

**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 C) 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:

Dethlefs-Pykosh Law Group, LLC  
The Chartwell Law Offices, LLP  
Thomas, Thomas & Hafer, LLP  
Goldfein & Joseph, P.C. (conflict firm)  
Zimmer Kunz, PLLC (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 \*\***

**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 **thirteen (13)** 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>
Caldwell & Kearns, P.C.	50.38	0.00	14.49	64.87
The Chartwell Law Offices, LLP	59.27	4.17	14.49	77.93
Dethlefs-Pykosh Law Group, LLC	57.14	10.00	16.28	83.42
Dickie McCamey & Chilcote, P.C.	54.63	0.00	14.49	69.12
Gillespie, Miscavige, Ferdinand & Baranko, LLC	53.01	0.00	15.04	68.05
Goldfein & Joseph, P.C.	54.30	0.00	18.76	73.06
Lieberman, Tamulonis & Hobbs	50.94	0.00	20.00	70.94
Pfeiffer, Brown, DiNicola & Frantz	49.82	0.00	14.28	64.10
Rawle & Henderson, LLP	50.89	0.00	14.49	65.38
Swartz Campbell, LLC	56.58	0.00	14.49	71.07
Thomas, Thomas & Hafer, LLP	60.00	0.00	15.99	75.99
Zimmer Kunz, PLLC	59.27	0.00	14.49	73.76
<b><i>Law Firms NOT Meeting 70% Technical Threshold</i></b>				
Ahmad Zaffarese, LLC	38.20	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:**

Dethlefs-Pykosh Law Group, LLC is committed to subcontracting with one (1) small diverse firm, Champion Law Office, LLC, for legal services over the entire engagement timeframe. Dethlefs-Pykosh Law Group, LLC is committing **12%** of the total value of its offering to **Champion Law Office, LLC**.

The Chartwell Law Offices, LLC 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, LLC is committing **5%** of the total value of its offering to **Naples Law, LLP**.

7. **CONTRACTOR RESPONSIBILITY:** Dethlefs-Pykosh Law Group, LLC, The Chartwell Law Offices, LLP, Thomas, Thomas & Hafer, LLP, Goldfein & Joseph, P.C, Zimmer Kunz, PLLC 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 Dethlefs-Pykosh Law Group, LLC, The Chartwell Law Offices, LLP, Thomas, Thomas & Hafer, LLP, Goldfein & Joseph, P.C and Zimmer Kunz, PLLC, 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 Dethlefs-Pykosh Law Group, LLC, The Chartwell Law Offices, LLP, Thomas, Thomas & Hafer, LLP, Goldfein & Joseph, P.C and Zimmer Kunz, PLLC to begin work immediately.**

**PART V.**

**CONTRACTING OFFICER DETERMINATION:**

Based upon the results of the evaluation and the above recommendation, I have determined that Dethlefs-Pykosh Law Group, LLC, The Chartwell Law Offices, LLP, Thomas, Thomas & Hafer, LLP, Goldfein & Joseph, P.C and Zimmer Kunz, PLLC are the best qualified law firms based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.

 15 December 2016

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**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 Dethlefs-Pykosh Law Group, LLC, The Chartwell Law Offices, LLP, Thomas, Thomas & Hafer, LLP, Goldfein & Joseph, P.C and Zimmer Kunz, PLLC.

**Department of Labor & Industry:**



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**Marsha A. Sajer**  
**Chief Counsel**

19 DEC 2016

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Date