

RECOMMENDATION FOR LAW FIRM SELECTION

Date: January 23, 2019

To: Denise J. Smyler
General Counsel

From: Cheryl Spackman & Jordan M. Kiessler
Issuing Officers

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

RE: Evaluation of Proposals Submitted in Response to
RFP OGC-2018-11 Tax Counsel Services Lot 1 PMRS Issued September 28,
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 firm is being recommended for award of a legal services contract:

Duane Morris, 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 FIRM TO BEGIN WORK IMMEDIATELY ****

PART II.

A. PUBLIC NOTICE: Public notice of the RFP was posted on both the PA eMarketplace website and the Office of General Counsel's website on **September 28, 2018**.

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania Department of General Services, State Employees' Retirement Board, the Pennsylvania Municipal Retirement System 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. There were no questions received from potential offerors.

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 (SDB/SB) participation 20%, and 10% law firm diversity bonus points.**

B. PROPOSALS: A total of **six (6)** proposals were received on or before the due date of **October 19, 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, **one (1) offeror's** technical submittal 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 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>
Clark Hill, PLC	526.13	133.33	200.00	10.00	869.46
Duane Morris, LLP	589.36	200.00	134.03	30.00	953.39
Groom Law Group	519.87	0.00	52.30	40.00	612.17

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Ice Miller, LLP	600.00	0.00	173.55	45.00	818.55
Reed Smith, LLP	531.14	133.33	58.25	35.00	757.72
<i>Law Firms NOT Meeting 75% Technical Threshold</i>					
Dilworth Paxson, LLP	433.50	N/A	N/A	N/A	N/A

5. BEST AND FINAL OFFERS:

All of the law firms were invited to submit a Best and Final Offer (BAFO) for the technical, cost and small diverse business/small business portions of their submissions.

6. 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 firm, as needed, prior to award being made.

7. SMALL DIVERSE BUSINESS/SMALL BUSINESS COMMITMENTS:

Duane Morris, LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe. Duane Morris, LLP is committing **30%** of the total value of its offering to Ahmad Zaffarese, LLC

8. CONTRACTOR RESPONSIBILITY: Duane Morris, LLP and their respective subcontractor 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 Duane Morris, LLP be awarded a contract 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. The Commonwealth may renew the contract for up to an additional two (2) years, in single or multiple year increments.** The Pennsylvania Municipal Retirement System in consultation with the Office of General Counsel, will allocate the legal services set forth in the resulting contract among the selected law firm. Due to the urgent need for legal services, the Pennsylvania Municipal Retirement System is seeking Duane Morris, LLP to begin work immediately.

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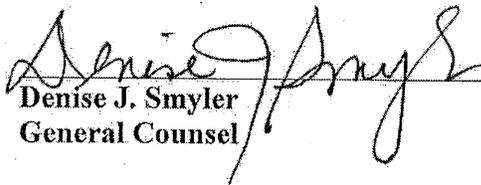
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PART V.

CONTRACTING OFFICER DETERMINATION:

Based upon the results of the evaluation and the above recommendation, I have determined that Duane Morris, LLP. is the best qualified law firm based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.


Denise J. Smyler
General Counsel

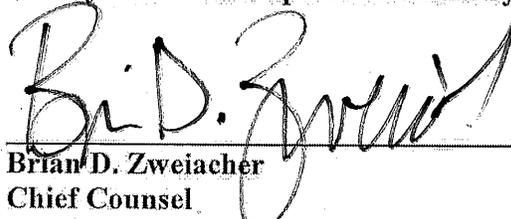
1/25/19
Date

PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make a contract award to Duane Morris, LLP

Pennsylvania Municipal Retirement System


Brian D. Zweischer
Chief Counsel

1/25/2019
Date