

**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 Acadian Consulting Group, LLC for tasks listed below.

3. **Estimated Fair and Reasonable Price**

The original contract was executed on April 17, 2017, in the amount \$126,458. A contract amendment was executed on February 21, 2018 in the amount of \$13,000, raising the total contract ceiling to \$139,458. This second contract amendment is not-to-exceed \$5,000, creating a total contract ceiling of \$144,458. The details of the tasks performed for this contract amendment 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.

Acadian Consulting Group, LLC 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:

- Provided expert witness testimony on short notice in Formal Case No. 1142 "In the Matter of the Merger of AltaGas LTD. and WGL Holdings," held before the District of Columbia Public Service Commission.

Specific topic areas that Acadian Consulting Group, LLC will cover on behalf of OPC will include:

- B. David Dismukes, a primary contractor of Acadian Consulting Group, LLC, specifically assisted the Office by providing expert witness testimony with respect to, the proposed merger of AltaGas LTD. and WGL Holdings. This contract amendment is intended to adequately compensate Acadian Consulting Group, LLC for their last-minute travel expenses they incurred, in accommodating the

appearance of Mr. Dismukes so as to provide witness testimony on behalf of the OPC before the Public Service Commission.

- C. Given Acadian Consulting Group, LLC's expertise in these matters and based on the exemplary work they have already done under contract within this proceeding; specifically, in reviewing the unanimous settlement agreement and providing testimony relating to its direct customer benefits, public interest benefits and reliability benefits; they are exclusively qualified in assisting the Office of the People's Counsel. Furthermore, they have additionally drafted supportive testimony, based on their review of the unanimous settlement agreement, detailing how the agreement satisfies the District's public interest standard. As previously mentioned, David Dismukes, of Acadian Consulting Group, LLC, traveled and appeared on behalf of the OPC at the public interest hearing and assisted with post-hearing brief preparation.
- D. It is for the reasons outlined herein that it is recommended that a sole source contract be awarded to Acadian Consulting Group, LLC.

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 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.