

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-2016-22 Issued November 1, 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.
- The Axelrod Firm
- Ballard Spahr, LLP
- Bazelon Less & Feldman, P.C.
- Braverman Kaskey, P.C.
- Cohen & Grigsby, P.C.
- Duane Morris, LLP
- Hangle, Aronchick, Segal, Pudlin & Schiller
- Harris, Wiltshire & Grannis, LLP
- Houston Harbaugh, P.C.
- Kleinbard, LLC
- Kolber & Randazzo, P.C.
- Obermayer Rebmann Maxwell & Hoppel, LLP
- Pepper Hamilton, LLP
- Steve Harvey Law, LLC
- Swartz Campbell, LLP
- Wong Fleming

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

Recommendation for Law Firm Selection
RFP OGC-2016-22 Issued November 1, 2016
May 3, 2017
Page 2 of 6

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 **November 1, 2016**.

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania Department of Health, Department of Human Services, the Pennsylvania 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 (SDB) participation 20%, and 10 law firm diversity bonus points**.

B. PROPOSALS: A total of **eighteen (18)** proposals were received on or before the due date of **December 2, 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, all the law firm's technical submissions received at least **70%** of the available technical points required 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.	57.17	9.62	5.00	4.00	75.79
The Axelrod Firm	48.55	20.00	20.00	7.00	95.55
Ballard Spahr, LLP	60.00	0.00	4.00	6.00	70.00
Bazon Less & Feldman, P.C.	56.08	3.35	4.00	3.00	66.43
Blank Rome, LLP	59.61	0.00	7.00	3.00	69.61
Braverman Kaskey, P.C.	53.60	5.99	1.00	0.00	60.59
Cohen & Grigsby, P.C.	57.94	7.01	0.00	3.00	67.95
Duane Morris, LLP	59.61	0.00	6.00	6.00	71.61
Hangley, Aronchick, Segal, Pudlin & Schiller	54.95	7.83	0.00	2.00	64.78
Harris, Wiltshire & Grannis, LLP	55.79	3.86	6.67	3.00	69.32
Houston Harbaugh, P.C.	50.87	15.11	8.00	1.00	74.98
Kleinbard, LLC	53.25	10.07	4.00	2.00	69.32
Kolber & Randazzo, P.C.	48.01	11.91	20.00	6.00	85.92
Obermayer Rebmann Maxwell & Hippel, LLP	58.36	9.48	4.00	2.00	73.84
Pepper Hamilton, LLP	57.72	0.00	4.00	6.00	67.72
Steve Harvey Law, LLC	51.32	10.07	6.67	1.00	69.06
Swartz Campbell, LLP	50.32	18.44	0.00	1.00	69.76
Wong Fleming	50.26	12.09	20.00	8.00	90.35

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.

During negotiations, fair and reasonable compensation could not be agreed upon with Blank Rome, LLP.

6. SMALL/DIVERSE BUSINESS COMMITMENTS:

Archer & Greiner, P.C. is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe. Archer & Greiner, P.C. is committing **25%** of the total value of its offering to **Ahmad Zaffarese, LLC**.

The Axelrod Firm, P.C. is a DGS-certified Small Diverse Business (Women-owned Business Enterprise) prime law firm.

Ballard Spahr, LLP is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, 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**.

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

Braverman Kaskey, P.C. is committed to subcontracting with one (1) small diverse firm, Karas Enterprises, for legal services over the entire engagement timeframe. Braverman Kaskey, P.C. is committing **5%** of the total value of its offering to **Karas Enterprises**.

Duane Morris, LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese, LLC, for legal services over the entire engagement timeframe. Duane Morris, LLP is committing **30%** of the total value of its offering to **Ahmad Zaffarese, LLP**.

Harris, Wiltshire & Grannis, LLP is a DGS-certified Small Business.

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**.

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**.

Kolber & Randazzo, P.C. is a DGS-certified Small Diverse Business and is committed to subcontracting with one (1) small business firm, for legal services over the entire engagement timeframe. Kolber & Randazzo, P.C. is committing **10%** of the total value of its offering to **Schaff & Young, P.C.**

Obermayer Rebmann Maxwell & Hippel, LLP is committed to subcontracting with one (1) small diverse firm, Henper Consulting, for legal services over the entire engagement timeframe. Obermayer Rebmann Maxwell & Hippel, LLP is committing **20%** of the total value of its offering to **Henper Consulting**.

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

Steve Harvey Law, LLC is a DGS-certified Small Business.

Wong Fleming is a DGS-certified Small Diverse Business (Minority and Women-owned Business Enterprise) prime law firm.

7. **CONTRACTOR RESPONSIBILITY:** Archer & Greiner, P.C., The Axelrod Firm, Ballard Spahr, LLP, Bazelon Less & Feldman, P.C., Braverman Kaskey, P.C., Cohen & Grigsby, P.C., Duane Morris, LLP, Hangle, Aronchick, Segal, Pudlin & Schiller, Harris, Wiltshire & Grannis, LLP, Houston Harbaugh, P.C., Kleinbard, LLC, Kolber & Randazzo, P.C., Obermayer Rebmann Maxwell & Hippel, LLP, Pepper Hamilton, LLP, Steve Harvey Law, LLC, Swartz Campbell, LLP, Wong Fleming 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.

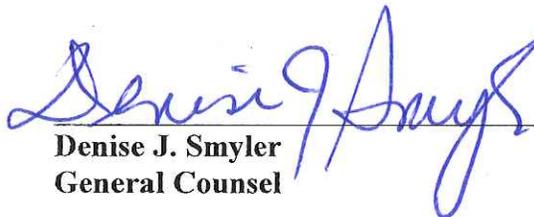
RECOMMENDATION: As the Issuing Officer, I recommend that Archer & Greiner, P.C., The Axelrod Firm, Ballard Spahr, LLP, Bazelon Less & Feldman, P.C., Braverman Kaskey, P.C., Cohen & Grigsby, P.C., Duane Morris, LLP, Hangle, Aronchick, Segal, Pudlin & Schiller, Harris, Wiltshire & Grannis, LLP, Houston Harbaugh, P.C., Kleinbard, LLC, Kolber & Randazzo, P.C., Obermayer Rebmann Maxwell & Hippel, LLP, Pepper Hamilton, LLP, Steve Harvey Law, LLC, Swartz Campbell, LLP and Wong Fleming, 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 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 is seeking Archer & Greiner, P.C., The Axelrod Firm, Ballard Spahr, LLP, Bazelon Less & Feldman, P.C., Braverman Kaskey, P.C., Cohen & Grigsby, P.C., Duane Morris, LLP, Hangle, Aronchick, Segal, Pudlin & Schiller, Harris, Wiltshire & Grannis, LLP, Houston Harbaugh, P.C., Kleinbard, LLC, Kolber & Randazzo, P.C., Obermayer Rebmann Maxwell & Hippel, LLP, Pepper Hamilton, LLP, Steve Harvey Law, LLC, Swartz Campbell, LLP and Wong Fleming, 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 Archer & Greiner, P.C., The Axelrod Firm, Ballard Spahr, LLP, Bazelon Less & Feldman, P.C., Braverman Kaskay, P.C., Cohen & Grigsby, P.C., Duane Morris, LLP, Hangle, Aronchick, Segal, Pudlin & Schiller, Harris, Wiltshire & Grannis, LLP, Houston Harbaugh, P.C., Kleinbard, LLC, Kolber & Randazzo, P.C., Obermayer Rebmann Maxwell & Hippel, LLP, Pepper Hamilton, LLP, Steve Harvey Law, LLC, Swartz Campbell, LLP and Wong Fleming, are the best qualified law firms based on the evaluation factors set forth in the RFP. I authorize the Issuing Office to make contract awards to the law firms listed above.

I disapprove the recommendation.

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