

RECOMMENDATION FOR LAW FIRM SELECTION

Date: October 18, 2016

To: 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-2016-09 Issued May 19, 2016

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:

Archer & Greiner, P.C.
Ballard Spahr, LLP
Barrack Rodos & Bacine
Berger & Montague, P.C.
Bernstein Leibhard, LLP
Chimicles & Tikellis, LLP
Clark Hill, PLC
Cohen Milstein Sellers & Toll, PLLC
Cohen Placitella & Roth, P.C.
Dilworth Paxson, LLP
Duane Morris, LLP
Elliott Greenleaf
Grant & Eisenhofer
Harris, Wiltshire & Grannis, LLP
Houston Harbaugh, P.C.
Kaplan Fox & Kilsheimer, LLP
Kessler Topaz Meltzer & Check, LLP
Kleinbard, LLC
Labaton Sucharow, LLP
Lowey Dannenberg Cohen & Hart, P.C.

Myers, Brier & Kelly, LLP
Obermayer Rebmann Maxwell & Hippel, LLP
Pepper Hamilton, LLP
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
Rhoads & Sinon, LLP
Schnader Harrison Segal & Lewis, LLP
Scott & Scott, LLP
Stradley Ronon Stevens & Young, LLP
Weber Gallagher Simpson Stapleton Fires & Newby, LLP
Wolf Haldenstein Adler Freeman & Herz, 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 both the DGS eMarketplace website and the Office of General Counsel's website on **May 19, 2016**.

B. **EVALUATION COMMITTEE:** An evaluation committee was established consisting of agency representatives from the **Pennsylvania Department of Health, Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Department of Human Services, the Governor's Office of General Counsel and the Pennsylvania Department of General Services.**

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 80%, small diverse business (SDB) participation 20%, and 10 law firm diversity bonus points.**

B. PROPOSALS: A total of **thirty-seven (37)** proposals were received on or before the due date of **June 23, 2016**. 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, **seven (7)** law firm's technical submittals 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 law firm diversity submittals and combined the technical scores, law firm diversity scores and the SDB scores received from the DGS Bureau of Diversity, Inclusion and 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>Law Firm Diversity</i>	<i>Final Score</i>
Archer & Greiner, P.C.	64.40	15.00	1.00	80.40
Ballard Spahr, LLP	70.64	10.00	2.00	82.64
Barrack Rodos & Bacine	60.48	5.00	1.00	66.48
Berger & Montague, P.C.	66.40	0.00	1.00	67.40
Bernstein Leibhard, LLP	63.28	10.00	1.00	74.28
Chimicles & Tikellis, LLP	67.72	10.00	1.00	78.72
Clark Hill, PLC	67.52	0.00	2.00	69.52
Cohen Milstein Sellers & Toll, PLLC	67.00	0.00	3.00	70.00
Cohen Placitella & Roth, P.C.	65.36	0.00	1.00	66.36
Dilworth Paxson, LLP	67.28	15.00	3.00	85.28
Duane Morris, LLP	70.93	15.00	1.00	86.93
Elliott Greenleaf	71.00	15.00	1.00	87.00

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Grant & Eisenhofer	65.72	0.00	3.00	68.72
Harris, Wiltshire & Grannis, LLP	68.96	0.00	1.00	69.96
Houston Harbaugh, P.C.	67.92	20.00	1.00	88.92
Kaplan Fox & Kilsheimer, LLP	63.40	0.00	1.00	64.40
Kessler Topaz Meltzer & Check, LLP	64.88	10.00	2.00	76.88
Kleinbard, LLC	67.62	10.00	1.00	78.62
Labaton Sucharow, LLP	66.96	10.00	2.00	78.96
Lowey Dannenberg Cohen & Hart, P.C.	66.32	0.00	2.00	68.32
Myers, Brier & Kelly, LLP	69.96	12.50	2.00	84.46
Obermayer Rebmann Maxwell & Hoppel, LLP	64.76	10.00	2.00	76.76
Pepper Hamilton, LLP	67.40	10.00	4.00	81.40
Pietragallo Gordon Alfano Bosick & Raspanti, LLP	62.24	12.50	1.00	75.74
Rhoads & Sinon, LLP	60.96	7.50	1.00	69.46
Schnader Harrison Segal & Lewis, LLP	64.52	0.00	3.00	67.52
Scott & Scott, LLP	62.85	5.00	3.00	70.85
Stradley Ronon Stevens & Young, LLP	71.88	20.00	3.00	94.88
Weber Gallagher Simpson Stapleton Fires & Newby, LLP	63.93	12.50	1.00	77.43
Wolf Haldenstein Adler Freeman & Herz, LLP	65.88	10.00	2.00	77.88
<i>Law Firms NOT Meeting 75% Technical Threshold</i>				
Bennett Bricklin & Saltzburg, LLC	55.96	N/A	N/A	N/A
Caldwell & Kearns, P.C.	59.80	N/A	N/A	N/A
Chartwell Law Offices, LLP	57.96	N/A	N/A	N/A
MacElree Harvey, Ltd.	49.40	N/A	N/A	N/A

Steve Harvey Law, LLC	57.56	N/A	N/A	N/A
Swartz Campbell, LLC	58.88	N/A	N/A	N/A
Wong Fleming, P.C.	57.76	N/A	N/A	N/A

5. SMALL/DIVERSE BUSINESS COMMITMENTS:

Archer & Greiner, P.C. is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. Archer & Greiner, P.C. is committing **30%** of the total value of its offering to **Griesing Law, LLC.**

Ballard Spahr, LLP is committed to subcontracting with two (2) small diverse firms, Griesing Law, LLC and Tucker Law Group, for legal services over the entire engagement timeframe. Ballard Spahr, LLP is committing **10%** of the total value of its offering to **Griesing Law, LLC and 10%** of the total value of its offering to **Tucker Law Group.**

Barrack Rodos & Bacine is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, for legal services over the entire engagement timeframe. Barrack Rodos & Bacine is committing **10%** of the total value of its offering to **Tucker Law Group.**

Bernstein Leibhard, LLP is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, for legal services over the entire engagement timeframe. Bernstein Leibhard, LLP is committing **20%** of the total value of its offering to **Tucker Law Group.**

Chimicles & Tikellis, LLP is committed to subcontracting with two (2) small diverse firms, Tucker Law Group and Karasch Associates, for legal services over the entire engagement timeframe. Chimicles & Tikellis, LLP is committing **15%** of the total value of its offering to **Tucker Law Group and 5%** of the total value of its offering to **Karasch Associates.**

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

Duane Morris, LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe. Duane Morris, LLP is committing **30%** of the total value of its offering to **Ahmad Zaffarese, LLC.**

Elliott Greenleaf is committed to subcontracting with one (1) small diverse firm, Champion Law Office, for legal services over the entire engagement timeframe. Elliott Greenleaf is committing **30%** of the total value of its offering to **Champion Law Office**.

Houston Harbaugh, P.C. is committed to subcontracting with one (1) small diverse firm, Champion Law Office, for legal services over the entire engagement timeframe. Houston Harbaugh, P.C. is committing **40%** of the total value of its offering to **Champion Law Office**.

Kessler Topaz Meltzer & Check, LLP is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. Kessler Topaz Meltzer & Check, LLP is committing **20%** of the total value of its offering to **Griesing Law, LLC**.

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

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

Myers, Brier & Kelly, LLP is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. Myers, Brier & Kelly, LLP is committing **25%** of the total value of its offering to **Griesing Law, LLC**.

Obermayer Rebmann Maxwell & Hoppel, LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe. Obermayer Rebmann Maxwell & Hoppel, LLP is committing **20%** of the total value of its offering to **Ahmad Zaffarese, LLC**.

Pepper Hamilton, LLP is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, for legal services over the entire engagement timeframe. Pepper Hamilton, LLP is committing **20%** of the total value of its offering to **Tucker Law Group**.

Pietragallo Gordon Alfano Bosick & Raspanti, LLP is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. Pietragallo Gordon Alfano Bosick & Raspanti, LLP is committing **25%** of the total value of its offering to **Griesing Law, LLC**.

Rhoads & Sinon, LLP is committed to subcontracting with one (1) small diverse firm, Champion Law Office, for legal services over the entire engagement timeframe. Rhoads & Sinon, LLP is committing **15%** of the total value of its offering to **Champion Law Office**.

Scott & Scott, LLP is committed to subcontracting with one (1) small diverse firm, The Axelrod Firm, for legal services over the entire engagement timeframe. Scott & Scott, LLP is committing **10%** of the total value of its offering to **The Axelrod Firm**.

Stradley Ronon Stevens & Young, LLP is committed to subcontracting with one (1) small diverse firm, Griesing Law, 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 **Griesing Law, LLC**.

Weber Gallagher Simpson Stapleton Fires & Newby, LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe. Weber Gallagher Simpson Stapleton Fires & Newby, LLP is committing **25%** of the total value of its offering to **Ahmad Zaffarese, LLC**.

Wolf Haldenstein Adler Freeman & Herz, LLP is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. Wolf Haldenstein Adler Freeman & Herz, LLP is committing **20%** of the total value of its offering to **Griesing Law, LLC**.

6. **CONTRACTOR RESPONSIBILITY:** Archer & Greiner, P.C., Ballard Spahr, LLP, Barrack Rodos & Bacine, Berger & Montague, P.C., Bernstein Leibhard, LLP, Chimicles & Tikellis, LLP, Clark Hill, PLC, Cohen Milstein Sellers & Toll, PLLC, Cohen Placitella & Roth, P.C., Dilworth Paxson, LLP, Duane Morris, LLP, Elliott Greenleaf, Grant & Eisenhofer, Harris, Wiltshire & Grannis, LLP, Houston Harbaugh, P.C., Kaplan Fox & Kilsheimer, LLP, Kessler Topaz Meltzer & Check, LLP, Kleinbard, LLC, Labaton Sucharow, LLP, Lowey Dannenberg Cohen & Hart, P.C., Myers, Brier & Kelly, LLP, Obermayer Rebmann Maxwell & Hippel, LLP, Pepper Hamilton, LLP, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, Rhoads & Sinon, LLP, Schnader Harrison Segal & Lewis, LLP, Scott & Scott, LLP, Stradley Ronon Stevens & Young, LLP, Weber Gallagher Simpson Stapleton Fires & Newby, LLP, Wolf Haldenstein Adler Freeman & Herz, 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 Archer & Greiner, P.C., Ballard Spahr, LLP, Barrack Rodos & Bacine, Berger & Montague, P.C., Bernstein Leibhard, LLP, Chimicles & Tikellis, LLP, Clark Hill, PLC, Cohen Milstein Sellers & Toll, PLLC, Cohen Placitella & Roth, P.C., Dilworth Paxson, LLP, Duane Morris, LLP, Elliott Greenleaf, Grant & Eisenhofer, Harris, Wiltshire & Grannis, LLP, Houston Harbaugh, P.C., Kaplan Fox & Kilsheimer, LLP, Kessler Topaz Meltzer & Check, LLP, Kleinbard, LLC, Labaton Sucharow, LLP, Lowey Dannenberg Cohen & Hart, P.C., Myers, Brier & Kelly, LLP, Obermayer Rebmann Maxwell & Hippel, LLP, Pepper Hamilton, LLP, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, Rhoads & Sinon, LLP, Schnader Harrison Segal & Lewis, LLP, Scott & Scott, LLP, Stradley Ronon Stevens & Young, LLP, Weber Gallagher Simpson Stapleton Fires & Newby, LLP and Wolf Haldenstein Adler Freeman & Herz, LLP, 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 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 Office of General Counsel is seeking Archer & Greiner, P.C., Ballard Spahr, LLP, Barrack Rodos & Bacine, Berger & Montague, P.C., Bernstein Leibhard, LLP, Chimicles & Tikellis, LLP, Clark Hill, PLC, Cohen Milstein Sellers & Toll, PLLC, Cohen Placitella & Roth, P.C., Dilworth Paxson, LLP, Duane Morris, LLP, Elliott Greenleaf, Grant & Eisenhofer, Harris, Wiltshire & Grannis, LLP, Houston Harbaugh, P.C., Kaplan Fox & Kilsheimer, LLP, Kessler Topaz Meltzer & Check, LLP, Kleinbard, LLC, Labaton Sucharow, LLP, Lowey Dannenberg Cohen & Hart, P.C., Myers, Brier & Kelly, LLP, Obermayer Rebmann Maxwell & Hippel, LLP, Pepper Hamilton, LLP, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, Rhoads & Sinon, LLP, Schnader Harrison Segal & Lewis, LLP, Scott & Scott, LLP, Stradley Ronon Stevens & Young, LLP, Weber Gallagher Simpson Stapleton Fires & Newby, LLP and Wolf Haldenstein Adler Freeman & Herz, LLP, to begin work immediately.**

PART V.

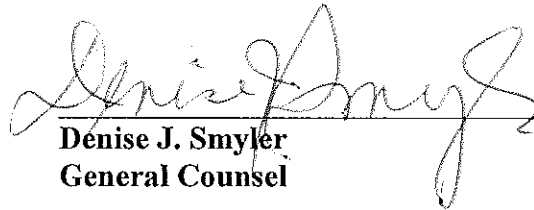
CONTRACTING OFFICER DETERMINATION:



Based upon the results of the evaluation and the above recommendation, I have determined that Archer & Greiner, P.C., Ballard Spahr, LLP, Barrack Rodos & Bacine, Berger & Montague, P.C., Bernstein Leibhard, LLP, Chimicles & Tikellis, LLP, Clark Hill, PLC, Cohen Milstein Sellers & Toll, PLLC, Cohen Placitella & Roth, P.C., Dilworth Paxson, LLP, Duane Morris, LLP, Elliott Greenleaf, Grant & Eisenhofer, Harris, Wiltshire & Grannis, LLP, Houston Harbaugh, P.C., Kaplan Fox & Kilsheimer, LLP, Kessler Topaz Meltzer & Check, LLP, Kleinbard, LLC, Labaton Sucharow,

LLP, Lowey Dannenberg Cohen & Hart, P.C., Myers, Brier & Kelly, LLP, Obermayer Rebmann Maxwell & Hippel, LLP, Pepper Hamilton, LLP, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, Rhoads & Sinon, LLP, Schnader Harrison Segal & Lewis, LLP, Scott & Scott, LLP, Stradley Ronon Stevens & Young, LLP, Weber Gallagher Simpson Stapleton Fires & Newby, LLP and Wolf Haldenstein Adler Freeman & Herz, LLP, are the best qualified law firms based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.


Denise J. Smyler
General Counsel

10/19/16
Date