

A RESOLUTION

23-125

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 3, 2019

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCCB-2019-C-0008 with 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/or any other subsidiary, affiliate, or successor-in-interest responsible for the former manufacture and sale of polychlorinated biphenyls, for recoupment of costs and damages under common law or statutory theories of cost recovery associated with the investigation and remediation of polychlorinated biphenyls 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCCB-2019-C-0008 Approval and Payment Authorization Emergency Declaration Resolution of 2019".

Sec. 2. (a) There exists a need to approve Contract No. DCCB-2019-C-0008 with May Firm/EKM Association on PCBs to obtain outside legal counsel in support of the Office of the Attorney General's ("OAG'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") ("Monsanto"). Litigation would be for the 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.

(b) Council approval is necessary to allow OAG to obtain the services of outside legal counsel to assist in its investigation and potential litigation against Monsanto. Contract No. DCCB-2019-C-0008 is a multiyear contract, which has a 5-year base period calculated from the date of the

contract's award.

(c) Council approval is also necessary because the contract could require the payment of more than \$1 million during a 12-month period. The contract is a contingency fee contract with costs and fees calculated as a percentage of any monetary recovery obtained by the May Firm/EKM Association on PCBs on behalf of the District, payable only upon the District's receipt of such a recovery. The maximum amount payable to the May Firm/EKM Association on PCBs is \$26 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCCB-2019-C-0008 Approval and Payment Authorization Emergency Act of 2019 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.