

RECOMMENDATION FOR LAW FIRM SELECTION

Date: March 30, 2023

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

From: Jordan M. Kiessling
Issuing Officer

CC: Derek Riker
OGC Deputy Chief of Staff

RE: Evaluation of Proposals Submitted in Response to
RFP OGC-2022-22 Mcare Coverage Counsel
Issued October 26, 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:

Marshall Dennehey Warner Coleman & Goggin, P.C.
McGilvery & Juliana, LLC
Myers, Brier & Kelly, 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 **October 26, 2022**.

Recommendation for Law Firm Selection
RFP OGC-2022-22 Issued October 26, 2022
March 30, 2023
Page 2 of 4

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania 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-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 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 **November 22, 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. 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.
4. INITIAL SCORING: The overall scoring for this procurement concluded as follows:

<i>Offeror</i>	<i>Technical Score</i>	<i>Cost Score</i>	<i>Law Firm Diversity</i>	<i>Overall Score</i>
Marshall Dennehey Warner Coleman & Goggin, P.C.	744.55	239.13	20.00	1,003.68
McGilvery & Juliana, LLC	721.53	250.00	7.00	978.53
Myers, Brier & Kelly, LLP	750.00	93.17	15.00	858.17

5. 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 **5%** 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.

6. CONTRACTOR RESPONSIBILITY: Marshall Dennehey Warner Coleman & Goggin, P.C., McGilvery & Juliana, LLC, Myers, Brier & Kelly, LLP 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 Marshall Dennehey Warner Coleman & Goggin, P.C., McGilvery & Juliana, LLC and Myers, Brier & Kelly, 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 contracts will be one year with two (2) additional one (1) year renewals.** The Department of Insurance 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 Marshall Dennehey Warner Coleman & Goggin, P.C., McGilvery & Juliana, LLC and Myers, Brier & Kelly, LLP 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 Marshall Dennehey Warner Coleman & Goggin, P.C., McGilvery & Juliana, LLC and Myers, Brier & Kelly, LLP 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

3/30/2023

Date

PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make contract awards to Marshall Dennehey Warner Coleman & Goggin, P.C., McGilvery & Juliana, LLC and Myers, Brier & Kelly, LLP.

PENNSYLVANIA DEPARTMENT OF INSURANCE:

Kathryn Speaks

3/31/2023

Kathryn McDermott Speaks
Chief Counsel

Date