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 requests the services of GDS Associates, Inc. ("GDS")

3. **Estimated Fair and Reasonable Price:**

$20,000

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 telephone services in the District. District of Columbia law designates the Office as a party to all utility-related proceedings before the Public Service 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.

Following the Derecho storm on June 29th that left thousands of District residents without power for more than 5 days, the Mayor signed an Executive Order creating the District of Columbia Power Line Undergrounding Task Force ("Undergrounding Task Force"). The purpose of the task force is to advise the Mayor on the general causes of storm related power outages in the District, actions that may be taken to reduce future storm related outages and the undergrounding of power lines. The Office has been named as one of the members of this task force.

The Undergrounding Task Force will deal with a range of issues all relating to electric reliability. Over the past ten years, the Office has actively participated in a number of proceedings before the District of Columbia Public Service Commission ("Commission") dealing with the issue of electric reliability.

In a number of these reliability proceedings before the Commission, the Office has worked with two vendors, GDS Associates, Inc. ("GDS") out of Marietta, Georgia and the Washington, D.C. law firm of Miller, Balis & O'Neil ("MBO").

GDS personnel have over twenty-five years of consulting experience specializing in the planning, designing and construction of electric distribution systems. Specifically, Mr. Kevin J. Mara is a registered engineer in 14 states and has provided OPC technical assistance on behalf of OPC in Formal Case Nos. 766, 982, 991, 1002, 1056, 1076 and 1087.

GDS is very familiar with the comprehensive report conducted by James Lee Witt Associates in 2004 that analyzed Pepco's restoration efforts after Hurricane Isabel knocked out power to thousands of District residents on September 18, 2004. The Witt Report contains a number of findings and recommendations as to how Pepco can improve its restoration efforts that will be germane to the Undergrounding Task Force.

B. Given their familiarity with the facts and circumstances involved with the issue of electric reliability, specifically, Pepco's storm restoration efforts, GDS is uniquely qualified to assist the Office of the People's Counsel to identify and analyze electric reliability issues and present strategies to the Undergrounding Task Force all towards the goal of improving electric reliability and quality of service in the District of Columbia.

C. It is for the reasons outlined herein that it is recommended that a sole source contract be awarded to GDS.

5. **Certification by the Contracting Officer:**

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

_____ _____

Frank G. Scott, Jr. Date
Contracting Officer

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 DCMR §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.

_____ _____

Sandra Mattavous-Frye Date
People's Counsel

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 DCMR §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.

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[i] Procurement authority is vested in the Commission pursuant to § 13 (c) (2) of the Residential Real Property Seller Disclosure, Funeral Services Date Change, 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, has established by D.C. Code § 34-801, an 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