

RECOMMENDATION FOR LAW FIRM SELECTION

Date: June 15, 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-2023-02 Workers' Compensation Defense Counsel (Territory B)
Issued January 17, 2023

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 Office of Nathaniel M. Holmes LLC
Rawle & Henderson LLP
Sand & Sidel, PC
Swartz Campbell LLC
Thomas, Thomas & Hafer, 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 **January 17, 2023**.

Recommendation for Law Firm Selection
RFP OGC-2023-02 Issued January 17, 2023
June 15, 2023
Page 2 of 4

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania Department of Labor & Industry, 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 **eight (8)** proposals were received on or before the due date of **February 16, 2023.** 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>
Elias Mickle Kennedy	704.83	247.78	10.00	962.61
Kent & McBride	660.73	247.78	1.00	909.51
Law Office of Nathaniel M. Holmes LLC	709.91	247.78	65.00	1,022.69
Rawle & Henderson LLP	741.71	247.78	5.00	994.49
Rulis & Bochicchio, LLC	697.34	247.78	5.00	950.12

Recommendation for Law Firm Selection
RFP OGC-2023-02 Issued January 17, 2023
June 15, 2023
Page 3 of 4

Sand & Saidel, PC	725.94	247.78	5.00	978.72
Swartz Campbell LLC	718.46	250.00	10.00	978.46
Thomas, Thomas & Hafer, LLP	750.00	247.78	3.00	1,000.78

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 **11%** 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.

Law Office of Nathaniel M. Holmes LLC is self-performing the SDB goal as a DGS verified SDB.

6. CONTRACTOR RESPONSIBILITY: Law Office of Nathaniel M. Holmes LLC, Rawle & Henderson LLP, Sand & Saidel, PC, Swartz Campbell LLC, Thomas, Thomas & Hafer, 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.

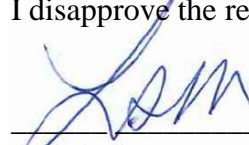
RECOMMENDATION: As the Issuing Officer, I recommend Law Office of Nathaniel M. Holmes LLC, Rawle & Henderson LLP, Sand & Saidel, PC, Swartz Campbell LLC and Thomas, Thomas & Hafer, LLP be awarded contracts for legal services. This recommendation selection is based upon the results of the evaluation and 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 Labor & Industry 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 Labor & Industry is seeking Law Office of Nathaniel M. Holmes LLC, Rawle & Henderson LLP, Sand & Saidel, PC, Swartz Campbell LLC and Thomas, Thomas & Hafer, 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 Law Office of Nathaniel M. Holmes LLC, Rawle & Henderson LLP, Sand & Saidel, PC, Swartz Campbell LLC and Thomas, Thomas & Hafer, 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

6/15/2023

Date

PART VI.

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make contract awards to Law Office of Nathaniel M. Holmes LLC, Rawle & Henderson LLP, Sand & Saidel, PC, Swartz Campbell LLC and Thomas, Thomas & Hafer, LLP.

PENNSYLVANIA DEPARTMENT OF LABOR & INDUSTRY:



Benjamin Holt
Chief Counsel

6/15/2023

Date