

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-2016-03 Issued January 22, 2016

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 being recommended for award of a legal services contract:

Clark Hill, PLC

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 **January 22, 2016.**

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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 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 60%, cost 20% and small diverse business (SDB) participation 20%**.

B. PROPOSALS: A total of **four (4)** proposals were received on or before the due date of **January 28, 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. 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, cost scores, and the SDB scores received from the DGS Bureau of Diversity, Inclusion and Small Business Opportunities.
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>
Archer & Greiner	48.98	0.00	17.34	66.32
Clark Hill, PLC	53.52	5.00	20.00	78.52
McNees Wallace & Nurick, LLC	51.36	6.25	12.53	70.14
Stradley Ronon Stevens & Young, LLP	50.79	10.00	15.40	76.19

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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) minority and women owned law firm, The Law Office of Marilyn Monaco, for legal services over the entire engagement timeframe. Clark Hill, PLC is committing **20%** of the total value of its offering to **The Law Office of Marilyn Monaco**.

7. CONTRACTOR RESPONSIBILITY: Clark Hill, PLC and their respective subcontractor 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.

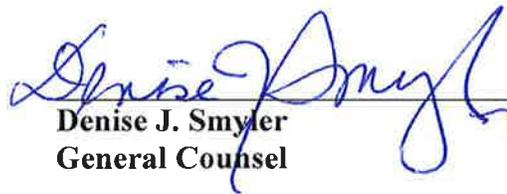
RECOMMENDATION: As the Issuing Officer, I recommend Clark Hill, PLC be awarded a contract for legal services. This recommendation selection is based upon the results of the evaluation and review of the proposals as summarized above. **The term of the contract will be one year with two (2) additional 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 contract among the selected law firm. **Due to the urgent need for legal services, the Pennsylvania State System of Higher Education is seeking Clark Hill, PLC 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 is the best qualified law firm based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.


Denise J. Smyler
General Counsel

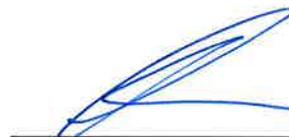
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PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make a contract award to Clark Hill, PLC.

Pennsylvania State System of Higher Education:


Andrew C. Lehman
Chief Counsel

3-3-16
Date