

**RECOMMENDATION FOR LAW FIRM SELECTION**

**Date:** June 21, 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-2023-05 General Obligation Bond Counsel  
Issued May 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 firm is being recommended for award of a legal services contract:

McNees Wallace & Nurick LLC

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 **May 17, 2023**.

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania Department of Treasury, Department of the Auditor General, Office of the Budget 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 120 points, cost 80 points and law firm diversity 20 bonus points.**

B. PROPOSALS: A total of **six (6)** proposals were received on or before the due date of **May 31, 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, one of the law firms was disqualified because they did not meet a requirement of the RFP. The remaining 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, cost 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>
Ahmad Zaffarese LLC	89	20	17	125.76
Ballard Spahr LLP	D/Q	D/Q	D/Q	D/Q
Clark Hill PLC	90	17	4	111.04
Eckert Seamans Cherin & Mellot, LLC	108	32	4	143.92
McNees Wallace & Nurick LLC	109	80	6	195.00
Stradley Ronon Stevens & Young, LLP	96	18	5	119.24

5. SMALL DIVERSE BUSINESS/VETERAN BUSINESS ENTERPRISE COMMITMENTS:

McNees Wallace & Nurick LLC is committed to subcontracting with one (1) small diverse firm Gosfield Law LLC and one (1) veteran business enterprise, the Law Office of Nathaniel M. Holmes, LLC, for legal services over the entire engagement timeframe. McNees Wallace & Nurick LLC is committing **30%** of the total value of its offering to **Gosfield Law LLC** and **3%** of the total value of its offering to the **Law Office of Nathaniel M. Holmes LLC**.

6. CONTRACTOR RESPONSIBILITY: McNees Wallace & Nurick LLC 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.**

**I-16. RECOMMENDATION:** As the Issuing Officer, I recommend McNees Wallace & Nurick LLC 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 through the duration of the bond issuance.** The Office of the Budget will allocate the legal services set forth in the resulting contract among the selected law firm. **Due to the urgent need for legal services, the Office of the Budget, Department of the Auditor General and Pennsylvania Department of Treasury are seeking McNees Wallace & Nurick LLC 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 McNees Wallace & Nurick LLC is the best qualified law firm based on the evaluation factors set forth in the RFP.

I disapprove the recommendation.



**Laurie A. Malone**  
**Chief of Staff to the General Counsel**

6/21/2023

Date

**PART VI.**

**AUTHORIZATION:**

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make a contract award to McNees Wallace & Nurick LLC.

**OFFICE OF THE BUDGET:**



6/21/2023

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**Brian D. Zweicher**  
**Chief Counsel**

Date