**DETERMINATION AND FINDINGS**

**FOR**

**SOLE SOURCE PROCUREMENT**

1. **Authorizationi**

* 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”) exclusively requests the renewed services of Spiegel & McDiarmid, LLP to assist the Office in opposing the District of Columbia Public Commission’s decision in Order No. 21582 (issued March 14, 2023), in Formal Case no. 1169, not to hold an evidentiary hearing and to instead proceed with a “legislative-style hearing.”.

3. **Estimated Fair and Reasonable Price**

The total contract (“not –to-exceed”) price is $35,000.

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

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: (1) draft a motion seeking reconsideration or clarification of the Order, and may also advise the Office (and possibly assist in the preparation of) an “offer of proof” with respect to the matters at issue. Completing this assignment will require a review of the current state of the record, legal research concerning the scope of the Commission’s authority to dispense with an evidentiary hearing in a rate case, drafting both a motion and possibly a reply to whatever response is submitted by Washington Gas, and (potentially) assistance in the preparation of an offer of proof.
3. Spiegel & McDiarmid, LLP has extensive experience addressing the interests of the Office of the People’s Counsel at the Federal level.  Spiegel & McDiarmid, LLP., has successfully represented OPC in litigating, writing briefs and reply briefs in utility-related issues. 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 natural gas 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.

1. It is for the reasons outlined herein that it is recommended that a sole source contract be exclusively awarded to Spiegel & McDiarmid, LLP.

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;* 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.

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Naunihal Gumer Date

Director, Regulatory Finance