

RECOMMENDATION FOR LAW FIRM SELECTION

Date: April 24, 2020

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-2020-04 Issued April 9, 2020

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:

Grant & Eisenhofer P.A.

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 DGS eMarketplace website and the Office of General Counsel's website on **April 9, 2020**.

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Department of Environmental Protection, Department of General Services and the Governor's Office of General Counsel**.

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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 75%**, **cost 25%** and **100 law firm diversity bonus points**.

B. PROPOSALS: A total of **eight (8)** proposals were received on or before the due date of **April 15, 2020**. No law firms 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, **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. **Four (4) offeror's** failed to meet the SDB and VBE Participation Goals set forth in this RFP and were therefore rejected as non-responsive.
4. The Issuing Office evaluated and scored the cost proposals and law firm diversity submittals and combined the technical scores, cost scores and law firm diversity scores.
5. INITIAL SCORING: The overall scoring for this procurement concluded as follows:

<i>Offeror</i>	<i>Technical Score</i>	<i>Price Score</i>	<i>Law Firm Diversity</i>	<i>Overall Score</i>
Grant & Eisenhofer P.A.	750.00	149.95	25.00	924.95
Mette, Evans & Woodside, P.C.	619.02	250.00	20.00	889.02
Stradley Ronon Stevens & Young, LLP	695.56	201.98	40.00	937.54
<i>Law Firms NOT Meeting 75% Technical Threshold</i>				
Steve Harvey Law LLC	N/Q	N/Q	N/Q	N/Q

6. DISCUSSIONS:

Pursuant to Section I-18 of the RFP, the Issuing Office reserved the right to conduct discussions with any responsible Firm prior to award being made. Also, pursuant to Section II of the RFP, the Issuing Office reserved the right to request additional information which, in the Issuing Office's opinion, was necessary to assure that the offeror's competence and resources were adequate to perform according to the RFP.

For purposes of this RFP, the Issuing Office, in consultation with the Governor's Office of General Counsel reached out to the top two (2) ranked offeror's to discuss the possibility of a contingency fee cost structure, which was used in the final determination of award.

As a result of these discussions, it was determined that Grant & Eisenhofer P.A. provided the more competitive cost proposal overall, along with the most experience, and was therefore selected for award.

7. 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.

8. SMALL DIVERSE BUSINESS/SMALL BUSINESS COMMITMENTS:

Grant & Eisenhofer P.A. is committed to subcontracting with one (1) small diverse firm, Tucker Law Group for legal services over the entire engagement timeframe. Grant & Eisenhofer P.A. is committing **25%** of the total value of its offering to **Tucker Law Group**. **Grant & Eisenhofer P.A.** is committed to subcontracting with one (1) veteran business enterprise, Environmental Design, Inc. for legal services over the entire engagement timeframe. **Grant & Eisenhofer P.A.** is committing **3%** of the total value of its offering to **Environmental Design, Inc.**

9. CONTRACTOR RESPONSIBILITY: Grant & Eisenhofer P.A. 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 Grant & Eisenhofer P.A. 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**

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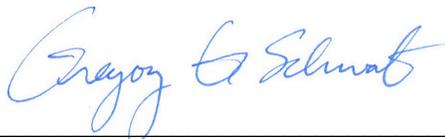
will be one (1) year with two (2) additional one (1) year renewals. The Department of Environmental Protection, in consultation with the Office of General Counsel, will allocate the legal services set forth in the resulting contract among the selected law firm. **Due to the urgent need for legal services, the Department of Environmental Protection is seeking Grant & Eisenhofer P.A. to begin work immediately.**

PART V.

CONTRACTING OFFICER DETERMINATION:

Based upon the results of the evaluation and the above recommendation, I have determined that Grant & Eisenhofer P.A. is the best qualified law firm based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.



4/24/20

Gregory G. Schwab
General Counsel

Date

PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make a contract award to Grant & Eisenhofer P.A.

DEPARTMENT OF ENVIRONMENTAL PROTECTION:

Alex C. Chiaruttini

5-1-20

Alexandra C. Chiaruttini
Chief Counsel

Date