

RECOMMENDATION FOR LAW FIRM SELECTION

Date: May 3, 2017

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-2016-11 Issued May 25, 2016

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 recommended for award of contracts for legal services:

Archer & Greiner, P.C.
Bazelon, Less & Feldman, P.C.
Clark Hill, PLC
Dilworth Paxson, LLP
Montgomery McCracken Walker & Rhoads, LLP
Myers, Brier & Kelly, LLP
Rhoads & Sinon, 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 FIRMS 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 **May 25, 2016**.

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

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

B. **PROPOSALS:** A total of **nine (9)** proposals were received on or before the due date of **June 30, 2016**. 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, **two (2)** law firm's technical submittals failed to receive **70%** 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, cost scores and the SDB 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>Cost Score</i>	<i>SDB Score</i>	<i>Law Firm Diversity</i>	<i>Final Score</i>
Archer & Greiner, P.C.	52.13	11.05	13.33	1.00	77.51
Bazelon, Less & Feldman, P.C.	58.15	5.08	0.00	1.00	64.23
Clark Hill, PLC	54.10	16.86	13.33	1.00	85.29
Dilworth Paxson, LLP	56.52	0.00	20.00	3.00	79.52
Montgomery McCracken Walker & Rhoads, LLP	50.14	0.00	13.33	2.00	65.47
Myers, Brier & Kelly, LLP	60.00	11.59	13.33	2.00	86.92
Rhoads & Sinon, LLP	55.61	20.00	20.00	1.00	96.61
<i>Law Firms NOT Meeting 70% Technical Threshold</i>					
King, Spry, Herman, Freund & Faul, LLC	40.84	N/A	N/A	N/A	N/A
Steve Harvey Law, LLC	41.83	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 law firms prior to awards being made.

6. SMALL/DIVERSE BUSINESS COMMITMENTS:

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

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

Dilworth Paxson, LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe.

Dilworth Paxson, LLP is committing **30%** of the total value of its offering to **Ahmad Zaffarese, LLC**.

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

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

Rhoads & Sinon, LLP is committed to subcontracting with two (2) small diverse firms, Champion Law, LLC and Powell Law, P.C., for legal services over the entire engagement timeframe. Rhoads & Sinon, LLP is committing **15%** of the total value of its offering to **Champion Law, LLC** and **15%** of the total value of its offering to **Powell Law, P.C.**

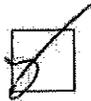
7. **CONTRACTOR RESPONSIBILITY:** Archer & Greiner, P.C., Bazelon, Less & Feldman, P.C., Clark Hill, PLC, Dilworth Paxson, LLP, Montgomery McCracken, Myers, Brier & Kelly, LLP, Rhoads & Sinon, LLP and their respective subcontractors required to be disclosed or approved by the Commonwealth have been verified 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 Archer & Greiner, P.C., Bazelon, Less & Feldman, P.C., Clark Hill, PLC, Dilworth Paxson, LLP, Montgomery McCracken Walker & Rhoads, LLP, Myers, Brier & Kelly, LLP and Rhoads & Sinon, LLP, 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 year with two (2) additional one (1) year renewals.** The Department of Education in conjunction with Office of General Counsel will allocate the 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 and the Department of Education is seeking Archer & Greiner, P.C., Bazelon, Less & Feldman, P.C., Clark Hill, PLC, Dilworth Paxson, LLP, Montgomery McCracken Walker & Rhoads, LLP, Myers, Brier & Kelly, LLP and Rhoads & Sinon, LLP, to begin work immediately.**

PART V.

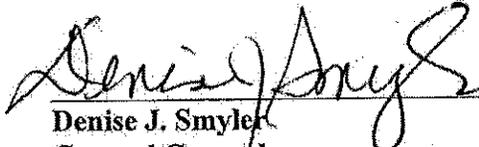
CONTRACTING OFFICER DETERMINATION:



Based upon the results of the evaluation and the above recommendation, I have determined that Archer & Greiner, P.C., Bazelon, Less & Feldman, P.C., Clark Hill, PLC, Dilworth Paxson, LLP, Montgomery McCracken Walker & Rhoads, LLP, Myers, Brier & Kelly, LLP and Rhoads & Sinon, LLP, are the best qualified law firms based on the evaluation factors set forth in the RFP.



I disapprove the recommendation.

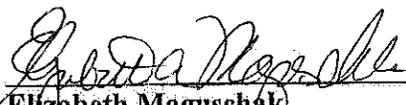
 5/3/17
Denise J. Smyle Date
General Counsel

PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make contract awards to Archer & Greiner, P.C., Bazelon, Less & Feldman, P.C., Clark Hill, PLC, Dilworth Paxson, LLP, Montgomery McCracken Walker & Rhoads, LLP, Myers, Brier & Kelly, LLP and Rhoads & Sinon, LLP.

Pennsylvania Department of Education:

 5-5-17
Elizabeth Maguschak Date
Chief Counsel