Pennsylvania Public Utility Commission

Local Zoning Outside Counsel RFP

Pa PUC RFP 2012-4

Preproposal Conference Questions and Answers

March 28, 2012

March 21, 2012 Preproposal Conference attendees:

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1. Will outside legal counsel be expected to represent the PUC in Commonwealth Court or Supreme Court proceedings?

No. The Law Bureau will represent the Commission.

2. Will outside legal counsel be preparing any requested advisory opinions and orders, or will outside legal counsel simply be providing the initial analysis of local ordinances to the PUC?

No. This will be Law Bureau's responsibility. We expect outside legal counsel to provide general advice and support as needed to PUC staff regarding local zoning and municipal law.

3. Will outside legal counsel be expected to conduct any training sessions or prepare any guidance material for municipalities, counties or other state agencies, on behalf of the PUC?

No. Training sessions and the preparation of guidance materials, if any, would be for PUC staff.

4. Will outside counsel be called upon to provide any advice regarding Ch. 23 of the Oil & Gas Act (regarding unconventional gas well fees)?

Yes, as it relates to local zoning.

5. How should a Proposer respond to the request for information regarding Disadvantaged Businesses if the Proposer does not qualify as a Disadvantaged Business or Enterprise Zone Small Business Participant (i.e., is a simple paragraph to that effect a technically compliant response)?

The Bureau of Minority and Women’s Business Opportunities (BMWBO) handles all questions regarding the Disadvantaged Business program. Please contact them directly at their contact information listed in the RFP.

6. Will the outside counsel be asked for legal analysis regarding the Constitutionality of the Impact Fee Act?

No. Outside counsel may be asked regarding the legal precedent regarding Constitutionality of local zoning ordinances generally.

7. How far will outside counsel be asked to travel?

Outside counsel may need to attend meetings at our offices in Harrisburg.

8. What is the range of hourly rates that would be acceptable?

Normal attorney rates for similar work. Cost is 30% of the scoring criteria; therefore the level of hourly rates, relative to experience and skill, will be a factor in scoring.

9. Will outside counsel be the primary attorney regarding any assignments?

No. Outside counsel will provide generalized legal counsel on local zoning and municipal law to Commission staff (primarily Law Bureau attorneys) to enable Commission staff to render advisory opinions to municipalities on municipal zoning ordinances, and for Commission staff to address challenges brought before the Commission to local zoning ordinances from aggrieved parties.

10. What is expected turnaround time for assignments?

For more straightforward questions, a few days to a week. For more complex or general questions, a few weeks.