

RECOMMENDATION FOR LAW FIRM SELECTION

Date: February 6, 2019

To: Denise J. Smyler
General Counsel

From: Cheryl Spackman & Jordan M. Kiessling
Issuing Officers

CC: Shawn E. Smith
Deputy Chief Counsel

RE: Evaluation of Proposals Submitted in Response to
RFP OGC-2018-10 Issued September 14, 2018

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:

Ahmad Zaffarese, LLC/Ernst & Young
The Chartwell Law Offices, LLP
Clark Hill, PLC
Elliott Greenleaf, P.C.
Fineman Krekstein & Harris, P.C.
Greenberg Traurig, LLP
Griesing Law, LLC
McNees Wallace & Nurick, LLC
Pietragallo, Gordon, Alfano, Bosick & Raspanti, LLP
Stradley Ronon Stevens & Young, 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.

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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 **September 14, 2018**

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania Department of Corrections, Department of 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 business and small business (SDBSB) participation 20%, and 10% law firm diversity bonus points.**

B. PROPOSALS: A total of **thirteen (13)** proposals were received on or before the due date of **October 18, 2018.** 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 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, cost 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>Cost Score</i>	<i>SDB/SB Score</i>	<i>Law Firm Diversity</i>	<i>Final Score</i>
Ahmad Zaffarese, LLC/Ernst & Young	494.88	158.44	200.00	50.00	903.32
The Chartwell Law Offices, LLP	523.72	200.00	50.00	15.00	788.72

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Clark Hill, PLC	560.00	134.80	3.33	15.00	713.13
Elliott Greenleaf, P.C.	593.80	110.73	40.00	20.00	764.53
Fineman Krekstein & Harris, P.C.	488.99	163.28	60.00	15.00	727.27
Greenberg Traurig, LLP	536.74	94.07	60.00	30.00	720.81
Griesing Law, LLC	479.69	90.68	200.00	40.00	810.37
Lowey Dannenberg, P.C.	481.24	93.50	0.00	25.00	599.74
McNees Wallace & Nurick, LLC	560.93	38.53	60.00	40.00	699.46
Pietragallo Gordon Alfano Bosick & Raspanti, LLP	511.32	80.23	50.00	5.00	646.55
Stradley Ronon Stevens & Young, LLP	600.00	95.48	60.00	35.00	790.48
<i>Law Firms NOT Meeting 75% Technical Threshold</i>					
The Axelrod Firm, P.C.	420.90	N/A	N/A	N/A	N/A
King, Spry, Herman, Freund & Faul, LLC	435.60	N/A	N/A	N/A	N/A

5. NEGOTIATIONS:

As provided in the RFP, and pursuant to Section 518 of the Procurement Code, fair and reasonable compensation was negotiated, as needed, with the best qualified law firms prior to awards being made.

6. SMALL/DIVERSE BUSINESS COMMITMENTS:

Ahmad Zaffarese, LLC is a DGS-certified Small Diverse Business prime law firm.

The Chartwell Law Offices, LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe. The Chartwell Law Offices, LLP is committing **25%** of the total value of its offering to **Ahmad Zaffarese, LLC**.

Clark Hill, PLC is committed to subcontracting with one (1) small diverse business, Ament & Ament Court Reporting LLC, for legal services over the entire engagement timeframe. Clark Hill, PLC is committing **5%** of the total value of its offering to **Ament & Ament Court Reporting LLC**.

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

Fineman Krekstein & Harris, P.C. is committed to subcontracting with one (1) small diverse firm, The Axelrod Firm, P.C., for legal services over the entire engagement timeframe. Fineman Krekstein & Harris, P.C. is committing **30%** of the total value of its offering to **The Axelrod Firm, P.C.**

Greenberg Traurig, LLP is committed to subcontracting with two (2) small diverse firms, Tucker Law Group and Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe. Greenberg Traurig, LLP is committing **15%** of the total value of its offering to **Tucker Law Group** and **15%** of the total value of its offering to **Ahmad Zaffarese, LLC**.

Griesing Law, LLC is a DGS-certified Small Diverse Business prime law firm.

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

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**.

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 **30%** of the total value of its offering to **Griesing Law, LLC**.

7. **CONTRACTOR RESPONSIBILITY:** Ahmad Zaffarese, LLC and Ernst & Young, The Chartwell Law Offices, LLP, Clark Hill, PLC, Elliott Greenleaf, P.C., Fineman Krekstein & Harris, P.C., Greenberg Traurig, LLP, Griesing Law, LLC, McNees Wallace & Nurick, LLC, Pietragallo, Gordon, Alfano, Bosick & Raspanti, LLP, Stradley Ronon Stevens & Young, 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 Ahmad Zaffarese, LLC and Ernst & Young, The Chartwell Law Offices, LLP, Clark Hill, PLC, Elliott Greenleaf, P.C., Fineman Krekstein & Harris, P.C., Greenberg Traurig, LLP, Griesing Law, LLC, McNees Wallace & Nurick, LLC, Pietragallo, Gordon, Alfano, Bosick & Raspanti, LLP and Stradley Ronon Stevens & Young, 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 Ahmad Zaffarese, LLC and Ernst & Young, The Chartwell Law Offices, LLP, Clark Hill, PLC, Elliott Greenleaf, P.C., Fineman Krekstein & Harris, P.C., Greenberg Traurig, LLP, Griesing Law, LLC, McNees Wallace & Nurick, LLC, Pietragallo, Gordon, Alfano, Bosick & Raspanti, LLP and Stradley Ronon Stevens & Young, LLP, to begin work immediately.**

PART V.

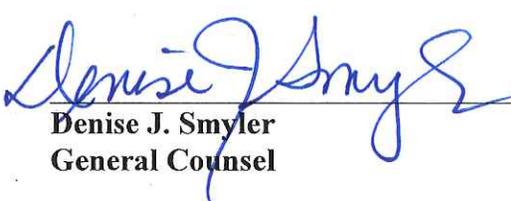
CONTRACTING OFFICER DETERMINATION & AUTHORIZATION:



Based upon the results of the evaluation and the above recommendation, I have determined that Ahmad Zaffarese, LLC and Ernst & Young, The Chartwell Law Offices, LLP, Clark Hill, PLC, Elliott Greenleaf, P.C., Fineman Krekstein & Harris, P.C., Greenberg Traurig, LLP, Griesing Law, LLC, McNees Wallace & Nurick, LLC, Pietragallo, Gordon, Alfano, Bosick & Raspanti, LLP and Stradley Ronon Stevens & Young, LLP, are the best qualified law firms based on the evaluation factors set forth in the RFP. I authorize the Issuing Office to make contract awards to the law firms listed above.



I disapprove the recommendation.


Denise J. Smyler
General Counsel

2/6/19
Date