**DETERMINATION AND FINDINGS**

**FOR**

**SOLE SOURCE PROCUREMENT’s** **FIRST CONTRACT AMENDMENT**

1. **Authorizationi**

* D.C. Code § 34-801
* D.C. Code § 34-804
* D.C. Code § 34-805
* D.C. Code § 34-2202.05a

2. **Minimum Need**

The Office of the People’s Counsel for the District of Columbia (“OPC” or “Office”) exclusively requests the renewed services of Spiegel & McDiarmid, LLP for the purposes of DC Water oral argument in Office of the People’s Counsel for the District of Columbia v. D.C. Water & Sewer Authority, D.C. Court of Appeals Case Nos. 22-AA-449, 22-AA-450 & 22-AA-469.

3. **Estimated Fair and Reasonable Price-** **First Contract Amendment**

The total contract (“not –to-exceed”) of $55,000.

4. **Facts That Justify Amendment to First Contract**

1. The Office of the People’s Counsel is an independent agency of the District of Columbia Government. By law, it is the advocate for consumers of natural gas, electric, water 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.
2. Spiegel & McDiarmid, LLP., will: represent the OPC at oral argument at the D.C. Courts of Appeal.
3. This amendment is preparation for oral argument, including conducting one or more moot court sessions with the Office along with internal moot courts here at the firm in Office of the People’s Counsel for the District of Columbia v. D.C. Water & Sewer Authority, D.C. Court of Appeals Case Nos. 22-AA- 449, 22-AA-450 & 22-AA-469.
4. It is for the reasons outlined herein that it is recommended that a sole source contract be exclusively awarded to Spiegel & McDiarmid, LLP.
5. Spiegel & McDiarmid, LLP has extensive experience addressing the interests of the Office of the People’s Counsel at the local and federal level. Spiegel & McDiarmid, LLP., has successfully represented OPC in litigating, writing briefs and reply briefs in utility related matters. Given the matters at issue, the outcome may have an impact on the extent to which the Office is able to defend the interests of District consumers. Based on the nature of this proceeding as well as the scope and complexity of the issues at hand and considering the timeframe for which services are needed, the Office feels it is more than justified in awarding a sole source contract to the legal consultant currently under contract. It is the Office’s belief that Spiegel & McDiarmid, LLP is uniquely qualified and positioned to be awarded a sole source contract as it is imperative that OPC retain their services for quality assurance purposes and successfully represent OPC in this legal proceeding.

5. **Certification by the Contracting Officer**

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

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Cherry Belle 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*; *D.C. Code § 34-805 and D.C. Code § 34-2202.05a.*  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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Naunihal Gumer Date

Director, Regulatory Finance