

Pre-proposal Conference Litigation Counsel RFP OGC-2017-17

Issuing Officer: Jordan M. Kiessling

10/25/2017

3:00 p.m.



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
 - Jordan M. Kiessling, Issuing Officer
 - Curtis Burwell, Procurement Compliance Supervisor

- Governor's Office of General Counsel
 - Thomas P. Howell, Deputy General Counsel

Supplier Support

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 the text 'pennsylvania DEPARTMENT OF GENERAL SERVICES'. Below the header, there is a navigation menu with links such as 'Home', 'About Business with the Commonwealth', 'Procurement', 'Suppliers', 'Agencies', and 'Costars'. The main content area features a large banner for 'PA e-Marketplace' with the text 'PA e-Marketplace is a one-stop portal for suppliers to view, bidding and submit proposals, and for agencies to view, manage and award procurements.' Below this banner, there are three columns: 'SUPPLIERS HOW TO?', 'AGENCIES HOW TO?', and 'COSTARS HOW TO?'. The 'SUPPLIERS HOW TO?' column includes links for 'Register to do business with the Commonwealth of Pennsylvania?', 'Find State Contract Opportunities (XEROX PA-W-03 State Drive Purchases)', 'PA e-Marketplace', and 'Sign up for Bulletin of Procurement Notices'. The 'AGENCIES HOW TO?' column includes links for 'Request a Proposal?', 'Search for Contracts', and 'Access the Procurement Handbook?'. The 'COSTARS HOW TO?' column includes links for 'Register on Compendex to become a COSIARS member?' and 'Purchase as a COSIARS member?'. On the right side of the page, there is a 'CONTACT INFO' section for Edward G. Bejrell, Governor, and Jeffrey J. Mandel, Chief Procurement Officer, along with a 'QUICK LINKS' section.



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

- 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

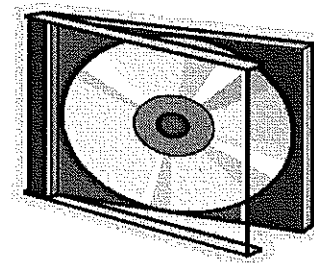
- Telephone - Toll Free: **877-435-7363**
 - Telephone - Harrisburg: **717-346-2676**
 - Web: **www.pasupplierportal.state.pa.us**
 - e-Mail: **RA-PSC Supplier Requests@pa.gov**
-
- **Vendor Registration Guide**
 - **Bidding Reference Guide**
 - **eAlerts**
 - **W-9 Form**

RFP Requirements

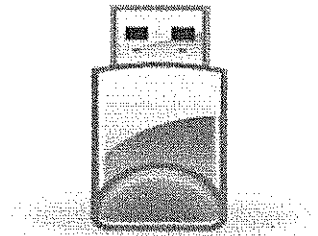
The proposal shall consist of **four** separately sealed submittals:

- **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

O
R



RFP Requirements

Paper Submission Due by Friday, November 3,
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 C** – Trade Secret Notice
3. **Appendix D** – Statement of Qualifications
4. **Appendix E** – Personnel Experience
5. **Appendix F** – 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 B – Cost Submittal Form**
- * **The cost submittal is used for evaluative purposes only. Offerors should fill out the cost matrix distributing 1000 hours among the proposed staffing positions consistent with the Firm's technical response.**

* Law Firms should be advised that based on the formula used, a cost submittal that is more than double the lowest responsible bidder, risks receiving zero (0) points for cost.



SDB/SB Submittal

Offeror's SDB/SB Submittal

- **Appendix G** – Small Diverse Business Letter of Intent
- **Appendix H** – Small Diverse Business & Small Business Participation Submittal



Law Firm Diversity Submittal

Offeror's Law Firm Diversity Submittal

- **Appendix I** – Law Firm Diversity Submittal
- **Appendix J** – 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** = 600 total points available
 - ✓ Understanding the Problem
 - ✓ Contractor Prior Experience
 - ✓ Personnel & Qualifications
 - ✓ Soundness of Approach
- **Small Diverse Business/Small Business** = 200 total points available
- **Cost** = 200 total points available
- **Law Firm Diversity** = 10% of total available points (up to 100 points)



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

**Curtis Burwell
Procurement Compliance
Supervisor**



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

- Small Diverse and Small Business Participation Submittal

Part III: Criteria For Selection

- SDB/SB Evaluation Criteria

Part IV: Statement of Work

- Contractual obligations resulting from SDB/SB Submittal

Appendix G: Small Diverse and Small Business Letter of Intent

Appendix H: Small Diverse Business and Small Business Participation Submittal Form



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 II?

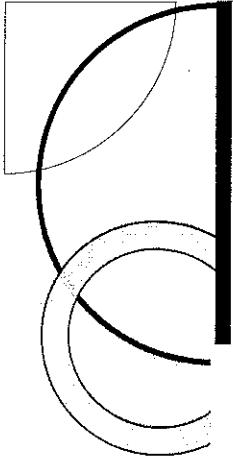
- Consider subcontracting opportunities available for small diverse and small businesses
- Search the DGS database of SDBs and SBs and identify SDB/SB business partners for opportunities and inclusion
- Complete and submit with your proposal two (2) paper copies of the following:
 - SDB/SB Participation Submittal Form
 - Small Diverse Business Letter 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

APPENDIX D
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 certifies to the following percentages of the total contract cost for Small Diverse Business and Small Business subcontracting participation:

Small Diverse Business Subcontracting percentage commitment:

_____ % _____ Percent
 (Floor) (Ceiling)

Small Business Subcontracting percentage commitment:

_____ % _____ Percent
 (Floor) (Ceiling)

Listing SDB and SB Subcontractors

The Offeror must list in the chart below the SDBs and SBs that will be used to meet the percentage commitments provided above. Include the SDB/SB firm name, SDB or SB designation, SDB/SB Primary Contact Information, a description of the service or supplies the SDB/SB will provide, fixed percent of total contract cost committed, estimated dollar value of each commitment, and an indication as to the Offeror's intent to utilize the SDB/SB subcontractor for contract options or renewals. Include as many pages as necessary. Offerors must also include a Letter of Intent as indicated in RFP Part V, Section V-2 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 Cost Committed	Estimated \$ value of Commitment	Will SDB/SB be used for options/renewals? (yes/no)



SDB/SB Letter of Intent

[APPENDIX E 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] during the initial term of the prime contract and during any extensions, options or renewal periods of the prime contract exercised by the Commonwealth, as more specifically set forth below: [identify the specific time periods during the initial contract term and any extensions, options and renewals when the component work, goods or services will be provided or performed.]

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 business or 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 III?

Raw score will be calculated by crediting commitments to SDBs and SBs in accordance with percentages proposed.

$$\text{SDB/SB Raw Score} = 200 (\text{SDB}\% + (\text{SB}\% \times 1/3))$$

- SDBs are already qualified as a SBs, therefore SDB Proposers are eligible to receive 100% of the SDB/SB points
- 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?

Scenario	Score
<u>Proposer 1:</u> SDB Prime • 100% SDB Score = $200(1 + (1/3 \times 0))$	200 points
<u>Proposer 2:</u> SB Prime, with SDB Commitment • 100% SB; 15% SDB Commitment Score = $200(.15 + (1/3 \times 1))$	96.67 points
<u>Proposer 3:</u> Non-SDB/SB Prime, with SDB/SB Commitments • 15% SDB Commitment; 10% SB Commitment • Score = $200(.15 + (1/3 \times .10))$	36.67 points



What do I need to know – Part IV?

- 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

717-346-8105



Curtis Burwell, Procurement Compliance

E-Mail: Cburwell@pa.gov

717-787-4834



Litigation Counsel (OGC)

Thomas P. Howell
Deputy General Counsel

Questions & Answers

- Review of Questions
- Additional Questions

ALL questions must be in written form...



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

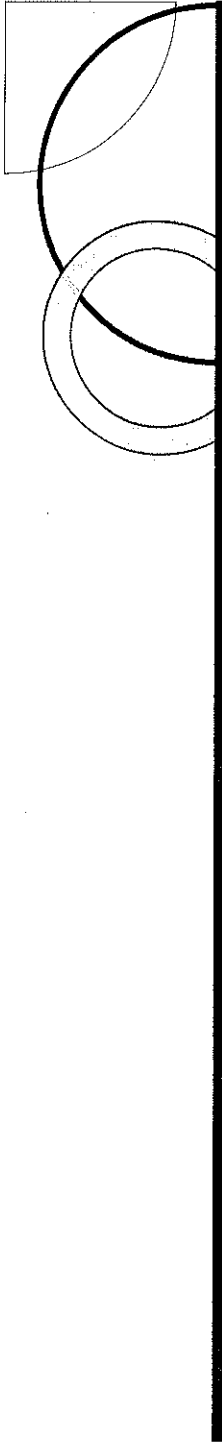


Questions & Answers

- 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-2017-17>

**** 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!