

**RECOMMENDATION FOR LAW FIRM SELECTION**

**Date:** September 29, 2015

**To:** Rodney R. Akers  
Deputy 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-2015-37 (previously OGC-2015-22)  
Issued August 24, 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 an Act 47 Legal Services contract:

Dilworth Paxson, 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 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 **August 24, 2015**.

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pa Department of Community & Economic Development 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 **five (5)** proposals were received on or before the due date of **September 3, 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. All law firms' technical submittals met the **75%** 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 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>
Ballard Spahr, LLP	51.15	10.00	4.26	65.41
Dilworth Paxson, LLP	46.15	10.00	15.21	71.36
Elliott Greenleaf	46.00	4.73	12.00	62.73
Stevens & Lee	55.30	0.00	11.44	66.74
W. Timothy Barry	45.15	0.00	20.00	65.15

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.

6. SMALL/DIVERSE BUSINESS COMMITMENTS:

Dilworth Paxson, LLP is committed to subcontracting with one (1) small diverse firm, Wong Fleming, P.C., for legal services over the entire engagement timeframe. Dilworth Paxson, LLP is committing **30 %** of the total value of its offering to **Wong Fleming, P.C.**

7. CONTRACTOR RESPONSIBILITY: Dilworth Paxson, 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 Dilworth Paxson, LLP be awarded an Act 47 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 Community and Economic Development, in consultation with the Office of General Counsel, will allocate the legal services set forth in the resulting contract among the selected law firm.

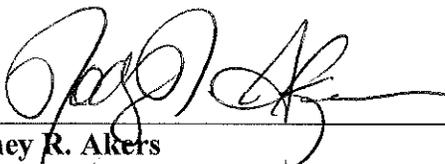
Due to the urgent need for legal services, the Pa Department of Community and Economic Development is seeking Dilworth Paxson, LLP to begin work immediately.

**PART V.**

CONTRACTING OFFICER DETERMINATION:

Based upon the results of the evaluation and the above recommendation, I have determined that Dilworth Paxson, LLP 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

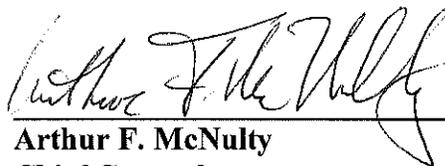
27 September 2015  
\_\_\_\_\_  
Date

**PART VI.**

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make a contract award to Dilworth Paxson, LLP.

**Pa Department of Community and Economic Development:**

  
\_\_\_\_\_  
Arthur F. McNulty  
Chief Counsel

9/29/15  
\_\_\_\_\_  
Date