

The following information is general in nature only. Changes in Statutes, Rules, or court cases could alter this document.

OFFSITE FACILITY AND TRUCKING FLOW CHART

MnDOT's State and Federally Funded Projects

(Affective on State Funded Projects Advertised after June 26, 2001)
(Specification, Forms, Manuals, LCU 11/16/04)

Specific questions should be directed to the Mn/DOT Labor Compliance Unit. Mn/L&I has final authority

Projects funded in whole or part with state money either directly or indirectly under the authority of the commissioner of transportation. All Mn/DOT federal aid highway projects are funded in part with state funds.

Does the offsite facility meet **all** the following criteria to be deemed a "commercial establishment"?

- The determination must be based on a **location-by-location** not on a business wide basis, and
- The determination must be based on a **product-by-product** basis. The production of mineral aggregate is considered production of one product.
 1. The offsite facility must have been in business at the location prior to the advertisement of the contract.
 2. The facility must have sufficient utilities and equipment to serve the public upon demand.
 3. The offsite facility was not set up primarily to serve public works projects.
 4. Prior to and at the time of advertising, the offsite facility:
 - (a) owned or leased the land on which it operates,
 - (b) possessed business records indicating that sales from the **location** from which deliveries are made are for other than the contracting agency's public works contracts;
 - (c) advertised the availability of material for sale to the general public from the **location**, and
 - (d) had facilities available for effecting sales at the **location**; and
 - (e) has acquired all necessary permits to operate from the **location**, and met all legal obligations of state and local regulations to excavate soils, sand, gravel, or rock for the purpose of receiving something of value for the product.

Note:
 1. A commercial facility can be closed on a seasonal basis.
 2. Construction projects are not considered commercial establishments.
Minn. Stat. 177.44 Subd. 2/Minn. Rules 5200.1106 Subp. 5 (D) (E) (F).

