

**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”) requests the services of Applied Economics Clinic for the purpose of providing expert technical assistance to consult OPC on GD-2019-04-M, *In the Matter of the 2019 Clean Energy DC Omnibus Act Compliance Requirements*.

3. **Estimated Fair and Reasonable Price**

The total contract (“not –to-exceed”) price is \$15,000.

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

- A. 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.
- B. The Office of the People’s Counsel already had an established executed contract in place with Applied Economic Clinic in the previous fiscal year for the purposes of securing their services in providing OPC with expert technical assistance and advice specific to GD-2019-04-M. At this time, OPC believes that additional funding is necessitated to facilitate Applied Economics Clinic’s continued involvement and participation in working groups established specifically for this proceeding. At this time, the Office needs to execute a contract to secure the services of Applied Economics Clinic and further establish funding for them at the onset of this new fiscal year. Due to the complexity of these on-going issues overlapping fiscal years and because Applied Economics Clinic is already apprised of the tasks at hand and has been heavily involved in the stakeholder process, OPC feels confident that sole source procurement is necessary to ensure adequate technical services remain consistent in overseeing the interests of DC ratepayers in this public docketed proceeding before the DC PSC.

C. Applied Economics Clinic has been working closely with OPC and has familiarized itself with the tasks at hand currently within GD-2019-04-M. They have provided extensive research and analysis in helping shape OPC's position in the working group subjects based on their extensive review of relevant approaches and frameworks from other jurisdictions and the District. Their continued assistance is imperative to ensuring OPC's position and participation remains consistent. In particular, Applied Economics Clinic's contract with OPC needs to be established so as to finalize and/or accomplish the following:

- Review of underlying measurements/metrics;
- Develop OPC's position on measurements/metrics;
- Participate in working group meetings on underlying measurements/metrics;
- Review of the benefit-cost analysis ("BCA") frameworks;
- Develop OPC's position on the established BCA Framework;
- Participate in working group meetings regarding the BCA Framework;
- Create a list of topics for discussion at working groups;
- Review of the utility greenhouse gas ("GHG") reporting requirements;
- Develop OPC's position on the utility GHG reporting requirements;
- Review of the working group positions on utility GHG reporting requirements; and
- Report to DC PSC on utility GHG reporting requirements

D. Applied Economics Clinic has extensive experience assisting OPC in offering technical services and support regarding the analysis of climate and equity issues associated with GD-2019-04-M. In addition, due to time constraints related directly to the established working groups schedule in the aforementioned proceeding, OPC cannot afford to retain and/or compete the services that Applied Economics Clinic is already currently providing. Based on the nature and complexity of the issues at hand and based on the familiarity of the tasks to be performed within the timeframe required, OPC believes it is justified in awarding a sole source contract to Applied Economics Clinic.

E. It is for the reasons outlined herein that it is recommended that a sole source contract be awarded to Applied Economics Clinic.

5. **Certification by the Contracting Officer**

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

Christopher K. Sellers
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 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.

Eric B. Scott, Esq.
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.