

## **SOLICITATION DCAB-2020-Q3-20FP**

### **BACKGROUND INFORMATION, QUESTIONS AND ANSWERS**

1. **Question:** As we consider potential members for our team, we wanted to determine what is the DC ethics position on someone working on the selected team who works for a DC law firm that later sues DC government (including the Metropolitan Police Department) or who defends a criminal defendant in a matter where the defense includes questioning the legality of actions by DC government employees (including MPD Officers)?

**Answer:** Any pending or anticipated legal claim is not a conflict of interest so long as the claim is not directly related to the duties of the Commission or the implementation of provisions in Act 23-336. Otherwise, contractors hired for this project are not employees of the District, and as such, the ethics rules would not apply to them. As a result, there would be no other restriction on future representations.

2. **Question:** In addition, will members of the selected team have access to private DC government information, in particular, information that cannot be used in future litigation against DC government (for example, non-public use of force policies, training or data)? Our sense is that as this is to be the staff for an advisory body, and not empowered to establish policy or to pass laws that this would not be a conflict but wanted to check with your office.

**Answer:** In the course of providing support to the Commission, contractors may need access to confidential data. Should this be the case, the contractor must maintain confidentiality and adhere to the data protection standards in Mayor's Order 2017-115.

3. **Question:** In reading the requirements for submission it appears that hard copies need to be delivered through the mail system. We wanted to see if during COVID there was any alternative way to submit our application electronically or in a format that is not dependent on the US mail system.

**Answer:** Bidders may submit proposals via FedEx, United Parcel Service (UPS) or courier services.