

**RECOMMENDATION FOR OFFEROR SELECTION**

**Date:** May 2, 2019

**To:** Denise J. Smyler  
General Counsel

**From:** Jordan M. Kiessling  
Issuing Officer

**CC:** Shawn E. Smith  
Deputy Chief Counsel

**RE:** Evaluation of Proposals Submitted in Response to  
RFP OGC-2018-15 Issued December 3, 2018/  
OGC-2019-01 Issued February 7, 2019

**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 offerors are recommended for award of contracts for legal support services:

Ankura Consulting Group, LLC  
Berkeley Research Group  
Ernst & Young LLP  
Federal Hearings and Appeals Services, Inc.  
Pietragallo Gordon Alfano Bosick & Raspanti, 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 SUPPORT SERVICES, APPROVAL IS BEING SOUGHT FOR THE SELECTED OFFERORS TO BEGIN WORK IMMEDIATELY \*\***

**Recommendation for Law Firm Selection**

**RFP OGC-2018-15 Issued December 3, 2018/OGC-2019-01 Issued February 7, 2019**

**May 2, 2019**

**Page 2 of 4**

**PART II.**

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 **December 3, 2018 and February 7, 2019.**

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania Department of General Services, Department of Transportation, Office of the Budget, 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 60%, cost 20%, small diverse business and small business (SDBSB) participation 20%, and 100 offeror diversity bonus points.**

B. PROPOSALS: A total of **nine (9)** proposals were received on or before the due dates of **January 18, 2019 and February 22, 2019.** No offerors 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, **four (4)** 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 offeror diversity submittals and combined the technical scores, offeror diversity scores, cost scores and the SDBSB scores received from the DGS Bureau of Diversity, Inclusion and Small Business Opportunities.

**Recommendation for Law Firm Selection**

**RFP OGC-2018-15 Issued December 3, 2018/OGC-2019-01 Issued February 7, 2019**

**May 2, 2019**

**Page 3 of 4**

4. INITIAL SCORING: The overall scoring for this procurement concluded as follows:

<i>Offeror</i>	<i>Technical Score</i>	<i>Cost Score</i>	<i>SDBSB Score</i>	<i>Offeror Diversity</i>	<i>Final Score</i>
Ankura Consulting Group, LLC	552.21	0.00	0.00	0.00	552.21
Berkeley Research Group	583.62	0.00	0.00	10.00	593.62
Ernst & Young LLP	600.00	0.00	6.67	10.00	616.67
Federal Hearings and Appeals Services, Inc.	524.72	200.00	200.00	10.00	934.72
Pietragallo Gordon Alfano Bosick & Raspanti, LLP	516.53	0.00	50.00	10.00	576.53
<i>Offerors NOT Meeting 75% Technical Threshold</i>					
AMO Environmental Designs, Inc.	392.00	N/A	N/A	N/A	N/A
Delores Ritzman, Esquire	342.00	N/A	N/A	N/A	N/A
King, Spry, Herman, Freund & Faul, LLC	300.90	N/A	N/A	N/A	N/A
Traffic Planning & Design, Inc.	381.70	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 offerors prior to awards being made.

6. SMALL/DIVERSE BUSINESS COMMITMENTS:

Ernst & Young LLP is committed to subcontracting with one (1) small business, Atlantic Financial Advisory Partners, for legal support services over the entire engagement timeframe. Ernst & Young LLP is committing **10%** of the total value of its offering to **Atlantic Financial Advisory Partners**.

Federal Hearings and Appeals Services, Inc. is a DGS-certified Small Diverse Business.

**Recommendation for Law Firm Selection**

**RFP OGC-2018-15 Issued December 3, 2018/OGC-2019-01 Issued February 7, 2019**

**May 2, 2019**

**Page 4 of 4**

Pietragallo Gordon Alfano Bosick & Raspanti, LLP is committed to subcontracting with one (1) small diverse business, Griesing Law, LLC, for legal support 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**.

7. **CONTRACTOR RESPONSIBILITY:** Ankura Consulting Group, LLC, Berkeley Research Group, Ernst & Young LLP, Federal Hearings and Appeals Services, Inc., Pietragallo Gordon Alfano Bosick & Raspanti, 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.**

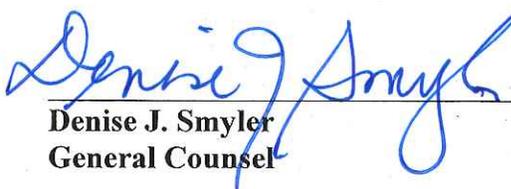
**RECOMMENDATION:** As the Issuing Officer, I recommend that Ankura Consulting Group, LLC, Berkeley Research Group, Ernst & Young LLP, Federal Hearings and Appeals Services, Inc. and Pietragallo Gordon Alfano Bosick & Raspanti, LLP, be awarded contracts for legal support services. This recommendation 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 support services set forth in the resulting contracts among the selected offerors. **Due to the urgent need for legal support services, the Office of General Counsel is seeking Ankura Consulting Group, LLC, Berkeley Research Group, Ernst & Young LLP, Federal Hearings and Appeals Services, Inc. and Pietragallo Gordon Alfano Bosick & Raspanti, 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 Ankura Consulting Group, LLC, Berkeley Research Group, Ernst & Young LLP, Federal Hearings and Appeals Services, Inc. and Pietragallo Gordon Alfano Bosick & Raspanti, LLP, are the best qualified offerors based on the evaluation factors set forth in the RFP. I authorize the Issuing Office to make contract awards to the offerors listed above.

I disapprove the recommendation.

  
Denise J. Smyler  
General Counsel

5/2/19

Date