

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

2019 MAY -2 PM 1:33

OFFICE OF THE
SECRETARY

May 2, 2019

The Honorable Phil Mendelson, Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is proposed emergency legislation, the "Contract No. DCCB-2019-C-0008 with May Firm/EKM Association on PCBs Approval and Payment Authorization Emergency Act of 2019" and accompanying emergency declaration resolution ("legislation") to approve the award of proposed contract DCCB-2019-C-0008 with the May Firm/EKM Association on PCBs.

The not-to-exceed contract amount is twenty-six million dollars (\$26,000,000). The base period of performance is from date of award through five years thereafter.

The Office of the Attorney General requires the services of the contractor to provide outside legal counsel in support of the Office of the Attorney General's investigation and potential litigation against Monsanto, Solutia Inc., Pharmacia LLC, and/or any other subsidiary, affiliate or successor-in-interest responsible for the former manufacture and sale of polychlorinated biphenyls ("PCBs"), for recoupment of costs under common law or statutory theories of cost recovery, associated with the investigation and remediation of PCBs in or on lands or waters owned, controlled or held in trust by the District. The services will be delivered through four law firms that have joined together as the May Firm/EKM Association on PCBs.

I am available to discuss any questions you may have regarding the proposed contract. To facilitate a response to any questions you may have, please have your staff contact Janice Parker Watson, Contracting Officer, at 202-442-9882. I look forward to favorable consideration of this contract.

Sincerely,

Karl A. Racine / by NOL

KARL A. RACINE
Attorney General

Enclosures



Chairman Phil Mendelson
at the request of the Attorney General

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis, multi-year Contract No. DCCB-2019-C-0008 with the May Firm/EKM Association on PCBs to provide outside legal counsel in support of the Office of the Attorney General's investigations and potential litigation against Monsanto, Solutia Inc., Pharmacia LLC. and any other subsidiary, affiliate or successor-in-interest responsible for the former manufacture and sale of polychlorinated biphenyls ("PCBs"), for recoupment of costs and damages under common law or statutory theories of cost recovery associated with the investigation and remediation of PCBs in or on lands or waters owned controlled or held in trust by the District, or for which the District is or may be held responsible, by an agency of the federal government, any other governmental entity including a State or municipality, or third parties and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Contract No. DCCB-2019-C-0008 with the May Firm/EKM Association on PCBs Approval and Payment Authorization Emergency Act of 2019".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code§ 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code§ 2-352.02), the Council approves multiyear Contract No.

1 DCCB-2019-C-0008 with the May Firm/EKM Association on PCBs to provide outside
2 legal counsel in support of the Office of the Attorney General's investigations and
3 potential litigations against Monsanto, Solutia Inc., Pharmacia LLC, and authorizes
4 payment in the not-to-exceed amount of \$26,000,000 for the goods and services received
5 and to be received under the Contract. Contract No. DCCB-2019-C-0008 is a
6 contingency fee contract, with fees calculated as a percentage of any monetary recovery
7 the May Firm/EKM Association on PCBs obtains on behalf of the District, payable only
8 upon the District's receipt of such a recovery.

9 Sec. 3. The Council adopts the fiscal impact statement provided by the Chief
10 Financial Officer as the fiscal impact statement required by section 4a of the General
11 Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C.
12 Official Code § 1-301.47a).

13 Sec. 4. This act shall take effect following approval by the Mayor (or in the
14 event of veto by the Mayor, action by the Council to override the veto), and shall remain
15 in effect for no longer than 90 days, as provided for emergency acts of the Council of the
16 District of Columbia in section 412(a) of the District of Columbia Home Rule Act,
17 approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).