

## MEMORANDUM

**TO:** Board of Directors, Massachusetts School Building Authority  
**FROM:** James A. MacDonald, First Deputy Treasurer, Chief Executive Officer  
John K. McCarthy, Executive Director, Deputy Chief Executive Officer  
**DATE:** April 15, 2022  
**RE:** Recommendation to Execute Master Services Agreements for Bond and Disclosure Counsel Services

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On December 13, 2021, the Massachusetts School Building Authority (“MSBA”) issued a Request for Responses (“RFR”) seeking qualified law firms or individual attorneys who specialize in legal matters pertaining to the issuance of debt and that were interested in presenting their qualifications to provide legal services related to the issuance of municipal securities by the MSBA. The MSBA posted the RFR on the MSBA’s website, Goods and Services Bulletin, and on COMMBUYS, a web-based market center for the Commonwealth.

In accordance with the MSBA’s procurement policies, five MSBA staff members were appointed to serve on the Procurement Management Team (“PMT”). The PMT included Christine Nolan, Brian Kelley, Laura Guadagno, Gianpiero Tirella, and Amy Brodeur. Siobhan Tolman participated in providing guidance to the PMT.

Firms that were interested in submitting Responses for both bond counsel and disclosure counsel were required to submit separate responses in accordance with the RFR. The MSBA received three responses for bond counsel and five responses for disclosure counsel prior to the January 17, 2022, response deadline.

### Bond Counsel

- Hinkley Allen
- Locke Lord
- Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

### Disclosure Counsel

- Adler, Pollock & Sheehan
- Greenberg Traurig
- Hinckley Allen
- Locke Lord
- Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

The Phase One review was based on the completeness of the Responses and determined that all eight Responses would be advanced to a Phase Two review. The PMT completed the Phase Two review. The Phase Two review and score card was based on the following evaluation criteria that was also included in the RFR:

- Qualifications and professional experience of the Respondent and the Respondent’s key personnel who are identified to provide the services described in this RFR;

- Understanding of the MSBA program, disclosure requirements, outstanding debt, capital programs, and Trust Agreement;
- Approach to providing the services requested in this RFR;
- Supplier Diversity Program; and
- Invest in Massachusetts.

The PMT met on March 15, 2022, discussed the responses, and determined the score for the evaluation criteria resulting in the following final scores.

**Bond Counsel:**

<b>Respondent</b>	<b>Final Score</b>
Hinkley Allen	67
Locke Lord	75
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.	95

**Disclosure Counsel:**

<b>Respondent</b>	<b>Final Score</b>
Adler, Pollock & Sheehan	60
Greenberg Traurig	95
Hinckley Allen	80
Locke Lord	85
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.	90

After completing the Phase Two Review evaluation, the PMT recommended contracting with Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. for bond counsel services and Greenberg Traurig for disclosure counsel services.

**Recommendation:** Authorize the Executive Director to enter into negotiations and execute Master Services Agreements with Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. for bond counsel services for a term of three years, with two options to renew for one year, at the MSBA’s discretion, under the same terms and conditions.

**Recommendation:** Authorize the Executive Director to enter into negotiations and execute Master Services Agreements with Greenberg Traurig for disclosure counsel services, for a term of three years, with two options to renew for one year, at the MSBA’s discretion, under the same terms and conditions.

The value of the Master Services Agreements for bond counsel services and the value of the Master Services Agreements for disclosure counsel services may each exceed \$250,000. Pursuant to the MSBA’s By-laws, the Board must authorize the Executive Director to enter into agreements that exceed this amount.