

SOLICITATION ADDENDUM

Date: **6/24/2024**
Subject: **General Obligation Bond Counsel RFP**
Solicitation Number: **OGC-2024-12**
Due Date/Time: **June 26, 2024 @ 4:00 PM EST**
Addendum Number: **2**

To All Suppliers:

The Commonwealth of Pennsylvania defines a solicitation “Addendum” as an addition to or amendment of the original terms, conditions, specifications, or instructions of a procurement solicitation (e.g., Invitation for Bids or Request for Proposals). [

The Issuing Office received the following questions regarding the above-referenced RFP and provides the following responses.

Q.1. I assume that the Federal Claims Court case that is cited in the RFP is the lower court case which was appealed to the United States Court of Appeals, Federal Circuit 59 F. 4th 1382?

A.1. Yes, the federal claims court decision cited in the RFP, *Indiana Municipal Power Agency v. U.S.*, 154 Fed.Cl. 752 (2021), is the same case that was affirmed on appeal at *Indiana Municipal Power Agency v. U.S.*, 59 F.4th 1382, in which the appeals court adopted the trial court's judgment and adopted the trial court's published opinion as the appeals court's own opinion.

Q.2. Is the Commonwealth looking for an unqualified opinion based upon *Indiana Power* even though the Commonwealth is in the Third Circuit and the cited case was in the Federal Circuit? Or will the Commonwealth accept a reasoned opinion regarding the exercise of the call provision?

A.2. The Commonwealth is seeking an opinion from bond counsel that would permit the redemption of the BABs series to proceed as proposed in the RFP.

If you asked a question, and do not see your question listed, please let me know right away so we can get you a response as soon as possible

Except as clarified and amended by this Addendum, the terms, conditions, specifications, and instructions of the solicitation and any previous solicitation addenda, remain as originally written.

Respectfully, [

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