

RECOMMENDATION FOR LAW FIRM SELECTION

Date: July 29, 2016

To: Rodney R. Akers
Deputy General Counsel

From: Jordan M. Wagner
Issuing Officer

CC: Shawn E. Smith
Deputy Chief Counsel
Department of General Services

RE: Evaluation of Proposals Submitted in Response to
RFP OGC-2015-75 (Eastern Region) Issued December 31, 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 being recommended for award of a legal services contract:

Dethlefs-Pykosh Law Group, LLC
Thomas, Thomas & Hafer, LLP (conflict firm)

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 **December 31, 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, Department of General Services 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 **eleven (11)** proposals were received on or before the due date of **February 2, 2016.** 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, 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 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>Overall Score</i>
Ahmad Zaffarese, LLC	51.34	15.00	17.89	8.00	92.23
Bennett Bricklin & Saltzburg	48.53	0.00	15.58	2.00	66.11
Dethlefs-Pykosh Law Group, LLC	53.29	10.00	19.26	1.00	83.55
Dickie McCamey & Chilcote, P.C.	52.88	0.00	17.68	0.00	70.56
Margolis Edelstein	51.65	0.00	16.11	0.00	67.76
Naulty, Scaricamazza & McDevitt, LLC	55.81	0.10	14.74	2.00	72.55
O'Brien, Rulis & Bochicchio, LLC	54.30	0.00	17.26	2.00	73.56
Rawle & Henderson, LLP	53.98	0.00	17.68	1.00	72.66
Schaff & Young, P.C.	46.03	0.00	15.16	3.00	64.19
Swartz Campbell, LLC	53.48	0.00	17.50	2.00	72.98
Thomas, Thomas & Hafer, LLP	52.50	2.00	20.00	1.00	75.50

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

During negotiations, an hourly rate could not be agreed on by Ahmad Zaffarese, LLC and the Commonwealth of PA. Therefore, the Issuing Office moved on to the next top ranked law firm in line, Dethlefs-Pykosh Law Group, LLC.

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6. FAIR AND REASONABLE COMPENSATION:

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

7. SMALL/DIVERSE BUSINESS COMMITMENTS:

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

Thomas, Thomas & Hafer, LLP is committed to subcontracting with one (1) small diverse firm, the Law Office of Dolores Rocco Kulp, for legal services over the entire engagement timeframe. Thomas, Thomas & Hafer, LLP is committing **5%** of the total value of its offering to the **Law Office of Dolores Rocco Kulp**.

8. CONTRACTOR RESPONSIBILITY: Dethlefs-Pykosh Law Group, LLC, Thomas, Thomas & Hafer, 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 Dethlefs-Pykosh Law Group, LLC and Thomas, Thomas & Hafer, 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 contracts will be one year with two (2) additional one (1) year renewals.** The 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 State System of Higher Education is seeking Dethlefs-Pykosh Law Group, LLC and Thomas, Thomas & Hafer, LLP to begin working immediately.**

