

RECOMMENDATION FOR LAW FIRM SELECTION

Date: February 17, 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-2015-52 Issued October 28, 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:

Ballard Spahr, LLP
Campbell Durrant Beatty Palombo & Miller, P.C.
Stevens & Lee

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 **October 28, 2015**.

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania State System of Higher Education and the Office of General Counsel**.

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 **nine (9)** proposals were received on or before the due date of **December 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 Intital Scoring, all of the law firm's technical submissions received at least **70%** 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>
Ahmad Zaffarese, LLC	45.98	15.00	18.57	79.55
Ballard Spahr, LLP	60.00	10.00	12.06	82.06
Buchanan Ingersoll & Rooney.	59.00	0.00	11.65	70.65
Campbell Durrant Beatty Palombo & Miller, P.C.	58.46	4.17	19.28	81.91
Clark Hill, PLC	52.11	0.00	20.00	72.11
Houston Harbaugh, P.C.	51.42	0.00	15.11	66.53
McNees Wallace & Nurick, LLC	56.40	8.33	13.68	78.41
Saul Ewing, LLP	54.53	0.00	6.81	61.34
Stevens & Lee	56.51	8.33	14.92	79.76

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 one (1) small diverse firm, Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe. Ballard Spahr, LLP is committing **30 %** of the total value of its offering to **Ahmad Zaffarese, LLC**

Campbell Durrant Beatty Palombo & Miller, P.C. is committed to subcontracting with one (1) small diverse firm, Champion Law Office, for legal services over the entire

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engagement timeframe. Campbell Durrant Beatty Palombo & Miller, P.C. is committing **10%** of the total value of its offering to **Champion Law Office**.

Stevens & Lee is committed to subcontracting with one (1) small diverse firm, Griesing Law Firm, for legal services over the entire engagement timeframe. Stevens & Lee is committing **20 %** of the total value of its offering to **Griesing Law Firm**.

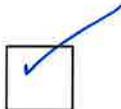
7. **CONTRACTOR RESPONSIBILITY:** Ballard Spahr, LLP, Campbell Durrant Beatty Palombo & Miller, P.C., Stevens & Lee and their respective subcontractors required to be disclosed or approved by the Commonwealth have been verified as responsible contractors in accordance with management directives, the Procurement Handbook and the Procurement Code, as applicable.

PART IV.

RECOMMENDATION: As the Issuing Officer, I recommend that Ballard Spahr, LLP, Campbell Durrant Beatty Palombo & Miller, P.C. and Stevens & Lee, 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.** The Pennsylvania State System of Higher Education, 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, the Pennsylvania State System of Higher Education is seeking Ballard Spahr, LLP, Campbell Durrant Beatty Palombo & Miller, P.C. and Stevens & Lee 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, Campbell Durrant Beatty Palombo & Miller, P.C. and Stevens & Lee are the best qualified law firms based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.

 2/18/16
Denise J. Smyler Date
General Counsel

PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make contract awards to Ballard Spahr, LLP, Campbell Durrant Beatty Palombo & Miller, P.C. and Stevens & Lee.

Pennsylvania State System of Higher Education

 3-28-16

Andrew C. Lehman
Chief Counsel

Date