

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Attorney General**

**SUPPORT SERVICES DIVISION**  
**Procurement Unit**



November 12, 2019

**MARKET SURVEY**

**OUTSIDE LEGAL COUNSEL IN CONNECTION WITH**  
***SOLOMON SYSTEMS, INC. v. THE DISTRICT OF COLUMBIA, ET AL.,***  
**CIVIL ACTION 1:19-cv-03299 (D.D.C.)**

**SURVEY NO. DCCB-2020-S-0004**

The Office of the Attorney General (OAG) for the District of Columbia (District) is conducting this market survey to research the availability of qualified law firms to assist OAG in defending a lawsuit alleging that the District's Department of Health Care Finance's (DHCF) administration of the DC Health Information Exchange (DC HIE) infringes plaintiff's patents.

**THE CLIENT**

OAG is responsible for the District's legal business, including representing the District government and its agencies in litigation. DHCF is the District's state Medicaid agency. In addition to the Medicaid program, DHCF also administers insurance programs for immigrant children, the State Child Health Insurance Program (S-CHIP or CHIP) and Medical Charities (a locally funded program).

**BACKGROUND**

The Chesapeake Regional Information System (CRISP) is a regional health information exchange (HIE) serving Maryland and the District. CRISP is a non-profit organization advised by a wide range of stakeholders who are responsible for healthcare throughout the region. In December 2016, CRISP DC was formed. See <https://crisphealth.org/>.

DHCF serves as the State Health IT Coordinator and leads health IT and HIE policy for the District. Through collaboration with local, regional and national partners, DHCF seeks to achieve the District's goal by 2021 to design and implement an electronic network that provides actionable health-related information whenever and wherever it is needed, to support person-centered care and improve health outcomes. See <https://dhcf.dc.gov/>.

## SCOPE OF SERVICES

The selected law firm (Contractor) will act as lead counsel representing the District, Mayor Muriel Bowser, and DHCF Director Wayne Turnage (collectively the District) in a lawsuit brought by Solomon Systems, Inc. (SSI) alleging that the District is infringing certain patents. See *Solomon Systems, Inc. v. The District of Columbia, et al.*, Civil Action 1:19-cv-03299 (D.D.C.) (filed Nov. 1, 2019). A copy of the Complaint is attached (Exhibit A).

In addition to leading the District's defense, additional tasks the selected law firm will be required to perform include:

- 1) Providing OAG with weekly reports updating its progress;
- 2) Providing the contract administrator with PDF/electronic copies of all court filings;
- 3) Meeting with OAG as required.

## DESIRED EXPERIENCE

OAG requires the services of a firm with extensive experience representing accused infringers in patent infringement litigation, including in jury trials and appeals. Additionally, the firm must have specific patent litigation experience covering the type of technology covered by the patents at issue.

## FEES AND COSTS

The period of performance is projected to be from date of award through conclusion of the litigation before the District Court, and any appeal(s). OAG anticipates that the selected law firm will provide these services at a substantial discount from the firm's usual fees. In providing your proposed fee arrangement, please specify whether you are offering discounted rates, discounted blended rates, and any fee-cap.

## SUBMISSION OF QUALIFICATIONS

Interested firms shall submit the following by email to [OAG.BusinessOpportunities@dc.gov](mailto:OAG.BusinessOpportunities@dc.gov) no later than **Tuesday, November 19, 2019, at 10:00 a.m.**:

1. A statement of interest, including a detailed description of the firm's relevant experience, and general approach to patent infringement defense, not to exceed five (5) pages, **single spaced**;
2. Resumes of those who will be providing services;
3. References for similar work performed for private citizens or government entities in the last seven years, including contact information and a description of work performed;
4. A rate/fee schedule showing fully loaded rates for those providing services;
5. A description of anticipated or other direct costs associated with fulfilling the requirements;
6. Either (a) a statement that the firm has no clients that create actual or potential conflicts of interest, or (b) a list of clients that may create actual or potential conflicts of interest.

7. A completed Master Supplier Information Collection form (visit [supplier.ariba.com](http://supplier.ariba.com) and <https://ocp.dc.gov/node/599822>), along with a completed current IRS Form W-9.

Law firms certified as small or local business enterprises by the District's Department of Small and Local Business Development pursuant to D.C. Code §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.

OAG contemplates the award of a single contract in accordance with Section 413 of the Procurement Practices Reform Act of 2010 (D.C. Code § 2-354.13(3)). District will make its selection after careful consideration of the submissions and based upon the best interests of the District.

The selected firm, if not registered to do business in the District of Columbia, must register by accessing the Office of Tax and Revenue website at [https://mytax.dc.gov/\\_/](https://mytax.dc.gov/_/) to submit Form FR-500 and complete other regulatory requirements, such as EEO and DOES compliance.

The Standard Contract Provisions for Use with District of Columbia Government Supplies and Services Contracts dated July 2010 (SCP) shall be incorporated as part of the contract resulting from this market survey. The full text of these provisions is available at <http://ocp.dc.gov>, under Quick Links, click on "Required Solicitation Documents".

Questions must be submitted by close of business this Thursday. If you have any questions, please contact me at 202-442-9882 or [Janice.Watson@dc.gov](mailto:Janice.Watson@dc.gov) by 5:00 p.m. on November 14, 2019.

Sincerely,



Janice Parker Watson  
Contracting Officer

Enclosure  
Exhibit A