

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

1. **Authorization**ⁱ

- D.C. Code § 34-801
- D.C. Code § 34-804
- 15 D.C.M.R. § 3700

2. **Minimum Need**

The Office of the People’s Counsel for the District of Columbia (“OPC” or “Office”) requests the services of Duncan & Allen, LLP in providing professional legal counsel and advisement to the Agency throughout the remainder of Fiscal Year 2021 on a variety of utility-related matters pending before the Council of the District of Columbia and the Public Service Commission of the District of Columbia.

3. **Estimated Fair and Reasonable Price**

The total contract (“not –to-exceed”) price is \$10,000.

4. **Facts That Justify a Sole Source Procurement**

- A. The Office of the People’s Counsel (“OPC” or “Office”) is an independent agency of the District of Columbia Government. By law, it is the advocate for consumers of natural gas, electric and landline telephone services in the District. District of Columbia law designates the Office as a party to all utility-related proceedings before the District of Columbia Public Service Commission (“PSC” or “DC PSC” or “Commission”). The Office also represents the interests of District ratepayers before federal regulatory agencies. The Office is authorized to investigate the operation and valuation of utility companies independently of any pending proceedings.
- B. The Office of the People’s Counsel already has an established contract in place with Duncan & Allen, LLP to retain their legal services and expertise in representing the Office’s interests in all utility-related matters. At this time, OPC believes that a contract amendment is needed to secure further funding for the purposes of retaining their legal counsel and services to advise the Office on upcoming Federal funding opportunities recently created under the Biden Administration’s ambitious new program designed to fight climate change. Additionally, this Federal initiative will create opportunities for potential funding reallocation. OPC anticipates that this initiative will include significant funding opportunities that could directly benefit District ratepayers of gas, electric and water utilities, but will require District Government agencies, quasi-governmental entities,

and regulated utilities poised to develop programs and proposals so as to proactively take advantage of these funding opportunities.

- C. Duncan & Allen, LLP provides legal services—largely in representing the needs of state consumer advocates, municipally owned and cooperatively owned electric utilities, and other regulatory and public entities. The attorneys at Duncan & Allen, LLP are experienced and familiar in addressing the concerns of the Office based on a longstanding relationship assisting the Office in such matters which makes them uniquely qualified based on their experience and understanding of the tasks at hand.
- D. Given Duncan & Allen, LLP’s expertise in overseeing the legal interests of the Office and derivatively that of District utility ratepayers; and given their longstanding working relationship with the Office in providing expert legal services, they’re uniquely and exclusively qualified to handle any issue that would and/or could potentially arise that would require prompt legal action and review. Based on the nature and complexity of the issues at hand, and based on the familiarity of the tasks to be performed with the timeframe required; OPC believes it is justified in awarding a sole source contract to Duncan & Allen, LLP to further retain their legal services.
- E. It is for the reasons outlined herein that it is recommended that a sole source contract be awarded to Duncan & Allen, LLP.

5. **Certification by the Contracting Officer**

I hereby certify that the above facts are accurate and complete.

Christopher K. Sellers
Contracting Officer

Date

DETERMINATION

Based on the above findings and in accordance with the District of Columbia procurement regulations: *DC Law: 34-804*; *DC Law: 34-801*; and *15 D.C.M.R. §3700*, I hereby determine that the award of a sole source contract for the services described herein is in the best interest of the Office of the People’s Counsel.

Eric Scott, Esq.
Chief Operating Officer

Date

ⁱ Procurement authority is vested in the Commission pursuant to § 13(c) (2) of the Residential Real Property Seller Disclosure, Funeral Services Date Charge, and Public Service Commission Independent Procurement Authority Act of 1998 (D.C. Law 12-263). The Commission is statutorily exempt from the D.C. procurement rules as set forth in D.C. Official Code § 1-1181 et seq.

D.C. Code § 34-804, hereby established within the Public Service Commission of the District of Columbia, as established by D.C. Code § 34-801, as Office to be known as the “Office of the People’s Counsel.” The Office shall be a party, as of right, in any investigation, valuation, revaluation, or proceeding of any nature by the Public Service Commission of or concerning a public utility operating in the District of Columbia.

15 D.C.M.R. § 3700: Public Utilities and Cable Television – Public Service Commission Rules of Practice and Procedure.