

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

1. **Authorization**¹

- D.C. Code, 2001 Ed. §§ 34-804
- D.C. Code, 2001 Ed. §§ 34-912

2. **Minimum Need**

The Office of the People's Counsel requests the services of Spiegel & McDiarmid LLP for tasks listed below.

3. **Estimated Fair and Reasonable Price**

The total contract not-to-exceed price is \$15,000. The details of the tasks performed for this contract price are presented below.

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.

Spiegel & McDiarmid LLP will provide legal advice and recommendations to the People's Counsel and assist the Litigation Services Division on a variety of utility related matters, including:

- Assistance in responding to inquiries from the District Council and other critical stakeholders, which require prompt response
- Review the Public Service Commission Order approving Exelon/Pepco merger.

- B. Given Spiegel & McDiarmid LLP's expertise in matters, they are uniquely qualified to assist the Office of the People's Counsel with identifying and analyzing wholesale market and transmission planning issues and present strategies to help achieve just and reasonable electric rates for retail electric customers 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 Spiegel & McDiarmid LLP.

5. **Certification by the Contracting Officer**

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

Frank G. Scott, Jr.
Contracting 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 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
People’s Counsel

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.