

RECOMMENDATION FOR LAW FIRM SELECTION

Date: July 24, 2015

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

From: Jordan M. Wagner
Administrative Assistant

CC: Shawn E. Smith
Deputy General Counsel

RE: Evaluation of Proposals Submitted in Response to
RFP OGC-2015-19 Issued July 16, 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 Civil Rights Litigation Legal Services contract:

Elliott Greenleaf

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.

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 **July 16, 2015.**

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

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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 **three (3)** proposals were received on or before the due date of **July 22, 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, **one (1)** law firm's technical submittal failed to receive **75%** 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 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>
Elliott Greenleaf	57.86	N/A	20.0	77.86
Saul Ewing, LLP	50.22	N/A	17.06	67.28
<i>Law Firms NOT meeting 75% Technical Threshold</i>				
O'Hagan, LLC	29.64	N/A	N/A	N/A

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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, Elliott Greenleaf agreed to a fairly significant reduction in hourly rate.

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 with the best qualified law firm prior to award being made

7. **CONTRACTOR RESPONSIBILITY:** Elliott Greenleaf required to be disclosed or approved by the Commonwealth has been verified as a responsible contractor in accordance with management directives, the Procurement Handbook and the Procurement Code, as applicable.

PART IV.

RECOMMENDATION: As the Issuing Officer, I recommend that Elliott Greenleaf be awarded a civil rights litigation 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 Department of State, in consultation with the Office of General Counsel, will allocate the legal services set forth in the resulting contract among the selected law firm.

PART V.

CONTRACTING OFFICER DETERMINATION:

Based upon the results of the evaluation and the above recommendation, I have determined that Elliott Greenleaf 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



Date