

**RECOMMENDATION FOR LAW FIRM SELECTION**

**Date:** December 15, 2016

**To:** Rodney R. Akers  
Deputy General Counsel, as designee for  
The Honorable Denise J. Smyler, General Counsel

**From:** Jordan M. Kiessling  
Issuing Officer

**CC:** Shawn E. Smith  
Deputy Chief Counsel

**RE:** Evaluation of Proposals Submitted in Response to  
RFP OGC-2015-50 (Territory A) Issued October 8, 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 contracts for legal services:

Sand & Sidel  
Thomas Thomas & Hafer  
Goldfein & Joseph  
The Chartwell Law Offices  
Harvey Pennington  
O'Brien Rulis & Bochicchio  
McNamara Bolla & Panzer (conflict firm)  
Swartz Campbell (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 \*\***

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**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 **October 8, 2015**.

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Department of Labor and Industry, 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-9 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-10 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 **twelve (12)** proposals were received on or before the due date of **November 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 Initial Scoring, **one (1)** law firm's technical submittal failed to receive **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 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>Overall Score</i>
Chartwell Law Offices, LLP	55.76	2.50	12.83	71.09
Dickie McCamey & Chilcote, P.C.	50.94	0.00	14.78	65.72
Gallagher & Turchi, P.C.	45.90	0.00	15.88	61.78
Goldfein & Joseph, P.C.	52.39	0.00	19.03	71.42
Harvey Pennington Ltd.	49.22	5.00	15.78	70.00
McNamara, Bolla & Panzer, P.C.	51.80	0.00	15.28	67.08
O'Brien, Rulis & Bochicchio, LLC	56.14	0.00	13.13	69.27
Rawle & Henderson, LLP	48.69	0.00	12.28	60.97
Sand & Sidel, P.C.	60.00	10.00	18.78	88.78
Swartz Campbell, LLC	53.82	0.00	12.28	66.10
Thomas, Thomas & Hafer, LLP	57.32	2.50	16.11	75.93
<b><i>Law Firms NOT Meeting 70% Technical Threshold</i></b>				
Ahmad Zaffarese, LLC	38.00	N/A	N/A	N/A

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:

Sand & Sidel, P.C. is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. Sand & Sidel, P.C. is committing 20% of the total value of its offering to **Griesing Law, LLC**.

Harvey Pennington Ltd. is committed to subcontracting with one (1) small diverse firm, The Law Offices of Dolores Rocco Kulp for legal services over the entire engagement timeframe. Harvey Pennington Ltd. is committing **10%** of the total value of its offering to **The Law Offices of Dolores Rocco Kulp**.

Thomas Thomas & Hafer, LLP is committed to subcontracting with one (1) small diverse firm, The Law Offices 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 Offices of Dolores Rocco Kulp**.

The Chartwell Law Offices, LLP is committed to subcontracting with one (1) small diverse firm, Naples Law, LLP for legal services over the entire engagement timeframe. The Chartwell Law Offices, LLP is committing **5%** of the total value of its offering to **Naples Law, LLP**.

7. **CONTRACTOR RESPONSIBILITY:** Sand & Saidel, P.C., Thomas, Thomas & Hafer, LLP, Goldfein & Joseph, P.C., The Chartwell Law Offices, LLP, Harvey Pennington Ltd., O'Brien, Rulis & Bochicchio, LLC, McNamara, Bolla & Panzer, P.C., Swartz Campbell, LLC 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 Sand & Saidel, P.C., Thomas, Thomas & Hafer, LLP, Goldfein & Joseph, P.C., The Chartwell Law Offices, LLP, Harvey Pennington Ltd., O'Brien, Rulis & Bochicchio, LLC, McNamara, Bolla & Panzer, P.C. and Swartz Campbell, LLC, 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 contract will be one year with two (2) additional one (1) year renewals.** The Department of Labor & Industry, 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 Department of Labor & Industry is seeking Sand & Saidel, P.C., Thomas, Thomas & Hafer, LLP, Goldfein & Joseph, P.C., The Chartwell Law Offices, LLP, Harvey Pennington Ltd., O'Brien, Rulis & Bochicchio, LLC, McNamara, Bolla & Panzer, P.C. and Swartz Campbell, LLC to begin work immediately.**

**PART V.**

**CONTRACTING OFFICER DETERMINATION:**

Based upon the results of the evaluation and the above recommendation, I have determined that Sand & Saidel, P.C., Thomas, Thomas & Hafer, LLP, Goldfein & Joseph, P.C., The Chartwell Law Offices, LLP, Harvey Pennington Ltd., O'Brien, Rulis & Bochicchio, LLC, McNamara, Bolla & Panzer, P.C. and Swartz Campbell, LLC are the best qualified law firms based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.

 15 December 2016

Rodney R. Akers

Date

Deputy General Counsel, as designee for  
The Honorable Denise J. Smyler, General Counsel

**PART VI.**

**AUTHORIZATION:**

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make contract awards to Sand & Saidel, P.C., Thomas, Thomas & Hafer, LLP, Goldfein & Joseph, P.C., The Chartwell Law Offices, LLP, Harvey Pennington Ltd., O'Brien, Rulis & Bochicchio, LLC, McNamara, Bolla & Panzer, P.C. and Swartz Campbell, LLC

**Department of Labor & Industry:**

  
Marsha A. Sajer  
Chief Counsel

19 Dec 2016  
Date