

RECOMMENDATION FOR LAW FIRM SELECTION

Date: March 8, 2023

To: Laurie A. Malone
Chief of Staff to the General Counsel

From: Jordan M. Kiessling
Issuing Officer

CC: Shawn E. Smith
Chief Counsel
Department of General Services

RE: Evaluation of Proposals Submitted in Response to
RFP OGC-2022-20 Issued September 28, 2022

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:

Archer & Greiner, P.C.
Ballard Spahr LLP
Chimicles Schwartz Kriner & Donaldson-Smith LLP
Cohen Milstein Sellers & Toll PLLC
Duane Morris LLP
Elliott Greenleaf P.C.
Greenberg Traurig, LLP
Kessler Topaz Meltzer & Check, LLP
Lowey Dannenberg, P.C.
Myers, Brier & Kelly, LLP
Scott + Scott LLP
Stradley Ronon Stevens & Young, LLP
The Axelrod Firm, P.C.
Wong Fleming, 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 **September 28, 2022**.

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Department of General Services, Department of Human Services, Pennsylvania State Police, Department of Transportation, Department of State, Department of Environmental Protection and the Governor's Office of General Counsel**.

C. ADDENDA TO THE RFP: Potential offerors were given the opportunity in accordance with Section I-9 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-10 of the RFP.

PART III.

A. CRITERIA: The relative importance of the major evaluation criteria established prior to opening the proposals consisted of **technical 100%** and **100 law firm diversity bonus points**.

B. PROPOSALS: A total of **twenty-seven (27)** proposals were received on or before the due date of **October 28, 2022**. 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. **Six (6) offerors** failed to meet the SDB/VBE participation goals set forth in this RFP and were therefore rejected as non-responsive.
4. Representatives from the Department of General Services and Governor's Office of General Counsel evaluated and scored the law firm diversity submittals and combined the technical scores and law firm diversity scores.

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

<i>Offeror</i>	<i>Technical Score</i>	<i>Law Firm Diversity</i>	<i>Overall Score</i>
Archer & Greiner, P.C.	957.26	20.00	977.26
Ballard Spahr LLP	992.61	20.00	1012.61
Barrack Rodos & Bacine	913.98	5.00	918.98
Campbell Durrant, P.C.	940.37	5.00	945.37
Chimicles Schwartz Kriner & Donaldson-Smith LLP	970.98	1.00	971.98
Cohen Milstein Sellers & Toll PLLC	960.95	7.00	967.95
Cozen O'Connor	919.79	10.00	929.79
Duane Morris LLP	993.67	30.00	1023.67
Elliott Greenleaf P.C.	998.42	2.00	100.42
Greenberg Traurig, LLP	994.72	25.00	1019.72
Kessler Topaz Meltzer & Check, LLP	964.64	10.00	974.64
Kirby McInerney LLP	919.79	2.00	921.79
Labaton Sucharow LLP	939.84	5.00	944.84
Lowey Dannenberg, P.C.	963.59	5.00	968.59
Myers, Brier & Kelly, LLP	992.08	10.00	1002.08
Quinn Emmanuel Urquhart & Sullivan, LLP	925.07	10.00	935.07
Scott + Scott LLP	960.95	20.00	980.95
Stradley Ronon Stevens & Young, LLP	1000.00	10.00	1010.00
The Axelrod Firm, P.C.	906.07	50.00	956.07
Wolff Law, P.C.	877.57	10.00	887.57
Wong Fleming, P.C.	951.45	10.00	961.45

6. SMALL DIVERSE BUSINESS/VETERAN BUSINESS ENTERPRISE COMMITMENTS:

For purposes of this RFP, Small Diverse Business (SDB) and Veteran Business Enterprise (VBE) participation goals were established as **16%** for SDB and **3%** for VBE. All of the firms either agreed to meet or exceed the SDB and VBE participation goals established for this RFP. The Axelrod Firm, P.C. and Wong Fleming, P.C. are self-performing the SDB portion of this RFP as DGS-verified SDBs.

- 7. CONTRACTOR RESPONSIBILITY:** Archer & Greiner, P.C., Ballard Spahr LLP, Chimicles Schwartz Kriner & Donaldson-Smith, LLP, Cohen Milstein Sellers & Toll PLLC, Duane Morris LLP, Elliott Greenleaf P.C., Greenberg Traurig, LLP, Kessler Topaz Meltzer & Check, LLP, Lowey Dannenberg, P.C., Myers, Brier & Kelly, LLP, Scott + Scott LLP, Stradley Ronon Stevens & Young, LLP, The Axelrod Firm, P.C., Wong Fleming, P.C. 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 Archer & Greiner, P.C., Ballard Spahr LLP, Chimicles Schwartz Kriner & Donaldson-Smith, LLP, Cohen Milstein Sellers & Toll PLLC, Duane Morris LLP, Elliott Greenleaf P.C., Greenberg Traurig, LLP, Kessler Topaz Meltzer & Check, LLP, Lowey Dannenberg, P.C., Myers, Brier & Kelly, LLP, Scott + Scott LLP, Stradley Ronon Stevens & Young, LLP, The Axelrod Firm, P.C. and Wong Fleming, 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 contracts will be one year with two (2) additional one (1) year renewals.** The Governor's 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 Governor's Office of General Counsel is seeking Archer & Greiner, P.C., Ballard Spahr LLP, Chimicles Schwartz Kriner & Donaldson-Smith, LLP, Cohen Milstein Sellers & Toll PLLC, Duane Morris LLP, Elliott Greenleaf P.C., Greenberg Traurig, LLP, Kessler Topaz Meltzer & Check, LLP, Lowey Dannenberg, P.C., Myers, Brier & Kelly, LLP, Scott + Scott LLP, Stradley Ronon Stevens & Young, LLP, The Axelrod Firm, P.C. and Wong Fleming, P.C. 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 Archer & Greiner, P.C., Ballard Spahr LLP, Chimicles Schwartz Kriner & Donaldson-Smith, LLP, Cohen Milstein Sellers & Toll PLLC, Duane Morris LLP, Elliott Greenleaf P.C., Greenberg Traurig, LLP, Kessler Topaz Meltzer & Check, LLP, Lowey Dannenberg, P.C., Myers, Brier & Kelly, LLP, Scott + Scott LLP, Stradley Ronon Stevens & Young, LLP, The Axelrod Firm, P.C. and Wong Fleming, P.C. are the best qualified law firms based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.



Laurie A. Malone
Chief of Staff to the General Counsel

3/8/23
Date