

RECOMMENDATION FOR LAW FIRM SELECTION

Date: March 9, 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-2017-18 Issued November 14, 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 legal services contracts:

Abom & Kutulakis, LLP
Burns White, LLC
Clark Hill, PLC
Dilworth Paxson, LLP
Fellheimer & Eichen, LLP
Mincey & Fitzpatrick, LLC
Pepper Hamilton, LLP
Schnader Harrison Segal & Lewis, 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 **November 14, 2017**.

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Office of Inspector General, 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 80%, small diverse and small business (SDB/SB) participation 20%, and 100 law firm diversity bonus points**.

B. PROPOSALS: A total of **eight (8)** proposals were received on or before the due date of **December 14, 2017**. **One (1)** law firm 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 **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 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>Law Firm Diversity</i>	<i>Overall Score</i>
Abom & Kutulakis, LLP	704.03	0.00	0.00	704.03
Burns White, LLC	767.78	0.00	20.00	787.78
Clark Hill, PLC	743.26	40.00	10.00	793.26
Dilworth Paxson, LLP	767.78	0.00	30.00	797.78
Fellheimer & Eichen, LLP	631.18	200.00	15.00	846.18
Mincey & Fitzpatrick, LLC	715.24	200.00	60.00	975.24
Pepper Hamilton, LLP	800.00	40.00	50.00	890.00
Schnader Harrison Segal & Lewis, LLP	703.33	30.00	30.00	763.33

5. SMALL DIVERSE BUSINESS/SMALL BUSINESS COMMITMENTS:

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

Fellheimer & Eichen, LLP is committed to subcontracting with one (1) small diverse firm, Advance Detective Bureau Inc. d/b/a D O Richardson & Associates, for legal services over the entire engagement timeframe. Fellheimer & Eichen, LLP is committing **5%** of the total value of its offering to **Advance Detective Bureau Inc. d/b/a D O Richardson & Associates**.

Mincey & Fitzpatrick, LLC is a verified small diverse business. Mincey & Fitzpatrick, LLC is committed to subcontracting with one (1) small diverse firm, Ross Legal Practice, for legal services over the entire engagement timeframe. Mincey & Fitzpatrick, LLC is committing **20%** of the total value of its offering to **Ross Legal Practice**.

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

Schnader Harrison Segal & Lewis, LLP is committed to subcontracting with one (1) small diverse firm, Brotman Law, for legal services over the entire engagement

timeframe. Schnader Harrison Segal & Lewis, LLP is committing **15%** of the total value of its offering to **Brotman Law**.

6. **CONTRACTOR RESPONSIBILITY:** Abom & Kutulakis, LLP, Burns White, LLC, Clark Hill, PLC, Dilworth Paxson, LLP, Fellheimer & Eichen, LLP, Mincey & Fitzpatrick, LLC, Pepper Hamilton, LLP, Schnader Harrison Segal & Lewis, 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.

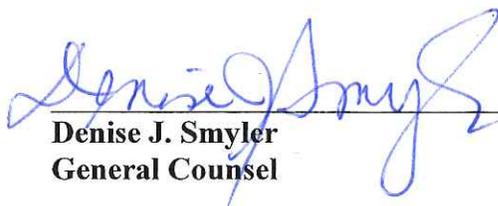
RECOMMENDATION: As the Issuing Officer, I recommend Abom & Kutulakis, LLP, Burns White, LLC, Clark Hill, PLC, Dilworth Paxson, LLP, Fellheimer & Eichen, LLP, Mincey & Fitzpatrick, LLC, Pepper Hamilton, LLP and Schnader Harrison Segal & Lewis, LLP be awarded contracts for legal services. This recommendation 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 (1) 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 Abom & Kutulakis, LLP, Burns White, LLC, Clark Hill, PLC, Dilworth Paxson, LLP, Fellheimer & Eichen, LLP, Mincey & Fitzpatrick, LLC, Pepper Hamilton, LLP and Schnader Harrison Segal & Lewis, 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 Abom & Kutulakis, LLP, Burns White, LLC, Clark Hill, PLC, Dilworth Paxson, LLP, Fellheimer & Eichen, LLP, Mincey & Fitzpatrick, LLC, Pepper Hamilton, LLP and Schnader Harrison Segal & Lewis, 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

3/9/18

Date