

**RECOMMENDATION FOR LAW FIRM SELECTION**

**Date:** August 27, 2019

**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-2019-11 Issued July 30, 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 firm is being recommended for award of a legal services contract:

Eckert Seamans Cherin & Mellott, LLC

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 the PA eMarketplace website and emailed to all pre-qualified firms in OGC's Bond Counsel Pool, on **July 30, 2019**.

B. **EVALUATION COMMITTEE:** An evaluation committee was established consisting of agency representatives from the **Department of Community and Economic Development**,

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

B. PROPOSALS: A total of **ten (10)** proposals were received on or before the due date of **August 6, 2019**. One 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 the law firm's technical submissions received at least **75%** of the available technical points required 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. BEST AND FINAL OFFERS: All of the law firms were invited to submit a Best and Final Offer (BAFO) for the cost portion of their submissions. The final determination of award was based solely on the BAFO costs received.
5. INITIAL SCORING: The scoring for this procurement, based on the BAFO cost, concluded as follows:
  - Eckert Seamans Cherin & Mellott, LLC – \$49,500.00
  - Kutak Rock, LLP - \$61,000.00
  - Ballard Spahr, LLP - \$65,000.00
  - Dinsmore & Shohl, LLP - \$68,000.00
  - Ahmad Zaffarese, LLC - \$70,000.00

- McNeese Wallace & Nurick, LLC - \$72,000.00
- Clark Hill, PLC - \$77,500.00
- Stradley Ronon Stevens & Young, LLP - \$87,500.00
- Raffaele & Puppio - \$90,000.00
- Obermayer Rebmann Maxwell & Hippel, LLP – \$95,000.00

**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:**

Eckert Seamans Cherin & Mellott, LLC is committed to subcontracting with one (1) small diverse firm, Gosfield Potts, LLC, for legal services over the entire engagement timeframe. Eckert Seamans Cherin & Mellott, LLC is committing **20%** of the total value of its offering to **Gosfield Potts, LLC**.

- 8. CONTRACTOR RESPONSIBILITY:** Eckert Seamans Cherin & Mellott, LLC 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 Eckert Seamans Cherin & Mellott, LLC 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 commence on the effective date and will extend until the completion of the debt issuance.** The Pennsylvania Economic Development Financing Authority, through the Department of Community and Economic Development, 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 Economic Development Financing Authority is seeking Eckert Seamans Cherin & Mellott, LLC to begin work immediately.**

**PART V.**

CONTRACTING OFFICER DETERMINATION:

Based upon the results of the evaluation and the above recommendation, I have determined that Eckert Seamans Cherin & Mellott, LLC 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

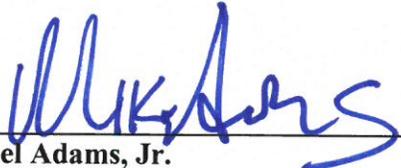
8/27/19  
Date

**PART VI.**

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make a contract award to Eckert Seamans Cherin & Mellott, LLC.

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT:



J. Michael Adams, Jr.  
Chief Counsel

08-27-2019  
Date