

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**



MARKET SURVEY FOR OUTSIDE LEGAL COUNSEL

TO: POTENTIAL RESPONDENTS

Survey Number: DCCB-2022-S-0005

Caption: Outside Legal Services for Dynamic Contracting, Inc. Litigation

Issuance Date: October 29, 2021

Response Due Date: November 12, 2021

The Office of the Attorney General for the District of Columbia (OAG) is conducting market research to identify the availability and interest of qualified law firms to assist with litigation against Dynamic Contracting, Inc., *et al.* (Case No. 2021 CA 003768 B) pending in D.C. Superior Court, or with related matters that may arise involving worker misclassification in the District’s construction industry.

Under D.C. Code § 2-354.13(3), the procurement for these legal services is exempt from the competitive procurement process. The responses to this market survey may be used to determine the availability of qualified firms, but it is not intended to be the basis for award.

BACKGROUND

Dynamic Contracting, Inc. (“Dynamic”) is a drywall contractor that does business in the District and its surrounding metropolitan area. Dynamic performs work on multiple construction projects throughout the District and is frequently contracted by general contractors Gilbane Building Co. (“Gilbane”) and Consigli Construction Co., Inc. (“Consigli”) who manage and operate construction projects throughout the nation.

OAG, on behalf of the District, has sued Dynamic, Gilbane, and Consigli, as well as a number of Dynamic’s subcontractors who supplied laborers to Dynamic worksites (hereinafter, “labor subcontractors”). The lawsuit alleges the defendants engaged in a worker misclassification scheme through which labor subcontractors systemically misclassified employees as independent contractors and engaged in repeated wage-and-hour violations. This scheme unlawfully reduced labor subcontractors’ labor costs—which benefited upstream contractors Dynamic, Gilbane, and

Consigli. The lawsuit seeks to recover damages for District construction workers and penalties to deter this unlawful worker misclassification scheme.

In addition to this litigation, OAG has pending investigations of several other construction companies operating in the District.

SUBMISSION OF INFORMATION

Interested firms should submit the following no later than 2:00 pm on November 12, 2021. to OAG.BusinessOpportunities@dc.gov with a copy to gena.johnson@dc.gov. The submission should be no longer than seven (7) pages (excluding resumes) and include:

1. A short statement of interest and availability;
2. A description of the firm's experience in handling worker misclassification and wage-and-hour cases, including representing states attorneys general and other government actors in similar proceedings;
3. Resumes for the attorneys who would handle these services;
4. The contingency fee percentage of gross recovery and additional fees, if any, recovered for similar worker misclassification and wage-and-hour cases;
5. Certified Business Enterprise status; and
6. Disclosure of any actual or potential conflicts of interest.

Although this will not be a competitively awarded procurement, OAG values diversity as well as working with firms located in the District of Columbia, and encourages firms certified as small or local business enterprises by the District of Columbia Department of Small and Local Business Development pursuant to D.C. Code § 2-218.31 *et seq.* to respond to this Market Survey.

If you would like more information, please contact Kathleen Konopka at Kathleen.Konopka@dc.gov or (202) 724-6610.

Sincerely,



Gena Johnson
Contracting Officer