

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
KARL A. RACINE



May 1, 2019

MARKET SURVEY

OUTSIDE LEGAL SERVICES FOR OPIOID LITIGATION

SURVEY NO. DCCB-2019-S-0016

The Office of the Attorney General for the District of Columbia (OAG) seeks a qualified law firm to assist with the investigation of and litigation against manufacturers and distributors of prescription opioid pharmaceuticals and any other potentially liable parties. Under D.C. Code §2-354.13(3), the procurement for these legal services is exempt from the competitive procurement process. However, in the interest of transparency and procuring the best services for the District of Columbia (District), OAG is inviting a select few firms to notify the District that they are interested in assisting OAG in this matter. OAG is responsible for conducting the District's legal business in a manner that is in the public interest. The Attorney General is the chief legal officer of the District.

OAG at all times will direct the litigation in all respects, including but not limited to, whether and when to initiate litigation, against whom actions will be taken, the claims to be brought in said litigation, approval and rejection of all settlement offers and the amount and type of damages to be sought.

BACKGROUND

The District, like much of the country, suffers from the impact of the opioid epidemic. Opioids are dangerous, highly addictive narcotics that can be deadly. Physicians historically reserved use of these narcotics for short-term severe pain or end of life treatment. In the 1990s and 2000s, opioid manufacturers marketed opioids for widespread use touting the effectiveness of the drugs for alleviating even minor pain and misrepresenting the dangers of the drugs addictive qualities. Opioid manufacturers mislead consumers into believing that opioids were safe to increase their sales of the drugs and therefore increase their profits.

Federal and District laws and regulations require pharmaceutical distributors to identify, investigate, and report suspicious orders of controlled substances. Several of the largest pharmaceutical distributors have paid large fines to the federal government for failure to detect and report suspicious opioid orders.

The District and District residents have expended millions of dollars combatting the opioid epidemic, the crime related to it and drug rehabilitation.

SCOPE OF SERVICES

OAG seeks counsel to assist with the investigation and litigation of the District's potential claims arising out of the opioid epidemic.

DESIRED EXPERIENCE

OAG seeks OAG seeks a firm with demonstrated experience with handling consumer protection cases, including representing states attorneys general and other government actors in similar proceedings. OAG values diversity as well as firms located in the Washington Metropolitan Area.

FEES AND COSTS

OAG will enter into a contingency-fee contract with the selected firm wherein the firm would receive a percentage of the gross recovery and a percentage of any attorney's fees awarded to the District from the successful prosecution of cost-recovery litigation or through settlement, as well as cost reimbursement. If no recovery is realized, the firm would receive no compensation or reimbursement of costs or expenses.

SUBMISSION OF QUALIFICATIONS

Interested firms should submit the following no later than May 15, 2019. The submission should be no longer than seven (7) pages (excluding resumes) and include:

1. A short statement of interest, including a description of the firm's relevant experience;
2. A proposed staffing model for the work;
3. Resumes for those providing services;
4. A proposed contingency fee percentage of any gross recovery and attorney's fee award;
5. References for similar work performed for private or government entities in the last five years, including contact information and a brief description of work performed; and
6. Disclosure of any actual or potential conflicts of interest.

Firms certified as small or local business enterprises by the District of Columbia Department of Small and Local Business Development pursuant to §2-218.31 *et seq.* are encouraged to respond to this Market Survey. OAG values diversity as well as working with firms located in the District of Columbia.

The District will make its selection after careful consideration of the submissions, which may include interviews with interested firms. The selection will be based upon the best interests of the District. Any out-of-state firm selected will be required to obtain a Certificate of Registration/Authority from the Department of Consumer and Regulatory Affairs, Corporations Division, to provide services in the District of Columbia.

If you would like more information, please contact Robyn Bender at robyn.bender@dc.gov or (202) 724-6610.

Sincerely,



JANICE PARKER WATSON
Associate Contracting Officer