

**RECOMMENDATION FOR LAW FIRM SELECTION**

**Date:** October 5, 2023

**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-2023-06 Underground Storage Tank Indemnification Fund  
("USTIF") Outside Counsel  
Issued June 27, 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:

Rawle & Henderson LLP (primary counsel)  
Rosenn Jenkins & Greenwald, LLP (conflict counsel)

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 website and the Office of General Counsel's website on **June 27, 2023**.

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B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania Department of Insurance 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 **four (4)** proposals were received on or before the due date of **July 19, 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>
Mette Evans & Woodside, PC	653.51	185.15	5.00	843.66
Rawle & Henderson LLP	749.19	250.00	15.00	1,014.19
Rosenn, Jenkins & Greenwald, LLP	750.00	232.83	6.00	988.83
Stradley Ronon Stevens & Young, LLP	679.15	0.00	30.00	709.15

5. SMALL DIVERSE BUSINESS/VETERAN BUSINESS ENTERPRISE COMMITMENTS:

Rawle & Henderson, LLP is committed to subcontracting with three (3) small diverse firms, Sargents Court Reporting Services, Environmental Remediation & Recovery, Inc., and Trident Commercial Real Estate LLC, for legal services over the entire engagement timeframe. Rawle & Henderson, LLP is committing **8%** of the total value of its offering to **Sargents Court Reporting Services, 5%** to **Environmental Remediation & Recovery, Inc.**, and **3%** to **Trident Commercial Real Estate LLC**. Rawle & Henderson, LLP is committed to subcontracting with one (1) veteran business enterprise, Federal Hearings and Appeals Services, Inc., for legal services over the entire engagement timeframe. Rawle & Henderson, LLP is committing **3%** of the total value of its offering to **Federal Hearings and Appeals Services, Inc.**

Rosenn Jenkins & Greenwald LLP is committed to subcontracting with two (2) small diverse firms, Sargents Court Reporting Services and JD2 Environmental, Inc., for legal services over the entire engagement timeframe. Rosenn Jenkins & Greenwald LLP is committing **7%** of the total value of its offering to **Sargents Court Reporting Services** and **6%** to **JD2 Environmental, Inc.** 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.**

6. CONTRACTOR RESPONSIBILITY: Rawle & Henderson, LLP, Rosenn Jenkins & Greenwald 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 Rawle & Henderson LLP and Rosenn Jenkins & Greenwald 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 Insurance 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 Insurance is seeking Rawle & Henderson LLP and Rosenn Jenkins & Greenwald LLP 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 Rawle & Henderson LLP and Rosenn Jenkins & Greenwald 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**

10/5/2023

Date

**PART VI.**

**AUTHORIZATION:**

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make contract awards to Rawle & Henderson LLP and Rosenn Jenkins & Greenwald LLP.

**PENNSYLVANIA DEPARTMENT OF INSURANCE:**



**Kathryn McDermott Speaks**  
**Chief Counsel**

10/10/2023

Date