

200 KAR 21:020. Evaluation factors for bond counsel and underwriters.

RELATES TO: KRS 45A.853

STATUTORY AUTHORITY: KRS 45A.853, 45A.879

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.853 provides that the Office of Financial Management shall consult with the bond issuing agency to arrive at a request for proposals for bond counsel and underwriter for a bond issuance. KRS 45A.853 further provides that the relative weight of the evaluation factors shall be included in the request for proposals. This administrative regulation establishes some of the evaluation factors which shall be included in a request for proposals for bond counsel or underwriters.

Section 1. Evaluation Factors for Bond Counsel and Underwriters. The Office of Financial Management, after consulting with the bond issuing agency, shall develop a request for proposals for bond counsel or underwriter, as applicable, for the bond issuing agency or bond project. The request for proposals shall include the relative weight of the evaluation factors. The total points for all evaluation factors shall not exceed 100 points. The evaluation factors shall include, but not be limited to, the following:

- (1) For requests for proposals for bond counsel services:
 - (a) Relevant experience of the firm.
 - (b) Experience and availability of the individual firm members proposed to work on the bond issuance.
 - (c) Proposed fee.
- (2) For requests for proposals for underwriter services:
 - (a) Relevant experience of the firm.
 - (b) Experience and availability of individual firm members proposed to work on the bond issuance.
 - (c) Proposed fee or fee structure.
 - (d) Proposal of alternative and recommended financing structure(s).
 - (e) Proposal of a marketing plan for proposed transaction(s) and description of the municipal bond distribution capabilities of the firm, where applicable. (21 Ky.R. 1987; eff. 3-22-1995; TAm eff. 11-15-2018; Crt eff. 4-8-2019.)