

**RECOMMENDATION FOR LAW FIRM SELECTION**

**Date:** April 23, 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-2021-05 Issued February 17, 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 firm is being recommended for award of a legal services contract:

Barley Snyder 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 FIRM 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 **February 17, 2021.**

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from **the State Public School Building Authority ("SPSBA"), the Pennsylvania Higher Educational Facilities Authority ("PHEFA"), Department of General Services and the Governor's Office of General Counsel.**

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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 **five (5)** proposals were received on or before the due date of **March 9, 2021**. 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, all of the technical submittals received at least **75%** of the available technical points required in order to be eligible to be considered for award.
3. **One (1) 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>Offeror</i>	<i>Technical Score</i>	<i>Price Score</i>	<i>Law Firm Diversity</i>	<i>Overall Score</i>
Ahmad Zaffarese LLC	662.37	246.60	65.00	973.97
Barley Snyder LLP	750.00	250.00	0.00	1,000.00
Greenberg Traurig LLP	680.56	183.50	60.00	924.06
McNees Wallace & Nurick LLC	695.85	215.62	35.00	946.51

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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:

Barley Snyder LLP is committed to subcontracting with one (1) small diverse firm, the Law Office of Frannie Reilly LLC, for legal services over the entire engagement timeframe. Barley Snyder LLP is committing **28%** of the total value of its offering to **the Law Office of Frannie Reilly LLC**. Barley Snyder LLP is committed to subcontracting with one (1) veteran business enterprise, John E. Lippl, Attorney at Law, for legal services over the entire engagement timeframe. Barley Snyder LLP is committing **3%** of the total value of its offering to **John E. Lippl, Attorney at Law**.

8. CONTRACTOR RESPONSIBILITY: Barley Snyder 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 Barley Snyder LLP be awarded a contract 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 five (5) years.** SPSBA/PHEFA, in consultation with the Office of General Counsel, will allocate the legal services set forth in the resulting contract among the selected law firm. **Due to the urgent need for legal services, SPSBA/PHEFA is seeking Barley Snyder 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 Barley Snyder LLP is the best qualified law firm based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.

  
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**Gregory G. Schwab**  
General Counsel

4/23/2021

Date

**PART VI.**

**AUTHORIZATION:**

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make a contract award to Barley Snyder LLP.

**STATE PUBLIC SCHOOL BUILDING AUTHORITY/  
PA HIGHER EDUCATIONAL FACILITIES AUTHORITY**



4/23/2021

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**Eric Gutshall**  
**Executive Director**

Date