

**RECOMMENDATION FOR LAW FIRM SELECTION**

**Date:** October 13, 2015

**To:** Rodney R. Akers  
Deputy General Counsel,  
Designee for General Counsel Denise J. Smyler

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

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

**RE:** Evaluation of Proposals Submitted in Response to  
RFP OGC-2015-48  
Issued September 23, 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 firm is recommended for award of a specialized securities litigation contract:

Chimicles & Tikellis, 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 FIRM 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 **September 23, 2015.**

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania State Employees' Retirement System**.

C. ADDENDA TO THE RFP: Potential offerors were given the opportunity to submit questions concerning the procurement to the Issuing Office. The official responses to the questions were incorporated into the RFP by addenda.

**PART III.**

A. CRITERIA: The relative importance of the major evaluation criteria established prior to opening the proposals consisted of **technical 80%** and **small diverse business (SDB) participation 20%**.

B. PROPOSALS: A total of **twenty-two (22)** proposals were received on or before the due date of **September 30, 2015**. One law firm responded by stating that they would not be submitting a proposal.

C. RESULTS:

1. The evaluation committee reported the following results of its evaluation to the Issuing Office:
2. All law firms' technical submittals met the **70%** threshold for available technical points required, and therefore were all eligible to be considered for award.
3. The Issuing Office evaluated and scored the cost proposals and combined the technical scores and the SDB scores.
4. INITIAL SCORING: The overall scoring for this procurement concluded as follows:

<i>Offeror</i>	<i>Technical Score</i>	<i>SDB Score</i>	<i>Overall Score</i>
Barrack, Rodos & Bacine	68.14	5.00	73.14
Berger & Montague, P.C.	71.11	0.00	71.11
Bernstein Liebhard, LLP	76.30	5.00	81.30
Bernstein, Litowitz, Berger, Obermayer, LLP	76.37	0.00	76.37

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Bleichmar Fonti Tountas & Auld, LLP	66.67	0.00	66.67
Block & Leviton, LLP	65.18	7.50	72.68
Chimicles & Tikellis, LLP	78.52	10.00	88.52
Cohen Milstein Sellers & Toll, PLLC	77.04	0.00	77.04
Cohen, Placitella & Roth, P.C.	62.23	0.00	62.23
Grant & Eisenhofer, P.A.	74.82	0.00	74.82
Hagens Berman Sobol Shapiro, LLP	71.84	0.00	71.84
Kaplan Fox & Kilsheimer, LLP	71.48	0.00	71.48
Kessler Topaz Meltzer Check, LLP	75.56	5.00	80.56
Labaton Sucharow, LLP	79.27	5.00	84.27
Lowey Dannenberg Cohen & Hart, P.C.	80.00	0.00	80.00
Motley Rice, LLC	75.92	0.00	75.92
Pomerantz, LLP	76.67	5.00	81.67
Robbins Geller Rudman & Dowd, LLP	76.68	0.00	76.68
Saxena White	73.33	15.00	88.33
Scott+Scott, LLP	74.07	5.00	79.07
Spector Roseman Kodroff & Willis, P.C.	75.00	0.00	75.00
Wolf Haldenstein Adler Freeman & Herz, LLP	74.08	10.00	84.08

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5. RANKING AFTER NEGOTIATIONS:

In keeping with Section 518 of the Procurement Code, the Commonwealth undertook negotiations with the top ranked law firm based on the evaluation factors set forth in the RFP to negotiate fair and reasonable compensation for a potential contract.

During negotiations, Chimicles & Tikellis, LLP agreed to a substantial decrease in compensation as originally proposed, including reduction in the lodestar cap and down from 22% for the stage of the proceedings through the end of the case.

6. SMALL/DIVERSE BUSINESS COMMITMENTS:

Chimicles & Tikellis, LLP is subcontracting with one (1) small diverse firm, Tucker Law Group for legal services over the entire engagement timeframe. Chimicles & Tikellis, LLP is committing **20 %** of the total value of its offering to **Tucker Law Group**.

7. 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 firm prior to award being made

8. CONTRACTOR RESPONSIBILITY: Chimicles & Tikellis, LLP 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 Chimicles & Tikellis, LLP be awarded a legal services contract. 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.** The Pennsylvania State Employees' Retirement System, in consultation with the Office of General Counsel, will allocate the legal services set forth in the resulting contract among the selected law firm.

**Due to the urgent need for legal services, the Pennsylvania State Employees' Retirement System is seeking Chimicles & Tikellis, LLP to begin work immediately.**

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**PART V.**

**CONTRACTING OFFICER DETERMINATION:**

Based upon the results of the evaluation and the above recommendation, I have determined that Chimicles & Tikellis, LLP is the best qualified law firm based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.



**Rodney R. Akers  
Deputy General Counsel**

*13 October 2015*

Date

**PART VI.**

**AUTHORIZATION:**

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make a contract award to Chimicles & Tikellis, LLP.

**Pennsylvania State Employees' Retirement System:**



**Christopher C. Houston  
Chief Counsel**

*October 14, 2015*

Date