

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



MARKET SURVEY FOR OUTSIDE LEGAL COUNSEL

TO: **POTENTIAL RESPONDENTS**

Survey Number: **DCCB-2024-S-0016**

Caption: **Outside Legal Services for Worker Misclassification and Wage-and-Hour Investigations/Litigation**

Issuance Date: **January 29, 2024**

Response Due Date: **February 29, 2024**

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 the investigation and potential litigation against companies engaged in worker misclassification and related wage-and-hour violations.

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.

OAG will direct the investigation and 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 or other relief to be sought.

BACKGROUND

Worker misclassification is a problem that causes extensive harm. Misclassified workers are denied their employment rights, which in turn harms the industry as noncompliant employers obtain unlawful labor cost advantages over their competitors. Misclassification also harms the District in that misclassifying employers often fail to pay local payroll taxes based on employee wages, such as unemployment insurance taxes and paid family leave taxes. Thus, the District has a strong interest in enforcing against and deterring worker misclassification to

protect District workers, fair competition, and the public fisc. The District is interested in receiving submissions from interested and qualified law firms to assist with such enforcement efforts in the construction industry and potentially other sectors.

SUBMISSION OF INFORMATION

Interested firms should submit the following no later than February 29, 2024, 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 cases, including in the construction industry or other sectors, and including representing state attorneys general and other government actors in similar proceedings;
3. A proposed staffing model for the work;
4. Resumes for the attorneys who would handle these services;
5. The contingency fee percentage of gross recovery and additional fees, if any, recovered for similar consumer protection cases;
6. Certified Business Enterprise status; and
7. 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 Graham Lake at graham.lake@dc.gov or 202-807-0369.

Sincerely,



Gena Johnson