

**TESTIMONY OF DANIEL W. LUCAS, INSPECTOR GENERAL  
BEFORE THE  
COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON PUBLIC WORKS AND OPERATIONS**

**PUBLIC ROUNDTABLE ON  
SEXUAL HARASSMENT INVESTIGATION REPORT**

**June 26, 2024**

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Good morning, Chairperson Nadeau and Members of the Committee. I am Daniel W. Lucas, Inspector General for the District of Columbia. Joining me today is Ms. Jaime Yarussi, Deputy Inspector General for Business Management. My testimony for today’s roundtable will discuss the Office of the Inspector General’s (OIG) requirements and resulting activities pursuant to Bill 25-0381, the “Sexual Harassment Investigation Review Emergency Act of 2023” [hereafter “legislation”].<sup>1</sup>

**Legislative Requirements.** The legislation required the OIG to hire and direct independent counsel to:

- (1) Review investigations of complaints of sexual harassment and violations of Mayor’s Order 2017-313 [...] against the Deputy Mayor for Planning and Economic Development and Chief of Staff to the Mayor as of January 1, 2023;
- (2) Investigate other findings and items outside of the scope of prior investigations [...] including hiring and promotion practices, workplace culture, and allegations of retaliation against complainants; and

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<sup>1</sup> D.C. Bill 25-0381, the “Sexual Harassment Investigation Review Emergency Act of 2023,” (introduced on July 10, 2023, and enacted with Act Number A25-0202, on July 31, 2023). Concurrent with B25-0381, temporary legislation was enacted via D.C. Law 25-0079 (effective from Nov. 28, 2023, expiring on July 10, 2024).

(3) Review and make recommendations on sexual harassment complaint and investigation procedures of the District government.

As amended, the legislation directed the OIG to provide the independent counsel's findings and recommendations to the Mayor and Council no later than 120 days after a contract was awarded.<sup>2</sup>

**Procurement for Independent Counsel.** In discussing the procurement for independent counsel, it is important to note that the OIG is not exempt from the District's Procurement Practices Reform Act (PPRA).<sup>3</sup> As such, the OIG's procurement for independent counsel adhered to the PPRA's competitive sealed proposal requirements.<sup>4</sup>

The OIG issued the first request for proposal (RFP) on August 2, 2023.<sup>5</sup> Proposals received were deemed non-responsive due to non-compliance with District subcontracting requirements.<sup>6</sup> As a result, the OIG issued a second RFP on August 22, 2023.<sup>7</sup> Proposals received from the second solicitation were also non-responsive due to non-compliance with District subcontracting requirements or determined it was not in the District's best interest to proceed with an award.<sup>8</sup>

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<sup>2</sup> The Sexual Harassment Investigation Review Clarification Temporary Amendment Act of 2023, D.C. Law 25-112 (effective from Jan. 23, 2024, expires Sept. 4, 2024) amended D.C. Law 25-0079, the Sexual Harassment Investigation Review Temporary Act of 2023).

<sup>3</sup> D.C. Code § 2-351.05 (c).

<sup>4</sup> D.C. Code § 2-354.03.

<sup>5</sup> See Solicitation No. Doc672935, <https://contracts.ocp.dc.gov/solicitations/details?id=Doc672935&hash=m2bixks2hmyx9vo6> (last visited June 21, 2024).

<sup>6</sup> D.C. Code § 2-218.46(a)(2).

<sup>7</sup> Solicitation No. Doc673200, on file with the OIG.

<sup>8</sup> Note: Sec. 2 (c) of D.C. Law 25-0079 required independent counsel to "[...] have experience in confidentiality and sexual harassment law, including litigation and mediation."

In advance of a third solicitation, the OIG sought a subcontracting waiver from the District's Department of Small and Local Business Development (DSLBD) to avoid future proposals being deemed non-responsive to subcontracting requirements. DSLBD ultimately granted the OIG's subcontracting waiver request on October 19, 2023.<sup>9</sup>

The OIG issued its third solicitation on October 23, 2023.<sup>10</sup> Following receipt of proposals from the third solicitation, the OIG's technical evaluation panel scored the proposals and the OIG's contracting officer engaged in negotiations. The OIG awarded a letter contract (CW111138) to Arnold & Porter Kay Scholer LLP (Arnold & Porter) on January 11, 2024. The total not-to-exceed amount for this labor hour contract was \$749,600.

**Independent Counsel Contract Administration.** Our administration of the contract was limited to ensuring the independent counsel's deliverables were within scope and on schedule. To maintain the integrity and impartiality of the independent counsel's work while administering the contract, the OIG neither directed specific investigative activity nor was privy to the documentary and testimonial evidence collected.

**Transmittal of the Independent Counsel's Report.** On May 10, 2024, we transmitted the independent counsel's report with its findings and recommendations to the Mayor and the

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<sup>9</sup> See DSLBD WR-4878 "Solicitation No. N/A 0 Independent Counsel for Sexual Harassment Investigation – Base Period" (Oct. 19, 2023), <https://dcdslbd.my.site.com/waivers/s/>.

<sup>10</sup> See Solicitation No. Doc686382, <https://contracts.ocp.dc.gov/solicitations/details?id=Doc686382&hash=cc4ng86kkw75b7ww> (last visited June 21, 2024).

Council in fulfillment of the legislation. Given the subject matter presented, the OIG delivered the report in hard copy and requested that the recipients maintain the report's confidentiality.

### **Conclusion**

In conclusion, Chairperson Nadeau and members of the Committee, my Office's participation pursuant to the legislation was strictly limited to contract award and administration, as well as funding the contract from the OIG's FY 2024 budget authority. The independent counsel's report – which stands on its own – is there for the District to consider possible improvements to the sexual harassment complaint and investigation processes.

This concludes my testimony. I am available to answer your questions.