

**RECOMMENDATION FOR LAW FIRM SELECTION**

**Date:** February 13, 2024

**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-2023-11 Federal Communication Commission (“FCC”) Counsel  
Issued November 28, 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:

Shainis & Peltzman, Chartered

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 **November 28, 2023**.

B. EVALUATION COMMITTEE: An evaluation committee was established consisting of agency representatives from the **Pennsylvania State System of Higher Education, 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-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 **one (1)** proposal was received on or before the due date of **December 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. The offeror submitted a valid good faiths effort waiver request for both the SDB and VBE portion of this RFP.
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>
Shainis & Peltzman, Chartered	750.00	250.00	0.00	1,000.00

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. CONTRACTOR RESPONSIBILITY: Shainis & Peltzman, Chartered required to be disclosed or approved by the Commonwealth has been verified as a responsible

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contractor in accordance with management directives, the Procurement Handbook and the Procurement Code, as applicable.

**PART IV.**

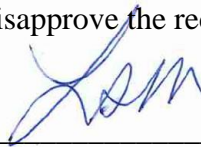
RECOMMENDATION: As the Issuing Officer, I recommend Shainis & Peltzman, Chartered be awarded a contract for legal services. This recommendation selection is based upon the results of the evaluation and review of the proposals as summarized above. **The term of the contract will be one year with two (2) 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 Shainis & Peltzman, Chartered to begin work immediately.**

**PART V.**

CONTRACTING OFFICER DETERMINATION:

Based upon the results of the evaluation and the above recommendation, I have determined that Shainis & Peltzman, Chartered 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**

2/13/2024

Date

**PART VI.**

AUTHORIZATION:

Based upon the Contracting Officer's determination, I authorize the Issuing Office to make a contract award to Shainis & Peltzman, Chartered.

**PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION:**

**Cathleen McCormack**  
**Acting Chief Counsel**

Date