

**Pre-proposal Conference  
Workers' Compensation  
Defense Counsel  
(SWIF, UEGF & SIGF)  
RFP OGC-2017-04**

Issuing Officer: Jordan M. Kiessling

4/18/2017

2:30 pm



# AGENDA

- Introductions
- Supplier Support
- RFP Requirements
- Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO)
- Background
- Questions and Answers



# INTRODUCTIONS

- Department of General Services
  - Shawn E. Smith, Deputy Chief Counsel
  - Audrey Smith, Bureau of Diversity, Inclusion & Small Business Opportunities
  - Jordan M. Kiessling, Issuing Officer
  
- PA Department of Labor & Industry
  - Kelly K. Smith, Deputy Chief Counsel
  - Karen L. Galli, Deputy Chief Counsel
  - Mary T. Boyko, Assistant Counsel

# SUPPLIER SUPPORT

[www.eMarketplace.state.pa.us](http://www.eMarketplace.state.pa.us)

Your Gateway to All Procurement Information

Links to:

- Supplier Service Center
- PA e-Marketplace
- PA Supplier Portal
- Procurement Handbook

The screenshot displays the Pennsylvania Department of General Services website. The header includes the state logo and navigation links. The main content area features a central banner with the text: "The Bureau of Procurement has upgraded to Microsoft Office 2007. If you have trouble viewing our documents you may need to download the free compatibility pack offered by Microsoft." Below this is a table with three columns: "SUPPLIERS HOW DO IT?", "AGENCIES HOW DO IT?", and "COSTARS HOW DO IT?".

SUPPLIERS HOW DO IT?	AGENCIES HOW DO IT?	COSTARS HOW DO IT?
Register to do business with the Commonwealth of Pennsylvania	Request to Approve?	Register our Organization to become a COSTARS member.
Find State Contract Opportunities, Request Awards & State Notice	Search for Contracts?	Participate as a COSTARS Supplier
Request for Information (RFI)	Access the Procurement Handbook?	Know what to buy?

Below the table, there is a section titled "ABOUT" which states: "The Bureau of Procurement is responsible for purchasing or contracting for equipment, supplies and services for the Commonwealth... The Bureau is the purchasing authority and exercises control over the procurement process and services, and awards contracts to suppliers." It also mentions that the Bureau acts as the central procurement organization for various state agencies and commissions.

# SUPPLIER DEVELOPMENT & SUPPORT

## Supplier Service Center Resources

- Frequently Asked Questions
- How to Register
- E-Alerts
- Reset Password
- Resource Toolbox
  - Brochures
  - Guides

The screenshot shows the Pennsylvania Department of General Services Supplier Service Center website. The page features a navigation menu on the left with categories such as Procurement, Supplier Service Center, and Bidder Registration. The main content area includes sections for BIDDING HELP, Bid on Commonwealth Solicitations, and BIDDING HELPFUL TOOLS. The BIDDING HELP section provides instructions for users with administrative or bidder roles. The Bid on Commonwealth Solicitations section lists the information required to bid on Commonwealth Solicitations. The BIDDING HELPFUL TOOLS section provides links to Bidding Process Reference Guide and Supplier Resource to a Solicitation - Brochure. The Bidder Registration section provides links to Bidder Registration, Bidder Registration - Brochure, and Bidder Registration - Frequently Asked Questions (FAQs).



# REGISTERING FOR E-ALERTS

- To register for eAlerts for upcoming OGC RFPs for Legal Services, go to the Supplier Service Center:

<http://www.dgs.pa.gov/Businesses/Materials%20and%20Services%20Procurement/Supplier%20Service%20Center/Pages/default.aspx>

- Click the e-Alerts link under Bidding:

[http://www.dgs.internet.state.pa.us/EAlerts\\_V2/Login.aspx](http://www.dgs.internet.state.pa.us/EAlerts_V2/Login.aspx)

- After registering, you'll be directed to the page where you can select one or more categories of materials, services and construction bidding to be informed about.
- Select the Services dropdown under Bureau of Procurement, then select the following category:

80120000-**Legal Services.** This segment includes outside counsel legal services such as advising clients regarding the law; preparing documents and legal instruments of all kinds for clients which require a familiarity with legal principles; and appearing for, preparing pleadings and other documents, and managing actions and proceedings on behalf of, clients before public tribunals. The firm or individual providing legal services must be a licensed attorney admitted to practice in Pennsylvania and before any identified tribunals. Executive agencies must receive approval from the Office of General Counsel before engaging outside counsel.



# SUPPLIER DEVELOPMENT & SUPPORT

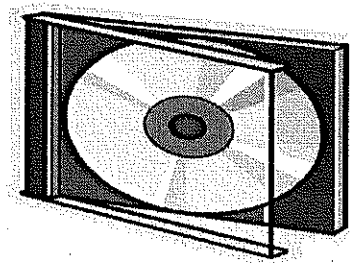
- Telephone - Toll Free: **877-435-7363**
  - Telephone - Harrisburg: **717-346-2676**
  - Web: **[www.pasupplierportal.state.pa.us](http://www.pasupplierportal.state.pa.us)**
  - e-Mail: **RA-PSC Supplier [Requests@pa.gov](mailto:Requests@pa.gov)**
- 
- **Vendor Registration Guide**
  - **Bidding Reference Guide**
  - **eAlerts**
  - **W-9 Form**

# RFP REQUIREMENTS

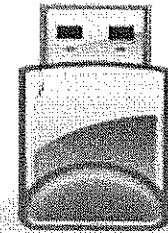
The proposal shall consist of **four** separately sealed submittals:

- **Technical Submittal**  
(6 paper copies)
- **Cost Submittal** (1 paper copy)
- **Small Diverse Business/Small Business Submittal**  
(2 paper copies); and
- **Law Firm Diversity Submittal**  
(2 paper copies)

Include CD/Flash drive of **complete and exact copy** of each entire proposal



CD



Flash Drive

**OR**

*\* If an Offeror wishes to bid in on more than one territory, they must submit a separate full proposal (technical, cost, SDB/SB & law firm diversity) for each territory and clearly label the outside of each proposal with the appropriate territory.*





# RFP REQUIREMENTS

Paper Submission Due by Thursday, May 4,  
2017 @ 4:00 pm EST (hand carried or mailed)

Department of General Services  
Office of Chief Counsel  
401 North Street  
North Office Building, Room 603  
Harrisburg, PA 17120  
ATTN: Jordan M. Kiessling

\* Late submittals will not be accepted



# TECHNICAL SUBMITTAL

## Offeror's Technical Submittal

1. **Appendix A** - Proposal Cover Sheet
2. **Appendix E** – Trade Secret Notice
3. **Appendix F** – Statement of Qualifications
4. **Appendix G** – Personnel Experience by Key Position
5. **Appendix H** – Project References

\* Please **DO NOT** include any **cost** information in your technical submittal response.

\* If you are subcontracting with a SDB or SB, you should include the firm in which you are subcontracting with, but **NOT** the percentage in which you are subcontracting out.



# COST SUBMITTAL

## Offeror's Cost Submittal

- Appendix D – Cost Submittal Form
  - \* The cost submittal shall be placed in a separate sealed envelope within the sealed proposal, separate from the technical proposal. The proposed hourly rates shall not exceed the caps set forth in the **Cost Submittal Worksheet**.

\* An Offeror must submit the appropriate cost proposal form for each territory in which it proposes to provide services.



# SDB SUBMITTAL

- Offeror's SDB Submittal
  - **Appendix I** – Small Diverse and Small Business Letter of Intent
  - **Appendix J** – Small Diverse Business & Small Business Participation Submittal



# LAW FIRM DIVERSITY SUBMITTAL

## Offeror's Law Firm Diversity Submittal

- **Appendix K** – Law Firm Diversity Submittal
- **Appendix L** – Workforce Breakdown Chart

- Any points received for the Law Firm Diversity criterion are bonus points in addition to the total points for this RFP.
- The maximum amount of bonus points available for this criterion is **10%** of the total points for this RFP.
- Each proposal will be scored for the Law Firm's commitment to diversity in both its internal and external practices.



# MANDATORY REQUIREMENTS

- Proposal must be received by the proposal due date and time (Paper Submission).
- Proposal Cover Sheet (Appendix A) must be properly signed by an authorized official that binds Offeror to the provisions contained in their proposal.
- Must obtain 70% of total available technical points to advance.



# CRITERIA FOR SELECTION

- **Technical** = 60% of the total points
  - ✓ Offeror's Qualifications
  - ✓ Proposed Personnel Qualifications
  - ✓ Soundness of Approach
- **Small Diverse and Small Business** = 20% of the total points
- **Cost** = 20% of the total points
- **Law Firm Diversity** = 10 possible bonus points



**Bureau of Diversity,  
Inclusion and Small  
Business Opportunities  
(BDISBO)**

**Audrey Smith**  
**Procurement Liaison**





# Request for Proposals (RFP): Format and Template

## **RFP Small Diverse (SDB) and Small Business(SB) Components:**

### Part I: General Information

- SDB/SB Eligibility and Program Information

### Part II: Proposal Requirements

### Part III: Criteria For Selection

### Part IV: Statement of Work

- Small Diverse And Small Business Participation Submittal
- *Contractual obligations resulting from SDB/SB Submittal*

Appendix I: Small Diverse and Small Business Letter of Intent

Appendix J: Small Diverse Business and Small Business Submittal



# What do I need to know – Part I?

Program designed to encourage participation of Small Diverse (SDB) and Small Businesses (SB) in state contracting

- A small business is a business in the United States which is independently owned, not dominant in its field of operation, employs no more than 100 full-time or full-time equivalent employees, and earns less than \$7 million in gross annual revenues for building design, \$20 million in gross annual revenues for sales and services and \$25 million in gross annual revenues for those businesses in the information technology sales or service business.
- A Small Diverse Business is a DGS-verified minority-owned business, woman-owned business, veteran-owned business, service-disabled veteran-owned business, LGBT owned or disability-owned business enterprise.



# What do I need to do – Part I?

- Consider subcontracting opportunities available for small diverse and small businesses
- Search the DGS database of SDBs and SBs and identify SDB/SB business partners for opportunities and inclusion
- Complete and submit two (2) SDB/SB Participation Submittal Forms in separately sealed envelope (1 original and 1 copy) and corresponding Letters of Intent



# How do I find SDBs and SBs?

To search all DGS-verified SDBs and DGS-certified SBs, visit the DGS website at:

<https://www.dgs.internet.state.pa.us/SBPI/AlphaResults.aspx>

# SDB/SB Participation Submittal

## SMALL DIVERSE BUSINESS (SDB) AND SMALL BUSINESS (SB) PARTICIPATION SUBMITTAL

Project: \_\_\_\_\_ (RFP NAME AND DESCRIPTION)

Offeror Firm: \_\_\_\_\_

Offeror Contact Name: \_\_\_\_\_ Email: \_\_\_\_\_

### OFFEROR INFORMATION:

Is your firm a DGS-Verified Small Diverse Business?  Yes  No (MUST check one)

Is your firm a DGS-Self-Certified Small Business?  Yes  No (MUST check one)

### SUBCONTRACTING INFORMATION:

#### Percentage Commitment for SDB and SB Subcontracting Participation

After examination of the contract documents, which are made a part hereof as if fully set forth herein, the Offeror commits to the following percentages of the total contract cost for Small Diverse Business and Small Business subcontracting participation.

#### Small Diverse Business Subcontracting percentage commitment:

\_\_\_\_\_% (Figure) \_\_\_\_\_ (Written) Percent

#### Small Business Subcontracting percentage commitment:

\_\_\_\_\_% (Figure) \_\_\_\_\_ (Written) Percent

Request for Proposal  
Department of General Services

### Listing SDB and SB Subcontractors

The proposer must list in the chart below potential SDBs and SBs that will be used to meet the percentage commitments provided above. Include the SDB/SB contact name, designation of SDB or SB, SDB/SB Primary Contact Information, and the description, service or supply the SDB/SB will provide, percent of contract value committed, dollar value of total contract value represented, and an indication as to the Proposer's intent to utilize the SDB/SB subcontractors for contract execution or materials. Include accurate paper as necessary. Offerors must also include a Letter of Intent as discussed in RFP Section II.9 for each SDB/SB listed.

SDB/SB Name	SDB or SB	Primary Contact Name & Email	Description of Services or Supplies to be provided	% of total Contract Value Committed	Estimated \$ value of Commitment	Will SDB/SB be used for contract execution? (Yes/No)

Request for Proposal  
Department of General Services

# SDB/SB Letter of Intent

## APPENDIX N

### SMALL DIVERSE AND SMALL BUSINESS] LETTER OF INTENT

[DATE]

[SDB/SB Contact Name]  
Title  
SDB/SB Company Name  
Address  
City, State, Zip]

Dear [SDB / SB Contact Name]:

This letter serves as confirmation of the intent of [Offeror] to utilize [Small Diverse Business (SDB) or Small Business (SB)] on RFP [RFP number and Title] issued by the [Commonwealth agency name].

If [Offeror] is the successful vendor, [SDB or SB] shall provide [identify the specific work, goods or services the SDB/SB will perform, and the specific timeframe during the term of the contract and any option/renewal periods when the work, goods or services will be performed or provided].

These services represent [identify fixed numerical percentage commitment] of the total cost in the [Offeror's] cost submittal for the initial term of the contract. Dependent on final negotiated contract pricing and actual contract usage or volume, it is expected that [SDB or SB] will receive an estimated [identify associated estimated dollar value that the fixed percentage commitment represents] during the initial contract term.

[SDB/SB] represents that it meets the small or small diverse business requirements set forth in the RFP and all required documentation has been provided to [Offeror] for its SDB/SB submission.

We look forward to the opportunity to serve the [Commonwealth agency name] on this project. If you have any questions concerning our small diverse business commitment, please feel free to contact me at the number below.

Sincerely,

Acknowledged,

Offeror Name  
Title  
Company  
Phone number

SDB or SB Name  
Title  
COMPANY  
Phone number



# What do I need to know – Part 11?

Raw score will be calculated by crediting commitments to SDBs at 67% of total available points and adding commitments to SBs at 33% of total available points.

SDB/SB Raw Score =

TOTAL POINTS  $(\frac{2}{3} \times \text{SDB}\% + \frac{1}{3} \times \text{SB}\% + \frac{1}{3} \times \text{SDB}\%)$

Simplified to:  $20 (\text{SDB}\% + (\text{SB}\% \times \frac{1}{3}))$

- SDBs are already qualified as a SBs, therefore SDB Proposers are eligible to receive 100% of the SDB/SB points
- Proposers who indicate subcontracting commitments to SDB/SBs will be credited in accordance with percentages proposed
- Proposer submitting the highest scoring SDB/SB Participation Submittal will receive all available points, with other Proposers' raw scores adjusted pro rata



# How is the SDB/SB Submittal Scored?

<b>Scenario</b>	
<b>Score</b>	
<u>Proposer 1:</u> SDB Prime <ul style="list-style-type: none"><li>• 100% SDB</li></ul> Score = $20 (1 + (1/3 \times 0))$	<b>20 points</b>
<u>Proposer 2:</u> SB Prime, with SDB Commitment <ul style="list-style-type: none"><li>• 100% SB; 15% SDB Commitment</li></ul> Score = $20 (.15 + (1/3 \times 1))$	<b>9.667 points</b>
<u>Proposer 3:</u> points Non-SDB/SB Prime, with SDB/SB Commitments <ul style="list-style-type: none"><li>• 15% SDB Commitment; 10% SB Commitment</li></ul> Score = $20 (.15 + (1/3 \times .10))$	<b>3.667</b>





# What do I need to know – Part V?

- Contract commitments made to SDBs/SBs become contractual obligations upon contract execution
- Selected Proposer must submit a final, executed subcontract for each SDB/SB named within 30 days of contract execution
  - SDB/SB subcontractors must perform 50% of the work subcontracted to them
  - If subcontract cannot be achieved, Selected Proposer must notify BDISBO
- Individual percent commitments cannot be altered without written approval from BDISBO
- All SDB/SB commitments must be maintained if the contract is assigned to another prime contractor.
- Selected Proposer must complete quarterly utilization reporting, tracking progress in meeting commitments
- Selected Proposer must contact BDISBO if circumstances arise that may affect the ability to comply with contract commitments



# What's new?

- Consideration for and inclusion of Small Businesses as prime contractors and subcontractors in addition to Small Diverse Businesses in scoring
- Simple, consistent template form for SDB/SB submittal supported by executed Letters of Intent
- DGS issued SDB/SB certificate not required with submittal



## Contact Information

Bureau of Diversity, Inclusion and Small Business  
Opportunities (BDISBO)

Telephone: (717) 783-3119

Audrey Smith, Procurement Liaison

E-Mail: [audresmith@pa.gov](mailto:audresmith@pa.gov)

717-346-8105




Curtis Burwell, Procurement Compliance

E-Mail: [Cburwell@pa.gov](mailto:Cburwell@pa.gov)



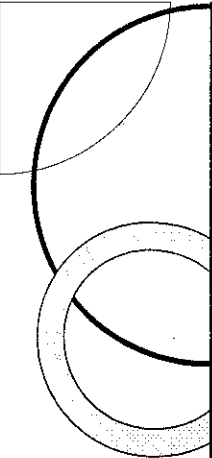
**Workers' Compensation Defense  
Counsel  
(SWIF, UEGF & SIGF)**

**RFP Number:  
OGC-2017-04**



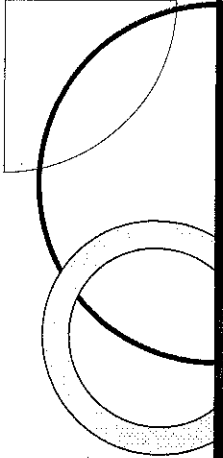
L&I administers three funds that require defense counsel to handle workers' compensation claimed filed against them:

1. State Workers' Insurance Fund (SWIF)
2. Uninsured Employers' Guarantee Fund (UEGF)
3. Self-Insurance Guarantee Fund (SIGF)



## State Workers' Insurance Fund ("SWIF")

- SWIF is a statutorily created enterprise fund that provides workers' compensation insurance coverage to Pennsylvania employers.
- SWIF insures liabilities under the Workers' Compensation Act (77 P.S. § 1 et seq.), the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. § 801 et seq.) and the Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 901 et seq.).



## Uninsured Employers' Guarantee Fund ("UEGF")

- UEGF is a statutorily created fund that is secondarily liable for the payment of benefits when an employer has failed to either secure workers' compensation insurance coverage or become an approved self-insurer. See 77 P.S. § 2702(c).



## Self-Insurance Guarantee Fund ("SIGF")

- SIGF consists of a custodial account for self-insured employers for the benefit of claims arising from defaulting individual self-insured employers and a custodial account for self-insurance pooling for the benefit of claims arising from defaulting members of pooling arrangements.
- The fund is maintained to make payments to any claimant or his dependents upon the default of the self-insurer liable pay compensation. See 77 P.S. §§1037.2, 1037.3.





## Conflicts

- Conflicts must still be managed in accordance with the Conflict Waiver Procedure in Appendix E to the Contract for Legal Services.



# Territory A

- Bucks
- Chester
- Delaware
- Montgomery
- Philadelphia



# Territory B

- Bradford
- Carbon
- Columbia
- Lackawanna
- Lehigh
- Luzerne
- Lycoming
- Monroe
- Montour
- Northampton
- Northumberland
- Pike
- Schuylkill
- Snyder
- Sullivan
- Susquehanna
- Tioga
- Union
- Wayne
- Wyoming




# Territory C

- Adams
- Berks
- Cumberland
- Dauphin
- Franklin
- Juniata
- Lancaster
- Lebanon
- Mifflin
- Perry
- York



# Territory D

- Allegheny
- Armstrong
- Beaver
- Bedford
- Blair
- Butler
- Cambria
- Cameron
- Centre
- Clarion
- Clearfield
- Clinton
- Crawford
- Elk
- Erie
- Fayette
- Forest
- Fulton
- Greene
- Huntingdon
- Indiana
- Jefferson
- Lawrence
- McKean
- Mercer
- Potter
- Somerset
- Venango
- Warren
- Washington
- Westmoreland



**HISTORICAL DATA:  
CLAIMS ASSIGNED TO  
OUTSIDE COUNSEL BY FUND**

# UEGF

<u>Year</u>	<u>Territory A</u>	<u>Territory B</u>	<u>Territory C</u>	<u>Territory D</u>
2008		1		1
2009	1			
2010	2			
2011	3		2	
2012	19	2	2	4
2013	20	5	3	8
2014	27	2	5	12
2015	42	8		7
2016	30			

# SIGF

Year	Territory A	Territory B	Territory C	Territory D
2009		1		
2010				
2011	4		1	5
2012				2
2013	21		2	5
2014				
2015	17			
2016	5			





# SWIF

<u>Year</u>	<u>Territory A</u>	<u>Territory B</u>	<u>Territory C</u>	<u>Territory D</u>
2014	422	231	80	240
2015	435	213	85	238
2016	487	177	86	217

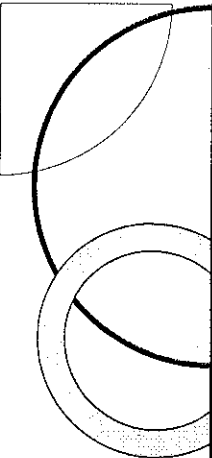
# Questions & Answers

- Review of Questions
- Additional Questions



**ALL questions must be in written form...**

**Blank question sheets are available at the Sign-In Desk.**

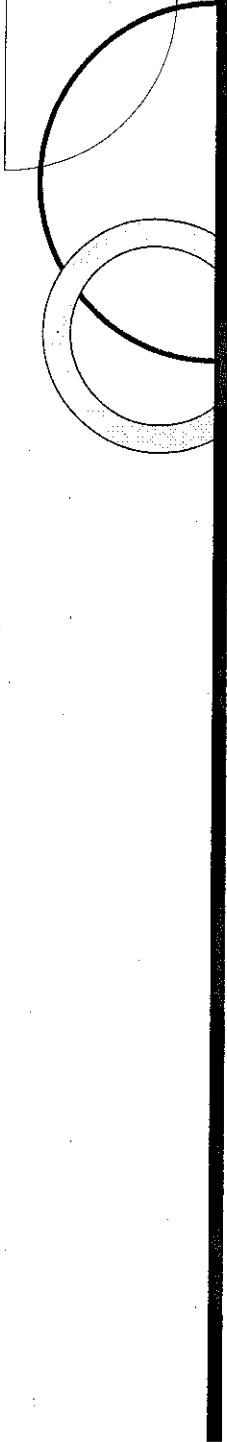


# QUESTIONS & ANSWERS

- Answers provided today are considered unofficial and not binding.
- All questions and responses will be posted as an Addendum to the solicitation and can be found at the link below:

<http://www.emarketplace.state.pa.us/Solicitations.aspx?SID=OGC-2017-04>

***\* All Commonwealth responses are not official until they are confirmed in writing and posted to the eMarketplace website as an Addendum to the solicitation.***



thank  
you!