

**RECOMMENDATION FOR LAW FIRM SELECTION**

**Date:** April 6, 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-2020-15 Issued November 12, 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  
Pietragallo Gordon Alfano Bosick & Raspanti, 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 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 **November 12, 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 **eight (8)** proposals were received on or before the due date of **December 7, 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, **two (2) offeror’s** technical submittals failed to receive **75%** of the available technical points required in order to be eligible to be considered for award.
3. **One offeror** failed to meet the SDB and VBE Participation Goals set forth in this RFP and was therefore rejected as non-responsive.
4. 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.
5. INITIAL SCORING: The overall scoring for this procurement concluded as follows:

<i><b>Offeror</b></i>	<i><b>Technical Score</b></i>	<i><b>Price Score</b></i>	<i><b>Law Firm Diversity</b></i>	<i><b>Overall Score</b></i>
Archer & Greiner, PC	715.18	150.03	40.00	905.21
Clark Hill, PLC	709.46	191.75	15.00	916.21
Dilworth Paxson LLP	710.51	250.00	25.00	985.51

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Fox Rothschild, LLP	750.00	110.00	45.00	905.00
Pietragallo Gordon Alfano Bosick & Raspanti, LLP	732.84	214.50	5.00	952.34
<b><i>Law Firms NOT Meeting 75% Technical Threshold</i></b>				
Griesing Law, LLC	N/A	N/A	N/A	N/A
Wong Fleming, PC	N/A	N/A	N/A	N/A

6. 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.

7. SMALL DIVERSE BUSINESS/VETERAN BUSINESS ENTERPRISE COMMITMENTS:

Clark Hill, PLC is committed to subcontracting with one (1) small diverse firm, The Sargent’s Group, for legal services over the entire engagement timeframe. Clark Hill, PLC is committing **20%** of the total value of its offering to **The Sargent’s Group**. 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 firm, Kolber & Randazzo, P.C., for legal services over the entire engagement timeframe. Dilworth Paxson LLP is committing **20%** of the total value of its offering to **Kolber & Randazzo, P.C.**

Pietragallo Gordon Alfano Bosick & Raspanti, LLP is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. Pietragallo Gordon Alfano Bosick & Raspanti, LLP is committing **20%** of the total value of its offering to **Griesing Law, LLC**. Pietragallo Gordon Alfano Bosick & Raspanti, LLP is committed to subcontracting with one (1) veteran business enterprise, Delores Ritzman, Esquire, for legal services over the entire engagement timeframe. Pietragallo Gordon Alfano Bosick & Raspanti, LLP is committing **3%** of the total value of its offering to **Delores Ritzman, Esquire**.

8. CONTRACTOR RESPONSIBILITY: Clark Hill, PLC, Dilworth Paxson LLP, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, and their respective subcontractors required to be disclosed or approved by the Commonwealth have been verified as

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responsible contractors in accordance with management directives, the Procurement Handbook and the Procurement Code, as applicable.

**PART IV.**

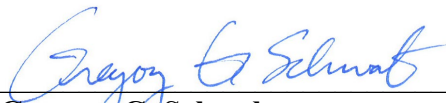
RECOMMENDATION: As the Issuing Officer, I recommend Clark Hill, PLC, Dilworth Paxson LLP and Pietragallo Gordon Alfano Bosick & Raspanti, LLP be awarded contracts for legal services. This recommendation selection is based upon the results of the evaluation and review of the proposals as summarized above. **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 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 Pietragallo Gordon Alfano Bosick & Raspanti, 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 Clark Hill, PLC, Dilworth Paxson LLP and Pietragallo Gordon Alfano Bosick & Raspanti, LLP are the best qualified law firms based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.

  
\_\_\_\_\_  
**Gregory G. Schwab**  
**General Counsel**

4/6/2021

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 Pietragallo Gordon Alfano Bosick & Raspanti, LLP.

**PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION:**

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**Andrew C. Lehman**  
**Chief Counsel**

Date