

RECOMMENDATION FOR LAW FIRM SELECTION

Date: February 25, 2021

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-2020-13/16 Workers' Compensation Security Fund Outside
Counsel (Area 5) Issued October 28, 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 firms are being recommended for award of legal services contracts:

Law Offices of Nathaniel M. Holmes LLC
Thomson, Rhodes & Cowie P.C.

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 **October 28, 2020**.

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Department of Insurance, 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 **four (4)** proposals were received on or before the due date of **November 24, 2020.** 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 the 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>
Chartwell Law Offices LLP	750.00	193.88	10.00	953.88
Goldfein & Joseph, P.C.	698.98	173.47	5.00	877.45
Law Offices of Nathaniel M. Holmes LLC	720.88	241.71	35.00	997.59

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Thomson, Rhodes & Cowie P.C.	748.62	250.00	10.00	1,008.62
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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/SMALL BUSINESS COMMITMENTS:

The Law Offices of Nathaniel M. Holmes LLC is a DGS verified small diverse business as well as a veteran owned business enterprise.

Thomson, Rhodes & Cowie P.C. is committed to subcontracting with two (2) small diverse firms, Berry & Associates and the Law Offices of Nathaniel M. Holmes LLC, for legal services over the entire engagement timeframe. Thomson, Rhodes & Cowie P.C. is committing **8%** of the total value of its offering to **Berry & Associates** and **16%** of the total value of its offering to **Law Offices of Nathaniel M. Holmes LLC**. The Law Offices of Nathaniel M. Holmes is also a DGS verified veteran owned business enterprise.

7. CONTRACTOR RESPONSIBILITY: The Law Offices of Nathaniel M. Holmes LLC, Thomson, Rhodes & Cowie P.C. and their respective subcontractor 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 the Law Offices of Nathaniel M. Holmes LLC and Thomson, Rhodes & Cowie P.C. 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 Insurance, in consultation with 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 Department of Insurance is seeking the Law Offices of Nathaniel M. Holmes LLC and Thomson, Rhodes & Cowie P.C. to begin work immediately.**

PART V.

CONTRACTING OFFICER DETERMINATION:

Based upon the results of the evaluation and the above recommendation, I have determined that the Law Offices of Nathaniel M. Holmes LLC and Thomson, Rhodes & Cowie P.C. are the best qualified law firms based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.



2/25/2021

Gregory G. Schwab
General Counsel

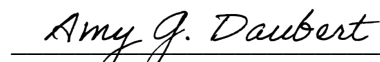
Date

PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make contract awards to the Law Offices of Nathaniel M. Holmes LLC and Thomson, Rhodes & Cowie P.C.

PENNSYLVANIA DEPARTMENT OF INSURANCE:


Amy G. Daubert
Chief Counsel

2/25/2021

Date