

RECOMMENDATION FOR LAW FIRM SELECTION

Date: March 22, 2018

To: 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-2017-16 Issued October 2, 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 awards of legal services contracts:

Wong Fleming, PC (primary counsel)
Linebarger Goggan Blair & Sampson, LLP (conflict counsel)

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 2, 2017**.

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Department of Revenue, 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 70%, cost 10%, small diverse and small business (SDB/SB) participation 20%, and 100 law firm diversity bonus points.**

B. PROPOSALS: A total of **two (2)** proposals were received on or before the due date of **November 9, 2017.** No law firms responded by stating that they would not be submitting a proposal. 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, all of the law firm's technical submissions received at least **80%** 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>
Linebarger Goggan Blair & Sampson, LLP	700.00	20.00	100.00	50.00	870.00
Wong Fleming, PC	640.29	200.00	51.85	60.00	952.14

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. ORAL DISCUSSIONS:

In accordance with Section I-19 of the RFP, both Linebarger Goggan Blair & Sampson, LLP and Wong Fleming, PC were brought in for oral discussions to determine each of the firm's qualifications for further consideration.

7. SMALL DIVERSE BUSINESS/SMALL BUSINESS COMMITMENTS:

Linebarger Goggan Blair & Sampson, LLP is committed to subcontracting with one (1) small diverse firm, the Law Offices of Timothy Sullivan, for legal services over the entire engagement timeframe. Linebarger Goggan Blair & Sampson, LLP is committing 10% of the total value of its offering to **the Law Offices of Timothy Sullivan.**

Wong Fleming, PC is a verified small diverse business prime law firm.

8. CONTRACTOR RESPONSIBILITY: Linebarger Goggan Blair & Sampson, LLP, Wong Fleming, PC 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 Linebarger Goggan Blair & Sampson, LLP and Wong Fleming, PC 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 three (3) years with two (2) additional one (1) year renewals.** The Department of Revenue, 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 Revenue is seeking Linebarger Goggan Blair & Sampson, LLP and Wong Fleming, PC to begin work immediately.**

PART V.

CONTRACTING OFFICER DETERMINATION:

- Based upon the results of the evaluation and the above recommendation, I have determined that Linebarger Goggan Blair & Sampson, LLP and Wong Fleming, PC are the best qualified law firms based on the evaluation factors set forth in the RFP.
- I disapprove the recommendation.

 3/22/18
Denise J. Smyler Date
General Counsel

PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make contract awards to Linebarger Goggan Blair & Sampson, LLP and Wong Fleming, PC.

PENNSYLVANIA DEPARTMENT OF REVENUE:

 3-23-18
Thomas J. Gohsler Date
Acting Chief Counsel