

**RECOMMENDATION FOR LAW FIRM SELECTION**

**Date:** December 11, 2019

**To:** Gregory G. Schwab  
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-2019-10 Issued July 9, 2019 &  
RFP OGC-2019-13 Issued August 22, 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 law firms are being recommended for award of legal services contracts:

- Ahmad Zaffarese, LLC/Ernst & Young, PC
- Archer & Greiner, PC
- The Axelrod Firm, PC
- Ballard Spahr LLP
- Barrack Rodos & Bacine
- Berger Montague, PC
- Blank Rome, LLP
- Block & Leviton, LLP
- Brown McGarry Nimeroff, LLC
- Campbell Durrant Beatty Palombo & Miller, PC
- Chimicles Schwartz Kriner & Donaldson-Smith, LLP
- Cohen Milstein Sellers & Toll, PLLC
- Cozen O'Connor
- Elliott Greenleaf, PC
- Fineman Krekstein & Harris, PC
- Greenberg Traurig, LLP
- Griesing Law, LLC
- Hangley Aronchick Segal Pudlin & Schiller

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Harris Wiltshire & Grannis, PC  
Houston Harbaugh, PC  
Kessler Topaz Meltzer & Check, LLP  
Kleinbard, LLC  
Labaton Sucharow, LLP  
Matis Baum O'Connor  
McNees Wallace & Nurick, LLC  
Myers, Brier & Kelly, LLP  
Quinn Emanuel Urquhart & Sullivan, LLP/Bernstein Liebhard, LLP  
Scott + Scott, LLP  
Stradley Ronon Stevens & Young, LLP  
Wong Fleming, PC

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 **July 9, 2019 and August 22, 2019.**

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania State System of Higher Education, Department of General Services, Department of Education, Department of Corrections, Department of Transportation 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 80%, small diverse and small business (SDB/SB) participation 20%, and 10% law firm diversity bonus points.**

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B. PROPOSALS: A total of **forty-six (46)** proposals were received on or before the due dates of **August 15, 2019** and **August 30, 2019**. No law firms responded by stating that they would not be submitting a proposal.

C. RESULTS:

1. The evaluation committee reported the following results of its evaluation to the Issuing Office:
2. As indicated in the Initial Scoring, **seven (7)** law firm'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 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>
Ahmad Zaffarese, LLC/Ernst & Young, P.C.	669.73	200.00	70.00	939.73
Archer & Greiner, P.C.	719.92	60.00	50.00	829.92
The Axelrod Firm, P.C.	660.12	200.00	40.00	900.12
Ballard Spahr, LLP	785.78	40.00	30.00	855.78
Barrack Rodos & Bacine	716.36	20.00	10.00	746.36
Berger Montague, P.C.	746.05	0.00	0.00	746.05
Blank Rome, LLP	786.41	30.00	35.00	851.41
Block & Leviton, LLP	755.88	66.67	5.00	827.55
Braverman Kaskey, P.C.	664.30	44.00	0.00	708.30
Brown McGarry Nimeroff, LLC	651.75	200.00	30.00	881.75
Burns White, LLC	724.73	0.00	20.00	744.73

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Campbell Durrant Beatty Palombo & Miller, P.C.	736.43	50.00	5.00	791.43
Chimicles Schwartz Kriner & Donaldson-Smith, LLP	772.40	40.00	10.00	822.40
Clark Hill, PLC	705.28	6.67	10.00	721.95
Cohen Milstein Sellers & Roth, P.C.	776.37	0.00	25.00	801.37
Cohen Placitella & Roth, P.C.	744.17	0.00	0.00	744.17
Cozen O'Connor	675.80	50.00	30.00	755.80
Dilworth Paxson, LLP	673.81	60.00	10.00	743.81
Elliott Greenleaf, P.C.	800.00	40.00	20.00	860.00
Fineman Krekstein & Harris, P.C.	668.90	60.00	25.00	753.90
Grant & Eisenhofer, P.A.	719.92	0.00	20.00	739.92
Greenberg Traurig, LLP	762.36	40.00	40.00	842.36
Griesing Law, LLC	673.92	200.00	0.00	873.92
Hangley Aronchick Segal Pudlin & Schiller	768.64	40.00	10.00	818.64
Harris Wiltshire & Grannis, P.C.	727.86	0.00	25.00	752.86
Houston Harbaugh, P.C.	699.42	80.00	0.00	779.42
Kaplan Fox & Kilsheimer, LLP	731.83	0.00	10.00	741.83
Kessler Topaz Meltzer & Check, LLP	762.57	40.00	15.00	817.57
Kleinbard, LLC	754.42	40.00	20.00	814.42
Labaton Sucharow, LLP	757.97	40.00	30.00	827.97
Matis Baum O'Connor	680.61	66.67	0.00	747.28
McNees Wallace & Nurick, LLC	715.94	60.00	30.00	805.94
Myers, Brier & Kelly, LLP	731.31	106.67	5.00	842.98

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Quinn Emanuel Urquhart & Sullivan, LLP/Bernstein Liebhard, LLP	740.62	40.00	20.00	800.62
Ruyak Cherian, LLP	696.92	0.00	5.00	701.92
Scott + Scott, LLP	759.02	20.00	25.00	804.02
Stradley Ronon Stevens & Young, LLP	768.64	60.00	35.00	863.64
Wolf Haldenstein Adler Freeman & Herz, LLP	649.03	40.00	35.00	724.03
Wong Fleming, P.C.	654.26	200.00	60.00	914.26
<b><i>Law Firms NOT Meeting the 75% Technical Threshold</i></b>				
Caldwell & Kearns, P.C.	N/Q	N/Q	N/Q	N/Q
Champion Law Office, LLC/Ernst & Young, P.C.	N/Q	N/Q	N/Q	N/Q
Fears Nachawati	N/Q	N/Q	N/Q	N/Q
Hamburg Rubin Mullin Maxwell & Lupin, P.C.	N/Q	N/Q	N/Q	N/Q
King Spry Herman Freund & Faul, LLC	N/Q	N/Q	N/Q	N/Q
Margolis Edelstein	N/Q	N/Q	N/Q	N/Q
Pietragallo Gordon Alfano Bosick & Raspanti, LLP	N/Q	N/Q	N/Q	N/Q

**5. SMALL DIVERSE BUSINESS/SMALL BUSINESS COMMITMENTS:**

Ahmad Zaffarese, LLC is a verified small diverse business law firm.

Archer & Greiner, P.C. is committed to subcontracting with one (1) small diverse firm, Wong Fleming, P.C. for legal services over the entire engagement timeframe. Archer & Greiner, P.C. is committing **30%** of the total value of its offering to **Wong Fleming, P.C.**

The Axelrod Firm, P.C. is a verified small diverse business law firm.

Ballard Spahr, LLP is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, LLC, for legal services over the entire engagement timeframe. Ballard Spahr, LLP is committing **20%** of the total value of its offering to **Tucker Law Group, LLC.**

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Barrack Rodos & Bacine is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, LLC, for legal services over the entire engagement timeframe. Barrack Rodos & Bacine is committing **10%** of the total value of its offering to **Tucker Law Group, LLC**.

Blank Rome, LLP is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, LLC, for legal services over the entire engagement timeframe. Blank Rome, LLP is committing **15%** of the total value of its offering to **Tucker Law Group, LLC**.

Block & Leviton, LLP is a verified small business law firm.

Brown McGarry Nimeroff, LLC is a verified small diverse business law firm.

Campbell Durrant Beatty Palombo & Miller, P.C. is committed to subcontracting with one (1) small diverse firm, Champion Law Office, LLC, for legal services over the entire engagement timeframe. Campbell Durrant Beatty Palombo & Miller, P.C. is committing **25%** of the total value of its offering to **Champion Law Office, LLC**.

Chimicles Schwartz Kriner & Donaldson-Smith, LLP is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, LLC, for legal services over the entire engagement timeframe. Chimicles Schwartz Kriner & Donaldson-Smith, LLP. is committing **20%** of the total value of its offering to **Tucker Law Group, LLC**.

Cozen O'Connor is committed to subcontracting with one (1) small diverse firm, The Axelrod Firm, P.C., for legal services over the entire engagement timeframe. Cozen O'Connor is committing **25%** of the total value of its offering to **The Axelrod Firm, P.C.**

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 one (1) small diverse firm, Tucker Law Group, LLC, for legal services over the entire engagement timeframe. Greenberg Traurig, LLP is committing **20%** of the total value of its offering to **Tucker Law Group, LLC**.

Griesing Law, LLC is a verified small diverse business law firm.

Hangley Aronchick Segal Pudlin & Schiller is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, LLC, for legal services over the entire engagement timeframe. Hangley Aronchick Segal Pudlin & Schiller is committing **20%** of the total value of its offering to **Tucker Law Group, LLC**.

Houston Harbaugh, P.C. is committed to subcontracting with one (1) small diverse firm, Champion Law Office, LLC, for legal services over the entire engagement timeframe. Houston Harbaugh, P.C. is committing **40%** of the total value of its offering to **Champion Law Office, LLC**.

Kessler Topaz Meltzer & Check, LLP is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. Kessler Topaz Meltzer & Check, LLP is committing **20%** of the total value of its offering to **Griesing Law, LLC**.

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

Labaton Sucharow, LLP is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. Labaton Sucharow, LLP is committing **20%** of the total value of its offering to **Griesing Law, LLC**.

Matis Baum O'Connor is a verified small business law firm.

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

Myers, Brier & Kelly, LLP is a verified small business law firm. Myers, Brier & Kelly, LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe. Myers, Brier & Kelly, LLP is committing **20%** of the total value of its offering to **Ahmad Zaffarese, LLC**.

Quinn Emanuel Urquhart & Sullivan, LLP and Bernstein Liebhard, LLP is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, LLC, for legal services over the entire engagement timeframe. Quinn Emanuel Urquhart & Sullivan, LLP and Bernstein Liebhard, LLP is committing **20%** of the total value of its offering to **Tucker Law Group, LLC**.

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Scott + Scott, LLP is committed to subcontracting with one (1) small diverse firm, The Axelrod Firm, P.C., for legal services over the entire engagement timeframe. Scott + Scott, LLP is committing **10%** of the total value of its offering to **The Axelrod Firm, P.C.**

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.**

Wong Fleming, P.C. is a verified small diverse business.

6. **CONTRACTOR RESPONSIBILITY:** Ahmad Zaffarese, LLC/Ernst & Young, P.C., Archer & Greiner, P.C., The Axelrod Firm, P.C., Ballard Spahr, LLP, Barrack Rodos & Bacine, Berger Montague, P.C., Blank Rome, LLP, Block & Leviton, LLP, Brown McGarry Nimeroff, LLC, Campbell Durrant Beatty Palombo & Miller, P.C., Chimicles Schwartz Kriner & Donaldson-Smith, LLP, Cohen Milstein Sellers & Toll, PLLC, Cozen O'Connor, Elliott Greenleaf, P.C., Fineman Krekstein & Harris, P.C., Greenberg Traurig, LLP, Griesing Law, LLC, Hangley Aronchick Segal Pudlin & Schiller, Harris Wiltshire & Grannis, P.C., Houston Harbaugh, P.C., Kessler Topaz Meltzer & Check, LLP, Kleinbard, LLC, Labaton Sucharow, LLP, Matis Baum O'Connor, McNees Wallace & Nurick, LLC, Myers, Brier & Kelly, LLP, Quinn Emanuel Urquhart & Sullivan, LLP/Bernstein Liebhard, LLP, Scott + Scott, LLP, Stradley Ronon Stevens & Young, LLP, Wong Fleming, P.C. 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.**

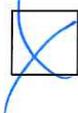
**RECOMMENDATION:** As the Issuing Officer, I recommend Ahmad Zaffarese, LLC/Ernst & Young, P.C., Archer & Greiner, P.C., The Axelrod Firm, P.C., Ballard Spahr, LLP, Barrack Rodos & Bacine, Berger Montague, P.C., Blank Rome, LLP, Block & Leviton, LLP, Brown McGarry Nimeroff, LLC, Campbell Durrant Beatty Palombo & Miller, P.C., Chimicles Schwartz Kriner & Donaldson-Smith, LLP, Cohen Milstein Sellers & Toll, PLLC, Cozen O'Connor, Elliott Greenleaf, P.C., Fineman Krekstein & Harris, P.C., Greenberg Traurig, LLP, Griesing Law, LLC, Hangley Aronchick Segal Pudlin & Schiller, Harris Wiltshire & Grannis, P.C., Houston Harbaugh, P.C., Kessler Topaz Meltzer & Check, LLP, Kleinbard, LLC, Labaton Sucharow, LLP, Matis Baum O'Connor, McNees Wallace & Nurick, LLC, Myers, Brier & Kelly, LLP, Quinn Emanuel Urquhart & Sullivan, LLP/Bernstein Liebhard, LLP, Scott + Scott, LLP, Stradley Ronon Stevens & Young, LLP and Wong Fleming, P.C. 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

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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/Ernst & Young, P.C., Archer & Greiner, P.C., The Axelrod Firm, P.C., Ballard Spahr, LLP, Barrack Rodos & Bacine, Berger Montague, P.C., Blank Rome, LLP, Block & Leviton, LLP, Brown McGarry Nimeroff, LLC, Campbell Durrant Beatty Palombo & Miller, P.C., Chimicles Schwartz Kriner & Donaldson-Smith, LLP, Cohen Milstein Sellers & Toll, PLLC, Cozen O'Connor, Elliott Greenleaf, P.C., Fineman Krekstein & Harris, P.C., Greenberg Traurig, LLP, Griesing Law, LLC, Hangley Aronchick Segal Pudlin & Schiller, Harris Wiltshire & Grannis, P.C., Houston Harbaugh, P.C., Kessler Topaz Meltzer & Check, LLP, Kleinbard, LLC, Labaton Sucharow, LLP, Matis Baum O'Connor, McNeas Wallace & Nurick, LLC, Myers, Brier & Kelly, LLP, Quinn Emanuel Urquhart & Sullivan, LLP/Bernstein Liebhard, LLP, Scott + Scott, LLP, Stradley Ronon Stevens & Young, LLP and Wong Fleming, P.C. to begin work immediately.**

**PART V.**

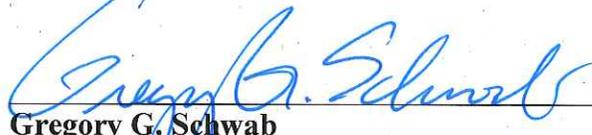
**CONTRACTING OFFICER DETERMINATION:**



Based upon the results of the evaluation and the above recommendation, I have determined that Ahmad Zaffarese, LLC/Ernst & Young, P.C., Archer & Greiner, P.C., The Axelrod Firm, P.C., Ballard Spahr, LLP, Barrack Rodos & Bacine, Berger Montague, P.C., Blank Rome, LLP, Block & Leviton, LLP, Brown McGarry Nimeroff, LLC, Campbell Durrant Beatty Palombo & Miller, P.C., Chimicles Schwartz Kriner & Donaldson-Smith, LLP, Cohen Milstein Sellers & Toll, PLLC, Cozen O'Connor, Elliott Greenleaf, P.C., Fineman Krekstein & Harris, P.C., Greenberg Traurig, LLP, Griesing Law, LLC, Hangley Aronchick Segal Pudlin & Schiller, Harris Wiltshire & Grannis, P.C., Houston Harbaugh, P.C., Kessler Topaz Meltzer & Check, LLP, Kleinbard, LLC, Labaton Sucharow, LLP, Matis Baum O'Connor, McNeas Wallace & Nurick, LLC, Myers, Brier & Kelly, LLP, Quinn Emanuel Urquhart & Sullivan, LLP/Bernstein Liebhard, LLP, Scott + Scott, LLP, Stradley Ronon Stevens & Young, LLP and Wong Fleming, P.C. are the best qualified law firms based on the evaluation factors set forth in the RFP.



I disapprove the recommendation.

  
Gregory G. Schwab  
General Counsel

12/12/19  
Date