

RECOMMENDATION FOR LAW FIRM SELECTION

Date: May 18, 2021

To: Gregory G. Schwab
General Counsel

From: Jordan M. Kiessling
Issuing Officer

CC: Mary W. Fox
Assistant Chief Counsel
Department of General Services

RE: Evaluation of Proposals Submitted in Response to
RFP OGC-2021-10 Issued March 19, 2021

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 being recommended for award of legal services contracts:

Clark Hill PLC
Dilworth Paxson LLP
McNees Wallace & Nurick, 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 FIRMS 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 **March 19, 2021**.

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania State System of Higher Education, 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 75%, cost 25% and 100 law firm diversity bonus points.**

B. PROPOSALS: A total of **three (3)** proposals were received on or before the due date of **April 9, 2021.** 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 of the offeror’s technical submittals received at least **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 law firm diversity submittals and combined the technical scores, cost scores and law firm diversity scores.
4. 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>
Clark Hill PLC	724.53	61.11	10.00	795.64
Dilworth Paxson LLP	750.00	250.00	15.00	1,015.00
McNees Wallace & Nurick, LLC	733.70	115.50	30.00	879.20

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 firms, as needed, prior to awards being made.

6. SMALL DIVERSE BUSINESS/VETERAN BUSINESS ENTERPRISE COMMITMENTS:

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**. Clark Hill, PLC is committed to subcontracting with one (1) veteran business enterprise, Federal Hearings & Appeals Services, Inc., for legal services over the entire engagement timeframe. Clark Hill, PLC is committing **3%** of the total value of its offering to **Federal Hearings & Appeals Services, Inc.**

Dilworth Paxson LLP is committed to subcontracting with one (1) small diverse and veteran owned firm, Law Office of Nathaniel M. Holmes, LLC, for legal services over the entire engagement timeframe. Dilworth Paxson LLP is committing **14%** of the total value of its offering to **Law Office of Nathaniel M. Holmes, LLC**.

McNees Wallace & Nurick, LLC is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. McNees Wallace & Nurick, LLC is committing **25%** of the total value of its offering to **Griesing Law, LLC**. McNees Wallace & Nurick, LLC is committed to subcontracting with one (1) veteran business enterprise, Law Office of Nathaniel M. Holmes, LLC, for legal services over the entire engagement timeframe. McNees Wallace & Nurick, LLC is committing **3%** of the total value of its offering to **Law Office of Nathaniel M. Holmes, LLC**.

7. CONTRACTOR RESPONSIBILITY: Clark Hill PLC, Dilworth Paxson LLP, McNees Wallace & Nurick, LLC, 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 Clark Hill PLC, Dilworth Paxson LLP and McNees Wallace & Nurick, LLC 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 State System of Higher Education, in consultation with the Office of

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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 State System of Higher Education is seeking Clark Hill PLC, Dilworth Paxson LLP and McNeese Wallace & Nurick, 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 Clark Hill PLC, Dilworth Paxson LLP and McNeese Wallace & Nurick, LLC are the best qualified law firms based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.



5/18/2021

Gregory G. Schwab
General Counsel

Date

PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make contract awards to Clark Hill PLC, Dilworth Paxson LLP and McNeese Wallace & Nurick, LLC.

PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION:



5/18/2021

Andrew C. Lehman
Chief Counsel

Date