

## RECOMMENDATION FOR LAW FIRM SELECTION

**Date:** October 18, 2017

**To:** Denise J. Smyler  
General Counsel

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

**CC:** Shawn E. Smith  
Deputy Chief Counsel  
Department of General Services

**RE:** Evaluation of Proposals Submitted in Response to  
RFP OGC-2017-04 (Territory D) Issued April 3, 2017

### **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. Due to the lack of need for counsel in Territory D, the General Counsel has determined that it is in the best interest of the Commonwealth to not award a contract(s) for legal services in this Territory.

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.

### **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 **April 3, 2017**.

B. **EVALUATION COMMITTEE:** An evaluation committee was established consisting of agency representatives from the **Department of Labor & Industry, Department of General Services and the Governor's 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%, small diverse and small business (SDB/SB) participation 20%, and 10 law firm diversity bonus points.**

B. PROPOSALS: A total of **ten (10)** proposals were received on or before the due date of **May 4, 2017**. 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, **two (2) offeror's** technical submittals 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 law firm diversity submittals and combined the technical scores, cost scores, law firm diversity scores and the SDB/SB 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/SB Score</i>	<i>Price Score</i>	<i>Law Firm Diversity</i>	<i>Overall Score</i>
Carpenter, McCadden & Lane, LLP	53.50	6.67	16.74	1.00	77.91
Cohen & Grace, LLC	54.41	0.00	16.91	1.00	72.32
Law Office of Nathaniel M. Holmes, LLC	52.84	20.00	19.70	4.00	96.54
Mette Evans & Woodside, P.C.	45.22	0.00	16.11	0.00	61.33
Pentz Law Office	56.14	6.67	17.29	0.00	80.10
Rawle & Henderson, LLP	55.22	0.00	20.00	1.00	76.22
Swartz Campbell, LLC	60.00	2.00	18.90	2.00	82.90

**Recommendation for Law Firm Selection**  
**RFP OGC-2017-04 Issued April 3, 2017**  
**October 18, 2017**  
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Vendetti & Vendetti	44.10	0.00	18.75	0.00	62.85
<b><i>Law Firms NOT Meeting 70% Technical Threshold</i></b>					
Kent & McBride, P.C.	38.70	N/A	N/A	N/A	N/A
Mitchell Gallagher	36.10	N/A	N/A	N/A	N/A

**PART IV.**

RECOMMENDATION: Due to the lack of need for counsel in Territory D, I have determined that it is in the best interest of the Commonwealth to not award a contract(s) for legal services in this Territory.

  
Denise J. Smyler  
General Counsel

10/18/17  
Date