

**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 Spiegel & McDiarmid, who have experience in legal consulting services in the area of public utility in Federal Energy Regulatory Commission (FERC) proceedings seeking modifications to the rules governing the conduct of PJM’s Base Residual Auctions (BRA) for capacity.

3. **Estimated Fair and Reasonable Price**

The total contract not-to-exceed price is **\$40,000**.

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

- A. The Office of the People’s Counsel for the District of Columbia 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.
- B. Spiegel & McDiarmid will respond in opposition to the “Stipulation/Joint Motion to Dismiss” in the PA Governor’s complaint against PJM (Docket No. EL25-46), along with respond in opposition to PJM’s February 24 “answer to Complainant’s motion for leave to answer” and renewed request that FERC dismiss the complaint, filed in the JCA complaint docket, No. EL25-18 and respond in opposition to PJM’s FPA section 205 “price collar” filing in Docket No. ER25-1357.

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

5. **Certification by the Contracting Officer**

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

Naunihal Singh Gumer
Agency Administrator

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 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.

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.