

RECOMMENDATION FOR LAW FIRM SELECTION

**Date:** April 5, 2016

**To:** Denise J. Smyler  
General Counsel

**From:** Jordan M. Wagner  
Issuing Officer

**CC:** Shawn E. Smith  
Deputy General Counsel

**RE:** Evaluation of Proposals Submitted in Response to  
RFP OGC-2015-28 Issued August 10, 2015

**PART I.**

This RFP was issued pursuant to Executive Order 2015-2 dated January 20, 2015, and in accordance with Section 518 of the Commonwealth Procurement Code, 62 Pa.C.S. § 518, and Part III Chapter 8 of the Department of General Services (DGS) Procurement Handbook.

The Issuing Office designated to conduct this procurement has completed its evaluation. As further described below, the following law firms are recommended for award of contracts for legal services:

Greenberg Traurig, LLP  
Dilworth Paxson, LLP  
Polsinelli, PC  
Ballard Spahr, LLP  
Mayer Brown, LLP

This memorandum also documents that all necessary steps were taken in conducting the procurement in accordance with the provisions of the Commonwealth Procurement Code. To the extent that written determinations are required under the Code for any of the following steps and no attached record exists, this memorandum shall serve as written confirmation that such step occurred.

**\*\* DUE TO THE URGENT NEED FOR LEGAL SERVICES, APPROVAL IS BEING SOUGHT FOR THE SELECTED LAW FIRMS TO BEGIN WORK IMMEDIATELY \*\***

**PART II.**

- A. PUBLIC NOTICE: Public notice of the RFP was posted on both the DGS website and the Office of General Counsel's website on August 10, 2015.

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Office of General Services, Pennsylvania Department of Transportation ("PennDOT") and Department of General Services.**

C. ADDENDA TO THE RFP: Potential offerors were given the opportunity in accordance with Section I-8 of the RFP to submit questions concerning the procurement to the Issuing Office. The official responses to the questions were incorporated into the RFP by addenda per Section I-9 of the RFP.

**PART III.**

A. CRITERIA: The relative importance of the major evaluation criteria established prior to opening the proposals consisted of **technical 60%, cost 20% and small diverse business (SDB) participation 20%.**

B. PROPOSALS: A total of **twenty one (21)** proposals were received on or before the due date of **October 1, 2015.** No law firms responded by stating that they would not be submitting proposals. No proposals were received late.

C. RESULTS:

1. The evaluation committee reported the following results of its evaluation to the Issuing Office:
2. As indicated in the Initial Scoring, **four (4)** law firm's technical submittal failed to receive **75%** of the available technical points required in order to be eligible to be considered for award.
3. The Issuing Office evaluated and scored the cost proposals and combined the technical scores, cost scores, and the SDB scores received from the DGS Bureau of Diversity, Inclusion and Small Business Opportunities.

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4. INITIAL SCORING: The overall scoring for this procurement concluded as follows:

<i>Offeror</i>	<i>Technical Score</i>	<i>SDB Score</i>	<i>Price Score</i>	<i>Overall Score</i>
Allen & Overy, LLP	60.00	1.52	5.97	67.49
Archer & Greiner, PC	47.52	0.00	15.00	62.52
Ashurst, LLP	59.64	6.06	1.54	67.24
Ballard Spahr, LLP	59.06	8.33	5.76	73.15
Dilworth Paxson, LLP	47.45	10.00	20.00	77.45
Eckert Seamans Cherin & Mellott, LLC	47.45	6.06	9.71	63.22
Fasken Martineau Dumoulin, LLP	57.54	5.00	7.88	70.42
Greenberg Traurig, LLP	52.58	10.00	15.77	78.35
Hawkins Delafield & Wood, LLP	51.67	0.00	3.46	55.13
Katten Muchin Rosenman, LLP	50.72	0.00	0.00	50.72
Kutak Rock, LLP	47.49	10.00	9.28	66.77
Mayer Brown, LLP	59.67	8.33	4.69	72.69
Nossaman, LLP	58.17	6.67	6.37	71.21
Polsinelli, PC	52.98	10.00	11.93	74.91
Saul Ewing, LLP	50.57	6.06	4.25	60.88
Schnader Harrison Segal & Lewis, LLP	47.53	0.00	13.46	60.99
Squire Patton Boggs, LLP	55.00	6.67	8.00	69.67
<b><i>Law Firms NOT Meeting 75% Technical Threshold</i></b>				
Chamberlain, Hrdlicka, White, Williams & Aughtry	29.34	N/A	N/A	N/A
Flaster Greenberg, PC	34.56	N/A	N/A	N/A
MacElree Harvey Ltd.	29.81	N/A	N/A	N/A
Stevens & Lee	42.16	N/A	N/A	N/A

**5. FAIR AND REASONABLE COMPENSATION:**

As provided in the RFP, and pursuant to Section 518 of the Procurement Code, fair and reasonable compensation was negotiated with the best qualified law firms, prior to award being made.

**6. SMALL/DIVERSE BUSINESS COMMITMENTS:**

Ballard Spahr, LLP is committed to subcontracting with two (2) small diverse firms, Ahmad Zaffarese, LLP and Turner Law, P.C., for legal services over the entire engagement timeframe. Ballard Spahr, LLP is committing **15%** of the total value of its offering to **Ahmad Zaffarese, LLP** and **10%** of the total value of its offering to **Turner Law, P.C.**

Dilworth Paxson, LLP is committed to subcontracting with one (1) small diverse firm, Wong Fleming, P.C. for legal services over the entire engagement timeframe. Dilworth Paxson, LLP is committing **30%** of the total value of its offering to **Wong Fleming, P.C.**

Greenberg Traurig, LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLP for legal services over the entire engagement timeframe. Greenberg Traurig, LLP is committing **25%** of the total value of its offering to **Ahmad Zaffarese, LLP.**

Mayer Brown, LLP is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC for legal services over the entire engagement timeframe. Mayer Brown, LLP is committing **25%** of the total value of its offering to **Griesing Law, LLC.**

Polsinelli, PC is committed to subcontracting with one (1) small diverse firm, Valerie J. Southern Transportation Consultant, LLC for legal services over the entire engagement timeframe. Polsinelli, PC is committing **30%** of the total value of its offering to **Valerie J. Southern Transportation Consultant, LLC.**

**7. CONTRACTOR RESPONSIBILITY:** Ballard Spahr, LLP, Dilworth Paxson, LLP, Greenberg Traurig, LLP, Mayer Brown, LLP, Polsinelli, PC and their respective subcontractors required to be disclosed or approved by the Commonwealth have been verified as responsible contractors in accordance with management directives, the Procurement Handbook and the Procurement Code, as applicable.

**PART IV.**

**RECOMMENDATION:** As the Issuing Officer, I recommend that Ballard Spahr, LLP, Dilworth Paxson, LLP, Greenberg Traurig, LLP, Mayer Brown, LLP and Polsinelli, PC be awarded contracts for legal services. This recommendation selection is based upon the results of the evaluation and review of the proposals as summarized above. **The term of the contract will be one year with two (2) additional one (1) year renewals.** PennDOT, in consultation with the Office of General Counsel, will allocate the legal services set forth in the resulting contracts among the selected law firms. **Due to the urgent need for legal services, PennDOT is seeking Ballard Spahr, LLP, Dilworth Paxson, LLP, Greenberg Traurig, LLP, Mayer Brown, LLP and Polsinelli, PC to begin work immediately.**

**PART V.**

**CONTRACTING OFFICER DETERMINATION:**



Based upon the results of the evaluation and the above recommendation, I have determined that Ballard Spahr, LLP, Dilworth Paxson, LLP, Greenberg Traurig, LLP, Mayer Brown, LLP and Polsinelli, PC are the best qualified law firms based on the evaluation factors set forth in the RFP.



I disapprove the recommendation.

*Denise J. Smyler* 4/5/16  
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Denise J. Smyler Date  
General Counsel

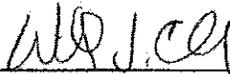
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**PART VI.**

**AUTHORIZATION:**

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make contract awards to Ballard Spahr, LLP, Dilworth Paxson, LLP, Greenberg Traurig, LLP, Mayer Brown, LLP and Polsinelli, PC.

**Pa Department of Transportation (PennDOT):**



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**William J. Cressler**  
**Chief Counsel**

Date