

**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 GDS Associates, Inc. for the purpose of providing expert technical assistance to consult OPC on general utility matters.

3. **Estimated Fair and Reasonable Price**

The total contract (“not –to-exceed”) price is \$30,000.

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 has an established executed contract in place with GDS Associates, Inc. to retain their services in providing OPC with expert technical assistance and advice on a myriad number of utility issues. At this time OPC needs to execute a contract amendment to further retain and renew the services of GDS Associates, Inc. for the remainder of the fiscal year. Due to the complexity of these on-going issues and because GDS Associates, Inc. is already apprised of the tasks at hand, OPC feels confident that sole source procurement is necessary to ensure adequate technical services remain consistent in overseeing the interests of DC ratepayers.
- C. GDS Associates, Inc. has a longstanding working relationship with OPC and has familiarized itself with the tasks at hand currently facing OPC within the regulated utility landscape. Their continued assistance is imperative to ensuring favorable outcomes on behalf of District utility ratepayers in current proceedings at both the federal and local/state levels. In particular, GDS Associates, Inc.’s contract with OPC needs to be renewed so as to finalize and/or accomplish the following:

- Attend PIWG meetings as requested by the Office;
- Finalize the settlement agreement in the ER 19-10 tax case;
- Finalize all supporting workpapers and amounts to be flowed back to customers in the ER 19-10 case;
- Final review of the interest calculations on the return of the Excess Deferred Income Taxes for 2018, in which GDS Associates, Inc. has assisted in recovering an additional \$15 million refund over what was filed by Pepco;
- Review the combining of the new Pepco projected formula rate template in ER 19-1475 with the ER 19-10 settlement template;
- Review of the ER 19-1475 and ER 19-10 documents and files in order to reach potential settlement at FERC; and
- Any other general utility matters including review of filings pertaining to DC-PLUG undergrounding and resiliency, DERs, FERC Orders, etc., including attending any meetings as requested and needed by the Office.

D. GDS Associates Inc. has extensive experience assisting OPC in offering technical services regarding public utility regulation. In addition, as the procedural schedule for the aforementioned issues is generally already fixed, OPC cannot afford to retain and/or compete the services that GDS Associates, Inc. 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 GDS Associates, Inc.

E. It is for the reasons outlined herein that it is recommended that a sole source contract be awarded to GDS Associates, Inc.

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

¹ 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.