

**DETERMINATION AND FINDINGS  
FOR  
SOLE SOURCE PROCUREMENT**

1. **Authorization**<sup>1</sup>

- DC Code § 34-801
- DC Code § 34-804
- 15 DCMR § 3700

2. **Minimum Need**

The Office of the People’s Counsel requests the legal services of Alexander and Cleaver  
11414 Livingston Road, Fort Washington, MD 20744

3. **Estimated Fair and Reasonable Price**

**\$7,500 for FY 2014**

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

- A. The District of Columbia Office of the People’s Counsel (“DC 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 District of Columbia Public Service Commission (“DC PSC”). 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.

Alexander and Cleaver conduct the following tasks

- (1) Alexander and Cleaver shall provide legal consulting and advisory services to The Grid 2.0 Working Group and the Washington, D.C. Chapter of the Sierra Club (collectively, "Sierra Group") to support Client's intervention in the formal

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<sup>1</sup> 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.

DC 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 DCMR § 3700: Public Utilities and Cable Television – Public Service Commission Rules of Practice and Procedure.

application of Potomac Electric Power Company ("PEPCO") to increase its rates before the District of Columbia Public Service Commission ("DC PSC"), styled Formal Case 1103, with the case caption "Application for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Service and Supporting Testimony and Exhibits" to the Sierra Group as agreed between the Sierra Club and Alexander and Cleaver.

- B. Alexander and Cleaver firm is well qualified to provide assistance to DC-OPC because it has:
- i) extensive experience in the field of electricity regulations.
  - (ii) it has an agreement with the Grid 2.0 Working Group and the Washington, D.C. Chapter of the Sierra Club.
- C. It is for the reasons outlined herein that it is recommended that a sole source contract be awarded to Alexander and Cleaver.

5. **Certification by the Contracting Officer**

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

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Frank G. Scott, Jr.  
Contracting Officer

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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 District of Columbia Office of the People's Counsel.

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Sandra Mattavous-Frye  
People's Counsel

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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.