

Bond Case Briefs

Municipal Finance Law Since 1971

Pennsylvania Issues Mandatory RFQ for State Bond Counsel.

The Pennsylvania Governor's Office of General Counsel ("OGC") is updating its general pool of qualified Law Firms to serve as Bond Counsel. From time to time, to the Commonwealth of Pennsylvania Office of the Budget and other agencies and authorities subject to the General Counsel's authority, including but not limited to the Pennsylvania Economic Development Financing Authority; Pennsylvania Energy Development Authority; Pennsylvania Housing Finance Agency; Pennsylvania Infrastructure Investment Authority; Pennsylvania Industrial Development Authority; Pennsylvania Higher Educational Facilities Authority; State Public School Building Authority; and the State System of Higher Education have need for bond counsel services.

[A Request for Qualifications](#) ("RFQ") has been issued pursuant to Section 518 of the Commonwealth Procurement Code, 62 Pa.C.S. §518, in accordance with Executive Order 2015-2 dated January 20, 2015, to specify a uniform format for Statements of Qualifications to be submitted by Law Firms in order to be qualified in the new Bond Counsel Pool. **The Bond Counsel Pool that is being established pursuant to this procurement replaces, in its entirety, the prior pools of qualified Bond Counsel that were established beginning in 2007.**

The Commonwealth will consider the Statements of Qualifications submitted in response to this RFQ and will establish a general Bond Counsel Pool of Law Firms meeting the Minimum Qualifications contained herein. Subject to the exceptions and conditions set forth in Executive Order 2015-2, when a specific financing transaction is identified, the Commonwealth issuer ("Agency") will issue a request for proposals ("RFP") with the specific requirements (the "Specific Qualifications") relating to the transaction and the timeframe for responses to the Bond Counsel Pool. Only Law Firms qualified in the Bond Counsel Pool may respond to the RFP. The Agency will select the bond counsel firm determined to be the best qualified based on the evaluation factors set forth in the RFP. The final amount of fair and reasonable compensation shall be determined through negotiation.

ALL Law Firms wishing to participate in any capacity as Bond Counsel to the Commonwealth of Pennsylvania must submit their qualifications pursuant to this RFQ. OGC desires a diverse pool of bond counsel firms for the purpose of best assisting its Commonwealth issuers in meeting their financing goals. Firms of all kinds and sizes, including but not limited to small, diverse and women-owned firms, are encouraged to apply for admission to the Pool. Accordingly, this RFQ application process does not have a deadline. However, a Law Firm must be qualified in the Bond Counsel Pool in order to submit a proposal for a specific financing transaction announced by the Commonwealth.

The following firms are current members of OGC's Bond Counsel Pool:

Archer Greiner, PC
Ballard Spahr, LLP
Barley Snyder
Buchanan Ingersoll & Rooney, PC
Clark Hill, PC
Cohen & Grigsby, PC

Cozen O'Connor
Dilworth Paxson, LLP
Drinder Biddle & Reath, LLP
Duane Morris, LLP
Eckert Seamans Cherin & Mellott, LLC
Fox Rothschild, LLP
Greenberg Traurig, LLP
Hartman Underhill & Brubaker, LLC
King Spry Herman Freund & Faul, LLC
Kutak Rock, LLP
McNees Wallace & Nurick, LLC
Mette, Evans & Woodside
Obermayer Rebmann Maxwell & Hippel, LLP
Rhoads & Sinon, LLP
Saul Ewing, LLP
Squire Patton Boggs, LLP
Stevens & Lee
Stradley Ronon Stevens & Young, LLP
Zarwin Baum DeVito Kaplan Schaer Toddy, PC