

**RECOMMENDATION FOR LAW FIRM SELECTION**

**Date:** November 23, 2015

**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-2015-43 Issued September 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 firms are recommended for award of a Contract for Legal Services:

Duane Morris, LLP  
Rosenn Jenkins & Greenwald, LLP  
Stradley Ronon Stevens & Young, 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 \*\***

**PART II.**

A. PUBLIC NOTICE: Public notice of the RFP was posted on the DGS eMarketplace website as well as the OGC website on **September 16, 2015**. Notification was also sent to all Law Firms in the prequalified Insurance Receivership Counsel Pool.

**Recommendation for Law Firm Selection**  
**RFP OGC-2015-43 Issued September 16, 2015**  
**November 23, 2015**  
**Page 2 of 5**

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania Department of Insurance 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 **six (6)** proposals were received on or before the due date of **October 13, 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 Intital 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 combined the technical scores, cost scores, and the SDB scores received from the DGS Bureau of Inclusion, Diversity and Small Business Opportunities.

**Recommendation for Law Firm Selection**  
**RFP OGC-2015-43 Issued September 16, 2015**  
**November 23, 2015**  
**Page 3 of 5**

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>
Braverman Kaskey	44.60	0.00	0.00	44.60
Duane Morris, LLP	52.49	0.00	12.96	65.45
Fox Rothschild, LLP	49.74	0.00	0.00	49.74
Pietragallo Gordon Alfano Bosick & Raspanti, LLP	50.56	0.00	15.12	65.68
Rosenn Jenkins & Greenwald, LLP	47.43	0.00	20.00	67.43
Stradley Ronon Stevens & Young, LLP	50.18	10.00	8.81	68.99

5. RANKING AFTER NEGOTIATIONS:

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

During negotiations Duane Morris, LLP, Rosenn Jenkins & Greenwald, LLP and Stradley Ronon Stevens & Young, LLP all agreed to a reduction in hourly rate.

6. SMALL/DIVERSE BUSINESS COMMITMENTS:

Stradley Ronon Stevens & Young, LLP is committed to subcontracting with one (1) certified small diverse business, Tucker Law Group, 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 **Tucker Law Group, LLC**.

7. 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

8. **CONTRACTOR RESPONSIBILITY:** Duane Morris, LLP, Rosenn Jenkins & Greenwald, LLP, Stradley Ronon Stevens & Young, LLP and their respected 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 Duane Morris, LLP, Rosenn Jenkins & Greenwald, LLP and Stradley Ronon Stevens & Young, LLP be awarded legal services contracts. 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 Department of Insurance, in consultation with the Office of General Counsel, will allocate the legal services set forth in the resulting contract among the selected law firms. **Due to the urgent need for legal services, the Pennsylvania Department of Insurance is seeking Duane Morris, LLP, Rosenn Jenkins & Greenwald, LLP and Stradley Ronon Stevens & Young, 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 Duane Morris, LLP, Rosenn Jenkins & Greenwald, LLP and Stradley Ronon Stevens & Young, 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**

11/23/15  
\_\_\_\_\_  
Date

