

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

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ATTORNEY GENERAL
KARL A. RACINE

November 18, 2020

The Honorable Phil Mendelson, Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, D.C. 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-2020-F-0026 with Edelson PC Approval and Payment Authorization Emergency Act of 2020" and accompanying emergency declaration resolution ("legislation") to approve the award of the proposed definitive multiyear Contract Number DCCB-2020-F-0026 with Edelson PC.

The not-to-exceed contract amount is fifty-five million dollars (\$55,000,000). The base period of performance is from date of award through five years thereafter.

This contract will definitize the letter contract awarded on July 31, 2020. OAG requires outside legal counsel to assist the Public Advocacy Division with consumer protection litigation against Facebook, Inc. for violations of the District's Consumer Protection Procedures Act (CPPA) by failing to take appropriate steps to maintain and protect consumers' data, including failing to properly police third party applications using the Facebook platform.

I am available to discuss any questions you may have regarding the proposed definitive contract. To facilitate a response to any questions you may have, please have your staff contact Aurélie Mathieu, Assistant Attorney General for Policy and Legislative Affairs, at 202-230-2342 or Janice Parker Watson, Contracting Officer, at 202-442-9882. I look forward to favorable consideration of this contract.

Sincerely,

Karl A. Racine/by JP
KARL A. RACINE
Attorney General

Enclosures


Chairman Phil Mendelson
at the request of the Attorney General

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to approve Contract No. DCCB-2020-F-0026 with Edelson PC, to provide outside legal services to assist the Office of the Attorney General with its consumer protection litigation against Facebook, Inc., and to authorize payment for the goods and services received and to be received under that contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCCB-2020-F-0026 with Edelson PC, Approval and Payment Authorization Emergency Declaration Resolution of 2020".

Sec. 2. (a) There exists a need to approve Contract No. DCCB-2020-F-0026 with Edelson PC, to obtain outside legal services to assist the Office of the Attorney General with its consumer protection litigation against Facebook, Inc. There is also a need to authorize payment for the goods and services to be received under Contract No. DCCB-2020-F-0026.

(b) Council approval is necessary to allow the Office of the Attorney General to obtain the services of outside legal counsel to assist with litigation against Facebook, Inc. Contract No. DCCB-2020-F-0026 is a multi-year contract, which has a five-year base period calculated from July 31, 2020. The contract is the definitized version of letter

1 contract the parties executed on July 31, 2020 that had a maximum amount of less than
2 \$1 million.

3 (c) Council approval is also necessary because the contract could require the
4 payment of more than \$1 million during a 12-month period. The contract is a
5 contingency fee contract with a cost reimbursement component, calculated as a
6 percentage of any monetary award obtained by the Edelson PC on behalf of the District,
7 payable only upon the District's receipt of such an award.

8 Sec. 3. The Council of the District of Columbia determines that the
9 circumstances enumerated in section 2 constitute emergency circumstances making it
10 necessary that the Contract No. DCCB-2020-F-0026 with Edelson PC Approval and
11 Payment Authorization Emergency Act of 2020 be adopted after a single reading.

12 Sec. 4. This resolution shall take effect immediately.