

RECOMMENDATION FOR LAW FIRM SELECTION

Date: September 1, 2021

To: Gregory G. Schwab
General Counsel

From: Cheryl Spackman
Issuing Officer

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

RE: Evaluation of Proposals Submitted in Response to
RFP OGC-2021-15 Issued May 21, 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:

AnstineLaw LLC
Federal Hearings and Appeals Services, Inc. (“FHAS”)

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 **May 21, 2021.**

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Department of State, Department of Health, Department of Education, and Department of Transportation.**

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 **June 21, 2021.** No law firms responded by stating that they would not be submitting a proposal. 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, **one (1) offeror's** technical submission did not receive at least **75%** of the available technical points required 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>
AnstineLaw	606.60	250.00	10.00	866.60
FHAS	750.00	220.59	15.00	985.59
<i>Law Firms NOT Meeting 75% Technical Threshold</i>				
Mark W. Voigt	N/Q	N/Q	N/Q	N/Q

5. SMALL DIVERSE BUSINESS/SMALL BUSINESS PROCUREMENT:

This contract was designated as a Small Business Procurement to provide DGS-certified small businesses with opportunities to compete against other DGS-certified small business

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for Commonwealth agency and DGS statewide contracts. Only certified small businesses were eligible to submit a response to this RFP.

6. CONTRACTOR RESPONSIBILITY:

AnstineLaw LLC and Federal Housing and Appeals Services, Inc. required to be disclosed or approved by the Commonwealth as a responsible contractor in accordance with management directives, the Procurement Handbook and the Procurement Code, as applicable.

PART IV.


RECOMMENDATION: As the Issuing Officer, I recommend AnstineLaw LLC and Federal Hearings and Appeals Services, Inc. be awarded a contract for legal services. This recommendation for 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 (1) 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 AnstineLaw LLC and Federal Hearings and Appeals Services, Inc. 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 AnstineLaw LLC and Federal Hearings and Appeals Services, Inc. are the best qualified law firms based on the evaluation factors set forth in the RFP and I authorize the Issuing Office to make contract awards to these firms.

I disapprove the recommendation.



Gregory G. Schwab
General Counsel

September 1, 2021

Date