

RECOMMENDATION FOR LAW FIRM SELECTION

Date: September 16, 2015

To: Denise J. Smyler
General Counsel

From: Jordan M. Wagner
Administrative Assistant

CC: Shawn E. Smith
Deputy General Counsel

RE: Evaluation of Proposals Submitted in Response to
RFP OGC-2015-20 Issued July 20, 2015

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 recommended for award of an affirmative litigation contract:

Harris, Wiltshire & Grannis, 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 FIRM 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 20, 2015**.

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Department of Community and Economic Development and the 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% and small diverse business (SDB) participation 20%**.

B. PROPOSALS: A total of **four (4)** proposals were received on or before the due date of **July 31, 2015**. 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 **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 cost proposals and combined the technical scores, cost scores, and the SDB scores received from the DGS Bureau of Small Business Opportunities.

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4. INITIAL SCORING: The overall scoring for this procurement concluded as follows:

<i>Offeror</i>	<i>Technical Score</i>	<i>SDB Score</i>	<i>Price Score</i>	<i>Overall Score</i>
Harris, Wiltshire & Grannis, LLP	45.50	0.00	10.63	56.13
Stradley, Ronon, Stevens & Young, LLP	52.65	0.00	20.00	72.65
<i>Law Firms NOT Meeting 75% Technical Threshold</i>				
CGA Law Firm	41.05	N/A	N/A	N/A
Summers Nagy Law Offices	38.75	N/A	N/A	N/A

Law Firms above not meeting the technical requirements are found not qualified for this specific engagement. This does not mean they will not be qualified on future RFPs for Affirmative Litigation Services, or any other engagement.

5. 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 prior to award being made. During negotiation, it was determined that Stradley, Ronon, Stevens & Young, LLP had a conflict and would be unable to perform the services specified for this engagement. Therefore, the selection committee moved to the second ranked firm, Harris, Wiltshire & Grannis, LLP, for negotiations pursuant to Section 518 of the Procurement Code.

6. CONTRACTOR RESPONSIBILITY: Harris, Wiltshire & Grannis, LLP 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.

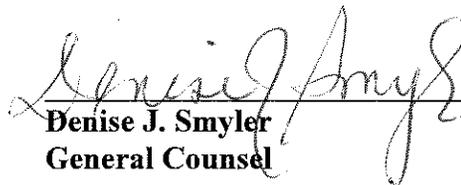
RECOMMENDATION: As the Issuing Officer, I recommend that Harris, Wiltshire & Grannis, LLP, be awarded an affirmative litigation contract. This recommendation selection is based upon the results of the evaluation and review of the proposals as summarized above. **The term of the contract will be one year with two (2) additional one (1) year renewals.** The Department of 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 Department of Community and Economic Development is seeking Harris, Wiltshire & Grannis, 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 Harris, Wiltshire & Grannis, LLP. 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

9/16/15
Date

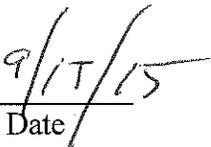
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PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make a contract award to Harris, Wiltshire & Grannis, LLP.

Department of Community and Economic Development

Arthur F. McNulty **Date**
Chief Counsel