

RECOMMENDATION FOR LAW FIRM SELECTION

Date: February 28, 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-2023-10 Construction/Contract Dispute Litigation Counsel
Issued November 1, 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:

Saul Ewing, 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 PA eMarketplace and the Office of General Counsel's website on **November 1, 2023**.

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania State System of Higher Education 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-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 **November 21, 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 (1) offeror's** technical submittal did not receive 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/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>Cost Score</i>	<i>Law Firm Diversity</i>	<i>Overall Score</i>
Saul Ewing LLP	750.00	250.00	5.00	1,005.00
Stradley Ronon Stevens & Young, LLP	732.29	182.62	25.00	939.91
<i>Firms Not Meeting 75% Technical Threshold</i>				
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:

Saul Ewing LLP is committed to subcontracting with one (1) small diverse firm, Tucker Law Group, for legal services over the entire engagement timeframe. Saul Ewing LLP is committing **25%** of the total value of its offering to **Tucker Law Group**. Saul Ewing LLP is committed to subcontracting with one (1) veteran business enterprise, John A. Schwab, Attorney at Law, for legal services over the entire engagement timeframe. Saul Ewing LLP is committing **5%** of the total value of its offering to **John A. Schwab, Attorney at Law**.

8. CONTRACTOR RESPONSIBILITY: Saul Ewing 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.

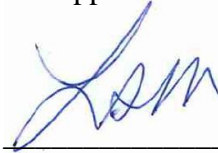
RECOMMENDATION: As the Issuing Officer, I recommend Saul Ewing LLP be awarded a contract for legal services. This recommendation selection is based upon the results of the evaluation and review of the proposals as summarized above. **The term of the contract will be one year with two (2) additional one (1) year renewals.** The State System of Higher Education, 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, the State System of Higher Education is seeking Saul Ewing 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 Saul Ewing LLP 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

2/28/2024

Date

PART VI.

AUTHORIZATION:

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

PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION:

Cathleen A. McCormack
Acting Chief Counsel

Date