

RECOMMENDATION FOR LAW FIRM SELECTION

Date: October 2, 2017

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
Department of General Services

RE: Evaluation of Proposals Submitted in Response to
RFP OGC-2017-12 Issued July 10, 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. As further described below, the following law firms are being recommended for award of legal services contracts:

Ballard Spahr, LLP
Clark Hill, PLC
Dinsmore & Shohl, 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 website and the Office of General Counsel's website on July 10, 2017.

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania State System of Higher Education, 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-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%, small diverse and small business (SDB/SB) participation 20%, and 10 law firm diversity bonus points.**

B. PROPOSALS: A total of **five (5)** proposals were received on or before the due date of **August 1, 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>
Ballard Spahr, LLP	51.80	20.00	11.41	5.00	88.21
Clark Hill, PLC	48.65	20.00	20.00	2.00	90.65
Dinsmore & Shohl, LLP	51.95	20.00	17.78	1.00	90.73

<i>Law Firms NOT Meeting 70% Technical Threshold</i>					
Bazelon, Less & Feldman, P.C.	41.35	N/A	N/A	N/A	N/A
King, Spry, Herman, Freund & Faul, LLC	36.25	N/A	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, as needed, prior to awards being made.

6. SMALL DIVERSE BUSINESS/SMALL BUSINESS COMMITMENTS:

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

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

Dinsmore & Shohl, LLP is committed to subcontracting with one (1) small diverse firm, Powell Law, PC, for legal services over the entire engagement timeframe. Dinsmore & Shohl, LLP is committing **20%** of the total value of its offering to **Powell Law, PC**.

7. CONTRACTOR RESPONSIBILITY: Ballard Spahr, LLP, Clark Hill, PLC, Dinsmore & Shohl, 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.

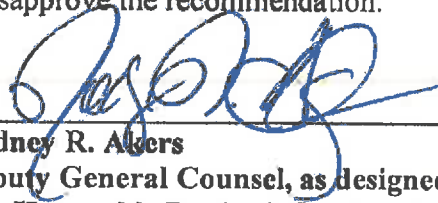
RECOMMENDATION: As the Issuing Officer, I recommend Ballard Spahr, LLP, Clark Hill, PLC and Dinsmore & Shohl, LLP be awarded contracts for legal services. This recommendation selection is based upon the results of the evaluation and review of the proposals as summarized above. **The term of the contract will be two years with two (2) additional one (1) year renewals.** The State System of Higher Education, 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 State System of Higher Education is seeking Ballard Spahr, LLP, Clark Hill, PLC and Dinsmore & Shohl, 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 Ballard Spahr, LLP, Clark Hill, PLC and Dinsmore & Shohl, LLP are the best qualified law firms based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.



10/02/17

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

Date

PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make contract awards to Ballard Spahr, LLP, Clark Hill, PLC and Dinsmore & Shohl, LLP.

PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION:



10-2-17

Andrew C. Lehman
Chief Counsel

Date