

RECOMMENDATION FOR LAW FIRM SELECTION

Date: March 18, 2016

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-2015-65 Issued November 2, 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:

Clark Hill, PLC
Dilworth Paxson, LLP
Elliott Greenleaf, P.C.
McNees Wallace & Nurick, LLC
Myers, Brier & Kelly, LLP
Rhoads & Sinon, LLP
Rosenn, Jenkins & Greenwald, LLP
Saul Ewing, LLP
Stradley, Ronon, Stevens & Young, LLP
Weber, Gallagher, Simpson, Stapleton, Fires & Newby, 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 ****

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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 **November 2, 2015**.

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania Department of Education, Pennsylvania Department of Health 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%, small diverse business (SDB) participation 20%, and 10 law firm diversity bonus points**.

B. PROPOSALS: A total of **seventeen (17)** proposals were received on or before the due date of **December 9, 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, **five (5)** law firm's technical submittals failed to receive **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 law firm diversity submittals and combined the technical scores, cost scores, law firm diversity 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>Law Firm Diversity</i>	<i>Final Score</i>
Clark Hill, PLC	52.44	0.00	15.16	0.00	67.60
Dilworth Paxson, LLP	58.56	12.50	0.00	2.00	73.06
Elliott Greenleaf, P.C.	60.00	10.00	9.11	1.00	80.11
Harris, Wiltshire & Grannis, LLP	49.30	0.00	1.57	0.00	50.87
McNees Wallace & Nurick, LLC	58.33	12.50	6.12	2.00	78.95
Myers, Brier & Kelly, LLP	56.88	12.50	7.36	2.00	78.74
Obermayer, Rebmann, Maxwell & Hippel, LLP	53.36	6.25	0.00	1.00	60.61
Rhoads & Sinon, LLP	52.09	15.00	20.00	1.00	88.09
Rosenn, Jenkins & Greenwald, LLP	52.08	1.00	19.91	0.00	72.99
Saul Ewing, LLP	59.25	15.00	0.00	0.00	74.25
Stradley, Ronon, Stevens & Young, LLP	57.69	20.00	9.23	3.00	89.92
Weber, Gallagher, Simpson, Stapleton, Fires & Newby, LLP	52.92	17.50	17.07	1.00	88.49
LAW FIRMS NOT MEETING 70% TECHNICAL THRESHOLD					
The Axelrod Firm, P.C.	36.27	N/A	N/A	N/A	36.27
The Chartwell Law Offices, LLP	36.91	N/A	N/A	N/A	36.91
Fineman, Krekstein & Harris, P.C.	37.00	N/A	N/A	N/A	37.00
Wong Fleming	39.83	N/A	N/A	N/A	39.83
Zarwin, Baum, DeVito, Kaplan, Schaar & Toddy, P.C.	34.81	N/A	N/A	N/A	34.81

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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:

Clark Hill, PLC is committed to subcontracting with one (1) small diverse firm, Class Act Reporting, LLC, for legal services over the entire engagement timeframe. Clark Hill, PLC is committing **5%** of the total value of its offering to **Class Act Reporting, LLC**.

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

Elliott Greenleaf, P.C. is committed to subcontracting with one (1) small diverse firm, Champion Law Office, for legal services over the entire engagement timeframe. Elliott Greenleaf, P.C. is committing **20%** of the total value of its offering to **Champion Law Office**.

McNees Wallace & Nurick, LLC is committed to subcontracting with one (1) small diverse firm, Champion Law Office, for legal services over the entire engagement timeframe. McNees Wallace & Nurick, LLC is committing **25%** of the total value of its offering to **Champion Law Office**.

Myers, Brier & Kelly, LLP is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, LLC, for legal services over the entire engagement timeframe. Myers, Brier & Kelly, LLP is committing **25%** of the total value of its offering to **Tucker Law Group, LLC**.

Rhoads & Sinon, LLP is committed to subcontracting with one (1) small diverse firm, Powell Law, P.C., for legal services over the entire engagement timeframe. Rhoads & Sinon, LLP is committing **30%** of the total value of its offering to **Powell Law, P.C.**

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Rosenn, Jenkins & Greenwald, LLP is committed to subcontracting with one (1) small diverse firm, Linda Melvin, for legal services over the entire engagement timeframe. Rosenn, Jenkins & Greenwald, LLP is committing **1%** of the total value of its offering to **Linda Melvin**.

Saul Ewing, LLP is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. Saul Ewing, LLP is committing **30%** of the total value of its offering to **Griesing Law, LLC**.

Stradley, Ronon, Stevens & Young, LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLC for legal services over the entire engagement timeframe. Stradley, Ronon, Stevens & Young, LLP is committing **40%** of the total value of its offering to **Ahmad Zaffarese, LLC**.

Weber, Gallagher, Simpson, Stapleton, Fires & Newby, LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe. Weber, Gallagher, Simpson, Stapleton, Fires & Newby, LLP is committing **35%** of the total value of its offering to **Ahmad Zaffarese, LLC**.

7. **CONTRACTOR RESPONSIBILITY:** Clark Hill, PLC, Dilworth Paxson, LLP, Elliott Greenleaf, P.C., McNees Wallace & Nurick, LLC, Myers, Brier & Kelly, LLP, Rhoads & Sinon, LLP, Rosenn, Jenkins & Greenwald, LLP, Saul Ewing, LLP, Stradley, Ronon, Stevens & Young, LLP, Weber, Gallagher, Simpson, Stapleton, Fires & Newby, 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 Clark Hill, PLC, Dilworth Paxson, LLP, Elliott Greenleaf, P.C., McNees Wallace & Nurick, LLC, Myers, Brier & Kelly, LLP, Rhoads & Sinon, LLP, Rosenn, Jenkins & Greenwald, LLP, Saul Ewing, LLP, Stradley, Ronon, Stevens & Young, LLP and Weber, Gallagher, Simpson, Stapleton, Fires & Newby, LLP, 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 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 Office of General Counsel**

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is seeking Clark Hill, PLC, Dilworth Paxson, LLP, Elliott Greenleaf, P.C., McNees Wallace & Nurick, LLC, Myers, Brier & Kelly, LLP, Rhoads & Sinon, LLP, Rosenn, Jenkins & Greenwald, LLP, Saul Ewing, LLP, Stradley, Ronon, Stevens & Young, LLP and Weber, Gallagher, Simpson, Stapleton, Fires & Newby, LLP, to begin work immediately.

PART V.

CONTRACTING OFFICER DETERMINATION:

Based upon the results of the evaluation and the above recommendation, I have determined that Clark Hill, PLC, Dilworth Paxson, LLP, Elliott Greenleaf, P.C., McNees Wallace & Nurick, LLC, Myers, Brier & Kelly, LLP, Rhoads & Sinon, LLP, Rosenn, Jenkins & Greenwald, LLP, Saul Ewing, LLP, Stradley, Ronon, Stevens & Young, LLP and Weber, Gallagher, Simpson, Stapleton, Fires & Newby, LLP, are the best qualified law firms based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.



Rodney R. Akers
Deputy General Counsel

3/18/16

Date