



FREEDOM OF INFORMATION ACT REQUEST

October 10, 2023

Elaine Block

Ethics and Compliance Counsel
400 6th Street NW
Washington, DC 20001
(202) 724-5198

By Electronic Mail: oag.foia@dc.gov

Dear Ms. Block or FOIA Officer:

On behalf of Government Accountability & Oversight (GAO), a non-profit public policy institute and pursuant to the D.C. Freedom of Information Act, D.C. Code §§2-531-539, I hereby request copies of the following records:

- I. all Common Interest, engagement, retainer, pro bono, representation, non-disclosure, confidentiality, contingency and/or fee **contract or agreements** that were entered into by your Office in 2019, with or that have as a party the law firm Sher Edling, LLP, and/or Tycko & Zavareei LLP (**to save time**, please note the DC City Council passed [legislation](#) on March 2019 specifically “to approve, on an emergency basis, multi-year Contract No. DCCB-2019-C-0011 with Sher Edling, LLP and Tycko & Zavareei, LLP to provide outside legal counsel in support of the Office of the Attorney General’s investigation and potential litigation against ExxonMobil Corporation.”, and the agreement is posted on the OAG’s website as having been awarded, at <https://oagdc.app.box.com/v/OAG-Contract-Awards>, as Contract Number **DCCB-2019-C-0011**);
- II. all proposals to your Office in 2019 by or that have as a party the law firm Sher Edling, LLP, and/or Tycko & Zavareei LLP; and
- III. all other *disclosures*, outside of any agreement covered in I, above, made to your Office in 2019 or 2020, by the law firm Sher Edling, LLP, and/or by Tycko & Zavareei LLP, about any funding the firm has received, is receiving or expects to receive for or pertaining to this agreement DCCB-2019-C-0011.

Most records responsive to this request should be in electronic format or easily produced in electronic format, and therefore there should be no photocopying costs. If your office intends to seek any cost associated with the searching or processing of these records, however, please also notify me in writing immediately. Please provide an estimate of anticipated costs if there are fees for processing this Request. In the interests of expediting the search and processing of this Request, EPA is willing to pay fees up \$200. Please provide an estimate of anticipated costs if you expect that fees for processing this Request will exceed \$200.

The District of Columbia’s [RFP](#) that led to the above-cited contract requires successful contract proposals to be made public. In June 2020 DC filed suit pursuant to that RFP and presumably the contract awarded therefrom. However, neither Sher Edling’s/ Tycko & Zavareei’s proposal nor contract with the OAG is published on the Office of Contracts and Procurement (OCP) or the Office of Attorney General (OAG) websites as required:

- “In addition to the proposal submission requirements in Section L.2 above, the Offeror must submit an electronic copy of its proposal, redacted in accordance with any applicable exemptions from disclosure under D.C. Official Code § [2-534](#).”
- “Redacted copies of the Offeror’s proposal must be submitted by e-mail attachment to the contact person designated in the solicitation. D.C. Official Code § [2-536\(b\)](#) requires the District to make available electronically copies of records that must be made public.”
- “The District’s policy is to release documents relating to District proposals following award of the contract, subject to applicable Freedom of Information Act (FOIA) exemption under § [2-534\(a\)\(1\)](#). **Successful proposals will be published** on the OCP and/or OAG websites in accordance with D.C. Official Code § [2-361.04](#), subject to applicable FOIA exemptions.”

Further, the contract number cited by the DC Council in its legislation does not turn up any results in DC’s contracts and procurement transparency database, no matter how one searches.

The RFP states, “third parties may submit FOIA requests to OAG regarding this matter ... In addition, the Contractor shall make all records regarding this matter available for examination and review by OAG, upon request.”

We look forward to your response. If you have any questions, do not hesitate to contact me by email at Joe@govoversight.org

Sincerely,
Joe Thomas
Government Accountability & Oversight