisions for the start-up of the new facility, performance guarantee, and the other necessary and related items to make an operable plant; and "treatment works" has the meaning given to it in Section 212, Title II, of the Federal Water Pollution Control Act Amendments of 1972.

Subd. 5. BID SECURITY AND INSURANCE. Each design construct bid submitted shall include a bid bond, labor and materials bond and shall conform with appropriate executive orders related to requirements for the construction of wastewater treatment facilities under the construction grant program of the Federal Water Pollution Control Act and insurance as specified to provide for uniform and equitable bid review procedures.

Sec. 2. [471.371] [Subd. 6.] BID BONDS. A bid bond shall not be less than ten percent of bid price for all services including cost for start-up and an operational period guarantee. Bids of the three best bidders shall be retained by the municipality until the award has been approved in accordance with the provisions of this act.

Sec. 3. EFFECTIVE DATE. This act shall become effective on the day following its final enactment.

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Approved April 11, 1974.

CHAPTER 504—H.F.No.2589

An act relating to professional corporations; including podiatrists and psychologists within the definition of professional service for the purposes of formation of professional corporations; amending Laws 1973, Chapter 40, Section 2, Subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1973, Chapter 40, Section 2, Subdivision 2, is amended to read:

[319A.02] Subd. 2. PROFESSIONAL CORPORATIONS; PODIATRISTS AND PSYCHOLOGISTS. "Professional service" means personal service rendered by a professional pursuant to a license or certificate issued to him by the state of Minnesota pursuant to Minnesota Statutes, Sections 147.01 to 147.29, 148.01 to 148.101, 148.52 to 148.62, 148.79 to 148.86, 150A.01 to 150A.12, 153.01 to 153.15, 156.001 to 156.14, 326.17 to 326.23, or 481.01 to 481.17, or a license or certificate issued to him by another state pursuant to similar laws.

Approved April 11, 1974.

CHAPTER 505—H.F.No.2605
[Not Coded]

An act relating to the village of Grand Rapids; authorizing the issuance of on-sale licenses for the sale of intoxicating liquor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **GRAND RAPIDS, VILLAGE OF; LIQUOR LICENSE.** The village of Grand Rapids may issue three licenses each for the on-sale of intoxicating liquor in addition to the number authorized by Minnesota Statutes, Section 340.353, Subdivision 5. The provisions of section 340.353, subdivision 5, clauses 3 and 4 shall not apply in the case of licenses issued pursuant to this section.

Sec. 2. This act is effective upon approval by the village council of the village of Grand Rapids and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 11, 1974.

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