

RECOMMENDATION FOR LAW FIRM SELECTION

Date: February 8, 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-2020-07/09/11 Issued June 26, 2020, July 31, 2020 and
August 14, 2020

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
Blank Rome LLP
Hangley Aronchick Segal Pudlin & Schiller
Kleinbard LLC
Rosenn Jenkins & Greenwald LLP
Saxton & Stump LLC
Troutman Pepper Hamilton Sanders LLP
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 ****

Recommendation for Law Firm Selection

RFP OGC-2020-07/09/11 Issued June 26, 2020, July 31, 2020 and August 14, 2020

February 8, 2021

Page 2 of 5

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 **June 26, 2020, July 31, 2020 and August 14, 2020.**

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania Department of Transportation, Department of State, 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-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 **fourteen (14)** proposals were received on or before the due dates of **July 23, 2020, August 14, 2020 and August 21, 2020.** No law firms responded by stating that they would not be submitting a proposal. 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 the law firm's technical submissions received at least **75%** of the available technical points required to be eligible to be considered for award.
3. **Five (5) Offeror's** failed to meet the SDB and 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.

Recommendation for Law Firm Selection

RFP OGC-2020-07/09/11 Issued June 26, 2020, July 31, 2020 and August 14, 2020

February 8, 2021

Page 3 of 5

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>
Archer & Greiner P.C.	686.76	65.22	50.00	801.98
Ballard Spahr LLP	737.11	3.26	30.00	770.37
Blank Rome LLP	726.64	0.00	40.00	766.64
Hangley Aronchick Segal Pudlin & Schiller	750.00	116.46	15.00	881.46
Kleinbard LLC	726.64	145.03	15.00	886.67
Rosenn Jenkins & Greenwald LLP	685.56	250.00	5.00	940.56
Saxton & Stump LLC	692.41	115.53	10.00	817.94
Troutman Pepper Hamilton Sanders LLP	725.42	38.35	35.00	798.77
Wong Fleming, P.C.	664.61	146.89	45.00	856.50

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 firms, as needed, prior to awards being made.

7. SMALL DIVERSE BUSINESS/SMALL BUSINESS & VETERAN BUSINESS ENTERPRISE COMMITMENTS:

Archer & Greiner P.C. is committed to subcontracting with one (1) small diverse and veteran owned firm, for legal services over the entire engagement timeframe. Archer & Greiner P.C. is committing **18%** of the total value of its offering to **Delores Ritzman, Esquire**.

Ballard Spahr LLP is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, LLC, for legal services over the entire engagement timeframe. Ballard Spahr LLP is committing **15%** of the total value of its offering to **Tucker Law Group, LLC**. Ballard Spahr LLP is committed to subcontracting with one (1) veteran business enterprise, Delores Ritzman, Esquire, for legal services over the entire engagement timeframe. Ballard Spahr LLP is committing **3%** of the total value of its offering to **Delores Ritzman, Esquire**.

Recommendation for Law Firm Selection

RFP OGC-2020-07/09/11 Issued June 26, 2020, July 31, 2020 and August 14, 2020

February 8, 2021

Page 4 of 5

Blank Rome LLP is committed to subcontracting with one (1) small diverse firm, The Axelrod Firm, PC, for legal services over the entire engagement timeframe. Blank Rome LLP is committing **15%** of the total value of its offering to **The Axelrod Firm, PC**.

Hangley Aronchick Segal Pudlin & Schiller is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, LLC, 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, LLC**.

Kleinbard LLC is committed to subcontracting with one (1) small diverse firm, Griesing Law, LLC, for legal services over the entire engagement timeframe. Kleinbard LLC is committing **20%** of the total value of its offering to **Griesing Law, LLC**.

Rosenn Jenkins & Greenwald LLP is committed to subcontracting with three (3) small diverse businesses, Sargent's Court Reporting, JD2 Environmental Inc. and Resource Environmental, for legal services over the entire engagement timeframe. Rosenn Jenkins & Greenwald LLP is committing **10%** of the total value of its offering to **Sargent's Court Reporting**, **2.5%** of the total value of its offering to **JD2 Environmental Inc.**, and **2.5%** of the total value of its offering to **Resource Environmental**. Rosenn Jenkins & Greenwald LLP is committed to subcontracting with one (1) veteran business enterprise, QproQ Engineering, Inc., for legal services over the entire engagement timeframe. Rosenn Jenkins & Greenwald LLP is committing **3%** of the total value of its offering to **QproQ Engineering, Inc.**

Saxton & Stump LLC is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, LLC, for legal services over the entire engagement timeframe. Saxton & Stump LLC is committing **25%** of the total value of its offering to **Tucker Law Group, LLC**. Saxton & Stump LLC is committed to subcontracting with one (1) veteran business enterprise, Delores Ritzman, Esquire, for legal services over the entire engagement timeframe. Saxton & Stump LLC is committing **3%** of the total value of its offering to **Delores Ritzman, Esquire**.

Troutman Pepper Hamilton Sanders LLP is committed to subcontracting with one (1) small diverse firm, Ahmad Zaffarese LLC, for legal services over the entire engagement timeframe. Troutman Pepper Hamilton Sanders LLP is committing **15%** of the total value of its offering to **Ahmad Zaffarese LLC**. Troutman Pepper Hamilton Sanders LLP is committed to subcontracting with one (1) veteran business enterprise, Delores Ritzman, Esquire, for legal services over the entire engagement timeframe. Troutman Pepper Hamilton Sanders LLP is committing **3%** of the total value of its offering to **Delores Ritzman, Esquire**.

Wong Fleming P.C. is a DGS verified small diverse business prime law firm. Wong Fleming P.C. is committed to subcontracting with one (1) veteran business enterprise, Delores Ritzman, Esquire, for legal services over the entire engagement timeframe.

Recommendation for Law Firm Selection

RFP OGC-2020-07/09/11 Issued June 26, 2020, July 31, 2020 and August 14, 2020

February 8, 2021

Page 5 of 5

Wong Fleming P.C. is committing **3%** of the total value of its offering to **Delores Ritzman, Esquire**.

8. **CONTRACTOR RESPONSIBILITY:** Archer & Greiner P.C., Ballard Spahr LLP, Blank Rome LLP, Hanglely Aronchick Segal Pudlin & Schiller, Kleinbard LLC, Rosenn Jenkins & Greenwald LLP, Saxton & Stump LLC, Troutman Pepper Hamilton Sanders LLP, 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.

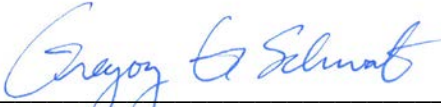
RECOMMENDATION: As the Issuing Officer, I recommend Archer & Greiner P.C., Ballard Spahr LLP, Blank Rome LLP, Hanglely Aronchick Segal Pudlin & Schiller, Kleinbard LLC, Rosenn Jenkins & Greenwald LLP, Saxton & Stump LLC, Troutman Pepper Hamilton Sanders LLP and Wong Fleming P.C. be awarded a contract 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 one year with two (2) additional one (1) year renewals.** The 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 Office of General Counsel is seeking Archer & Greiner P.C., Ballard Spahr LLP, Blank Rome LLP, Hanglely Aronchick Segal Pudlin & Schiller, Kleinbard LLC, Rosenn Jenkins & Greenwald LLP, Saxton & Stump LLC, Troutman Pepper Hamilton Sanders LLP 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, Blank Rome LLP, Hanglely Aronchick Segal Pudlin & Schiller, Kleinbard LLC, Rosenn Jenkins & Greenwald LLP, Saxton & Stump LLC, Troutman Pepper Hamilton Sanders LLP and Wong Fleming P.C. are the best qualified law firms based on the evaluation factors set forth in the RFP and I authorize the Issuing Office to make contract awards to these firms.

I disapprove the recommendation.



Gregory G. Schwab
General Counsel

2/8/21

Date