

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

June 29, 2020

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-2020-C-0020 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-C-0020 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 May 5, 2020. The Office of the Attorney General requires the services of outside legal counsel to assist with litigation against Juul Labs, Inc., the dominant market player in a spiraling public health emergency of teenage e-cigarette use, as well as to assist with investigations of other e-cigarette manufacturers for violating the District's Consumer Protection Procedures Act ("CPPA") in the design and marketing of e-cigarette products.


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 James Pittman, Deputy Attorney General for Legislative & Intergovernmental Affairs at 202-724-7517 or Janice Parker Watson, Contracting Officer, at 202-442-9882. I look forward to favorable consideration of this contract.

Sincerely,

A handwritten signature in black ink, appearing to be 'KARL A. RACINE'.

KARL A. RACINE
Attorney General

Enclosures


Chairman Phil Mendelson
at the request of the Attorney General

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis, multi-year Contract No. DCCB-2020-C-0020 with Edelson PC to provide outside legal counsel to assist with litigation against Juul Labs, Inc., and to authorize payment for the goods and services received and to be received under that contract.

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

That this act may be cited as the "Contract No. DCCB-2020-C-0020 with Edelson PC., Approval and Payment Authorization Emergency Act of 2020".

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 the requirements of 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. DCCB-2020-C-0020 with Edelson PC. to provide outside legal counsel to assist with litigation against Juul Labs, Inc., and authorizes payment in the not-to-exceed amount of \$55,000,000 for the goods and services to be received under the Contract. Contract No. DCCB-2020-C-0020 is a contingency fee contract with a cost reimbursement component, with fees calculated as a percentage of any monetary award

1 Edelson PC obtains on behalf of the District, payable only upon the District's receipt of
2 such an award.

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

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