

RECOMMENDATION FOR LAW FIRM SELECTION

Date: May 7, 2024

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

From: Jordan M. Kiessling
Issuing Officer

CC: Derek Riker
Deputy Chief of Staff

RE: Evaluation of Proposals Submitted in Response to
RFP OGC-2024-02 General Litigation & Emergency Counsel
Issued February 6, 2024

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:

Eckert Seamans Cherin & Mellott, LLC
Hangley Aronchick Segal Pudlin & Schiller
Myers, Brier & Kelly, LLP
Rosenn Jenkins & Greenwald, LLP
Wong Fleming, PC

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 PA eMarketplace and the Office of General Counsel's website on **February 6, 2024.**

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from **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 **fifteen (15)** proposals were received on or before the due date of **February 28, 2024**. 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 did not receive at least **75%** of the available technical points required in order to be eligible to be considered for award.
3. **Two (2) offeror’s** failed to meet the SDB/VBE participation goals set forth in this RFP and were 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>Offeror</i>	<i>Technical Score</i>	<i>Cost Score</i>	<i>Law Firm Diversity</i>	<i>Overall Score</i>
Archer & Greiner, P.C.	657.08	3.42	60.00	720.50
Ballard Spahr, LLP	694.91	0.00	25.00	719.91
Blank Rome LLP	697.57	0.00	20.00	717.57

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Eckert Seamans Cherin & Mellott, LLC	652.43	198.76	5.00	856.19
Greenberg Traurig, LLP	728.75	0.00	15.00	743.75
Hangley Aronchick Segal Pudlin & Schiller	728.75	86.34	5.00	820.09
Lowey Dannenberg, P.C.	642.48	0.00	0.00	642.48
Myers, Brier & Kelly, LLP	750.00	97.83	5.00	852.83
Rosenn Jenkins & Greenwald, LLP	714.16	250.00	25.00	989.16
Troutman Pepper Hamilton Sanders LLP	688.95	0.00	15.00	703.95
Wong Fleming, PC	645.79	146.89	30.00	822.68
<i>Firms Not Meeting 75% Technical Threshold</i>				
Cozen O'Connor	N/Q	N/Q	N/Q	N/Q
Griesing Mazzeo Law, LLC	N/Q	N/Q	N/Q	N/Q

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 firm, as needed, prior to award being made.

7. SMALL DIVERSE BUSINESS/VETERAN BUSINESS ENTERPRISE COMMITMENTS:

Eckert Seamans Cherin & Mellott, LLC agreed to meet the SDB participation goal of **18%** and VBE participation goal of **3%**. Once selected for an engagement, the firm will select their SDB and VBE and provide that information to the Issuing Office.

Hangley Aronchick Segal Pudlin & Schiller is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, for legal services over the entire engagement timeframe. Hangley Aronchick Segal Pudlin & Schiller is committing **20%** of the total

value of its offering to **Tucker Law Group**. Hangley Aronchick Segal Pudlin & Schiller was granted a full waiver of the VBE participation goal for this RFP.

Myers, Brier & Kelly, LLP agreed to meet the SDB participation goal of **18%** and VBE participation goal of **3%**. Once selected for an engagement, the firm will select their SDB and VBE and provide that information to the Issuing Office.

Rosenn Jenkins & Greenwald, LLP is committed to subcontracting with two (2) small diverse firms, Sargent's Court Reporting Services, Inc. and JD2 Environmental, Inc., for legal services over the entire engagement timeframe. Rosenn Jenkins & Greenwald, LLP is committing **9%** of the total value of its offering to **Sargent's Court Reporting Services, Inc.** and **9%** of the total value of its offering to **JD2 Environmental, Inc.** Rosenn Jenkins & Greenwald, LLP is committed to subcontracting with one (1) veteran business enterprise over the entire engagement timeframe. Rosenn Jenkins & Greenwald, LLP is committing **3%** of the total value of its offering to QproQ Engineering, Inc. for legal services over the entire engagement timeframe.

Wong Fleming, PC is self-performing the SDB participation goal as a DGS verified small diverse business. Wong Fleming, PC was granted a full waiver of the VBE participation goal for this RFP.

8. **CONTRACTOR RESPONSIBILITY:** Eckert Seamans Cherin & Mellot, LLC, Hangley Aronchick Segal Pudlin & Schiller, Myers, Brier & Kelly, LLP, Rosenn Jenkins & Greenwald, LLP, Wong Fleming, PC 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.

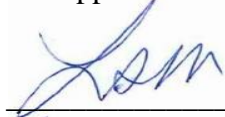
RECOMMENDATION: As the Issuing Officer, I recommend Eckert Seamans Cherin & Mellot, LLC, Hangley Aronchick Segal Pudlin & Schiller, Myers, Brier & Kelly, LLP, Rosenn Jenkins & Greenwald, LLP and Wong Fleming, PC be awarded contracts for legal services. This recommendation selection is based upon the 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 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 Eckert Seamans Cherin & Mellot, LLC, Hangley Aronchick Segal Pudlin & Schiller, Myers, Brier & Kelly, LLP, Rosenn Jenkins & Greenwald, LLP and Wong Fleming, PC to begin work immediately.**

PART V.

CONTRACTING OFFICER DETERMINATION AND AUTHORIZATION:

Based upon the results of the evaluation and the above recommendation, I have determined that Eckert Seamans Cherin & Mellot, LLC, Hanglely Aronchick Segal Pudlin & Schiller, Myers, Brier & Kelly, LLP, Rosenn Jenkins & Greenwald, LLP and Wong Fleming, PC are the best qualified law firms based on the evaluation factors set forth in the RFP and should be awarded Contracts for Legal Services.

I disapprove the recommendation.



Laurie A. Malone
Chief of Staff to the General Counsel

5/7/2024

Date