

Award Justification Statement
Solicitation #GN27-1
Legal Services to Assist the Office of the Attorney General with
PBM Opioid Litigation

Results

The evaluation committee has determined that the response submitted by Baron & Budd, P.C. was a responsive and responsible proposal and Baron & Budd, P.C. received a contract award.

Evaluation Process

Proposals were evaluated in accordance with the Utah Procurement Code by an Evaluation Committee comprised of representatives from the State. A representative of the Office of the Attorney General (OAG) received guidance from State Purchasing for this procurement. The OAG representative attended the evaluation committee meetings to assist and ensure that the processes outlined in the Procurement Code were followed but was not a voting member of the evaluation committee. A request for proposal ("RFP") was conducted under Part 7 of the Utah Code 63G-6a and in accordance with R105-1, Attorney General's Selection of Outside Counsel, Expert Witnesses and Other Litigation. This RFP received four (4) submissions.

Stage 1: Initial Review/Mandatory Minimum Requirements

The Mandatory Minimum consisted of five criteria.

1. Offeror must certify it meets the experience and requirements of the Litigation Team.
2. Offeror must certify that no members of the Litigation Team to whom a matter is assigned or the law firm that employs them have, or appear to have, any conflict of interest in providing the assigned Legal Services.
3. Offeror must certify they have or will commit to acquiring legal malpractice insurance coverage in an amount not less than \$5,000,000 per incident, which covers all attorneys and paralegals from that firm who are part of the Litigation Team.
4. Offeror must certify it will complete a background check.
5. Offeror must certify that they are not presently debarred, suspended, proposed for debarment or ineligible for contracting by a governmental entity.

Following the evaluation of Stage 1 Initial Review/Mandatory Minimum Requirements, all four offerors advanced to Stage 2 Written Technical Proposal Evaluation.

Stage 2: Initial Technical Proposal Review

Scoreable Technical Criteria - Stage 2		Evaluator Score (0-5)	Possible Score
A	Qualifications of Lead Counsel and Senior Attorneys, including intellectual and interpersonal skills.		5.00
B	Quality and capabilities of the firm(s) and other members of the Litigation Team.		5.00
C	Vision and strategy in pursuing the PBM Opioid Litigation.		5.00
D	Financial capability to pursue and complete large, complex litigation.		5.00
			5.00

Offerors that achieved a combined technical score on an average of 4 or more points proceeded to Stage 3: Presentation Interviews. For Stage 2 Written Technical Proposal evaluation, the final average scores submitted by the evaluation committee for each technical criteria category are provided in *Attachment A*. Following Stage 2, all four offerors passed the technical scoring threshold and advanced to Stage 3: Presentation Interviews.

Stage 3: Presentation Interviews

The evaluation committee conducted 90-minute-long interviews. During this time offerors addressed mandatory minimum qualifications, the score criteria, and any other matters the offeror chooses, as discussed on pages 20 and 21 of the RFP.

Stage 4: Final Technical Proposal Evaluation

Stage 4: Final Technical Proposal evaluation		Evaluator Score (0-5)	Criteria Weight	% of Tech Criteria	Points Possible	Points Earned
A	Qualifications of Lead Counsel and Senior Attorneys, including intellectual and interpersonal skills.		40		200.00	0.00
B	Quality and capabilities of the firm(s) and other members of the Litigation Team.		35		175.00	0.00
C	Vision and strategy in pursuing the PBM Opioid Litigation.		40		200.00	0.00
D	Financial capability to pursue and complete large, complex litigation.		25		125.00	0.00
				0.0%	700.00	0.00

As stated in the RFP, offerors that were interviewed were re-evaluated by the Evaluation Committee after all presentation interviews were conducted. The offerors that achieved a minimum score threshold of 500 points of the total 700 possible points proceeded to Stage 5: Cost Proposal Evaluation. Following Stage 4, two (2) offerors advanced to Stage 5.

Stage 5: Cost Proposal Evaluation

Offerors with a Technical Score of at least 500 advanced to the Cost Proposal Evaluation, which was worth a maximum of 300 points. Offerors received a portion of the total cost points based on how their proposed fee compared to a calculated baseline fee. This Baseline Contingent Fee Percentage was established as either the lowest proposed fee or 75% of the median proposed fee among all qualified offerors, whichever was greater. The formula used to compute cost points was: $300 \times (\text{Baseline Contingent Fee \%} / \text{Proposed Maximum Contingent Fee \%})$. Only one offeror received 300 Points.

Conclusion

This RFP was conducted as a single award as stated in Section 1.9 of the RFP. The offeror with the highest total score was evaluated to determine best value to the OAG, as stated in Section 5.2 (Determination of Best Value) of the RFP, and the contract has been awarded and should be executed in accordance with Section 5.3 (Award of Contract).

For total points Baron & Budd, P.C. received 948.00. Based on the award methodology and total points, the evaluation committee determined Baron & Budd, P.C. proposal offered the best value to the State and therefore Baron & Budd, P.C. received a contract award.

GN27-1 Legal Services to assist with PBM OPIOID LITIGATION
Scoresheet Summary

	Minimum Mandatory Requirements	B&B	Vendor B	Vendor C	Vendor D
1	Offeror must certify it meets the experience and requirements of the Litigation Team.	Pass	Pass	Pass	Pass
2	Offeror must certify that no members of the Litigation Team to whom a matter is assigned or the law firm that employs them have, or appear to have, any conflict of interest in providing the assigned Legal Services.	Pass	Pass	Pass	Pass
3	Offeror must certify they have or will commit to acquiring legal malpractice insurance coverage in an amount not less than \$5,000,000 per incident, which covers all attorneys and paralegals from that firm who are part of the Litigation Team.	Pass	Pass	Pass	Pass
4	Offeror must certify it will complete a background check.	Pass	Pass	Pass	Pass
5	Offeror must certify that they are not presently debarred, suspended, proposed for debarment or ineligible for contracting by a governmental entity.	Pass	Pass	Pass	Pass

Weight	Stage 2 Technical Scores	B&B	Vendor B	Vendor C	Vendor D
	Criteria #A - Qualifications of Lead Counsel and Senior Attorneys, including intellectual and interpersonal skills.				
	Criteria #A - Total Average Score (Total Possible Points = 5)	4.40	4.60	4.20	4.20
	Criteria #B - Quality and capabilities of the firm(s) and other members of the Litigation Team.				
	Criteria #B - Total Average Score (Total Possible Points = 5)	4.20	4.40	4.20	3.80
	Criteria #C - Vision and strategy in pursuing the PBM Opioid Litigation.				
	Criteria #C - Total Average Score (Total Possible Points = 5)	4.00	4.20	4.60	3.00
	Criteria #D - Financial capability to pursue and complete large, complex litigation.				
	Criteria #D - Total Average Score (Total Possible Points = 5)	4.00	4.40	4.00	4.20
	Average Total Technical Scores	3.32	3.52	3.40	3.04
Weight	Stage 4 - Post Interview Scores	B&B	Vendor B	Vendor C	Vendor D
	Criteria #A - Qualifications of Lead Counsel and Senior Attorneys, including intellectual and interpersonal skills.				
	Total Average Score	5.00	3.20	3.80	2.00
40.0	Criteria #A - Total Points (Total Possible Points = 200)	200.00	128.00	152.00	80.00
	Criteria #B - Quality and capabilities of the firm(s) and other members of the Litigation Team.				
	Total Average Score	4.60	2.00	3.40	2.20
35.0	Criteria #B - Total Points (Total Possible Points = 175)	161.00	70.00	119.00	77.00
	Criteria #C - Vision and strategy in pursuing the PBM Opioid Litigation.				
	Total Average Score	4.80	1.80	4.00	1.00
40.0	Criteria #C - Total Points (Total Possible Points = 200)	192.00	72.00	160.00	40.00
	Criteria #D - Financial capability to pursue and complete large, complex litigation.				
	Total Average Score	5.00	3.20	4.60	3.80
25.0	Criteria #D - Total Points (Total Possible Points = 125)	125.00	80.00	115.00	95.00
	Total Technical Points (Total Possible Points = 700) Minimum Threshold = 500	678.00	350.00	546.00	292.00
Total Cost Points	Cost Scores	B&B	Vendor B	Vendor C	Vendor D
	Proposed Contingent Fee %	100%		90%	
300.0	Cost Points	270.00		300.00	
	Score Summary	B&B	Vendor B	Vendor C	Vendor D
	Total Technical Points (Total Possible = 700)	678.00	350.00	546.00	292.00
	Total Cost Points (Total Possible = 300)	270.00	0.00	300.00	0.00
	Grand Total Points (Total Possible = 1000)	948.00	350.00	846.00	292.00