

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

1. **Authorization**¹

- 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 Saxton & Stump, LLC in providing professional legal support to the Office to inform and advise on lead line replacements and a comparison of applicable costs with the District of Columbia Water and Sewage Authority as it relates to DC Water’s customer base.

3. **Estimated Fair and Reasonable Price**

The total contract (“not –to-exceed”) price is \$39,250.

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. At this time, OPC believes that a contract is needed to secure further funding for the purposes of retaining their legal counsel and services. The Office needs further assistance in pursuing avenues for legal recourse in achieving legislative and regulatory change that would offer greater oversight for OPC in its advocacy efforts of District ratepayers of water utility services.
- C. Saxton & Stump, LLC provides legal services—largely to the Office in attempting to advance opportunities to enhance the Agency’s representation and oversight over DC Water. Greater oversight over DC Water would result in augmented influence over the utility company to mandate improvements of their existing obligations, reporting requirements, and would encourage overall greater transparency and accountability to its

customer base in the District of Columbia. In order to achieve this, necessary regulatory and legislative changes would need to occur to bring about change of DC Water's current processes and practices that exist within their current business model. The attorneys at Saxton & Stump, LLC, are experienced and familiar in addressing the concerns of the Office based on a longstanding relationship assisting the Office in such matters which especially makes them uniquely qualified based on their experience and understanding of the tasks at hand.

- D. Given Saxton & Stump, LLC's expertise in overseeing the legal interests of the Office and derivatively that of District water 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 Saxton & Stump, LLC 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 Saxton & Stump, LLC.

5. **Certification by the Contracting Officer**

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

Cherry Belle
Administration 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.

Michael Smalls
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.