



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Mayor Muriel Bowser
Office of Public-Private Partnerships



February 6, 2018

The Honorable Brandon Todd
Chairman, Committee on Government Operations
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Chairman Todd:

In advance of our performance oversight hearing scheduled for February 13, 2018, please find enclosed responses to the Committee on Government Operations' performance oversight questions. The Office of Public-Private Partnerships (DC OP3) looks forward to discussing our recent accomplishments and future activities.

If you have any additional questions or need further assistance, please contact me at (202) 724-6683 or seth.millergabriel@dc.gov.

Thank you,

A handwritten signature in black ink, appearing to read "Seth W. Miller Gabriel".

Seth W. Miller Gabriel

Executive Director, District of Columbia Office of Public-Private Partnerships

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Public-Private Partnerships**



Responses to Fiscal Year 2017 Performance Oversight Questions

Seth Miller Gabriel

Executive Director, Office of Public-Private Partnerships

Submission to

Committee on Government Operations
Chairman Brandon T. Todd
Councilmember, Ward 4

February 6, 2018

Committee on Government Operations
John A. Wilson Building
1350 Pennsylvania Ave., NW, Suite 117
Washington, DC 20004



1. Please provide the legislative history for the creation of the Office, which includes the following information:

a. The legislative vehicle by which the Office was created (Mayor’s Order, resolution or statute).

Response: The Office of Public-Private Partnerships (OP3) was created by the Public-Private Partnerships Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-271.01 et seq.) (P3 Act)

b. What powers the Office has been delegated through Mayor’s Order.

Response: The Office has not been delegated powers through Mayor’s Order.

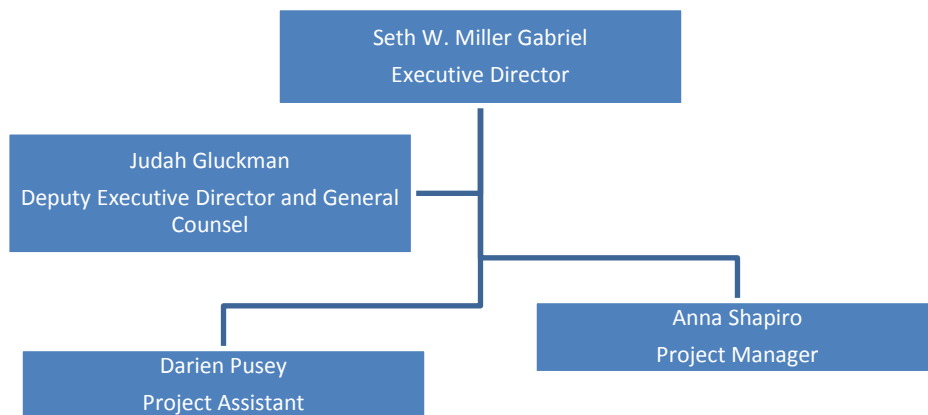
c. The legislative vehicle by which the Director was appointed (Mayor’s Order, resolution, statute).

Response: The Director was appointed pursuant to Section 103 of the P3 Act (D.C. Official Code § 2-272.02).

2. Please explain the mission of your Office.

Response: OP3 is charged with building collaborations between the private sector and District government to complete major infrastructure projects and other programs through long-term, performance-based procurements, commonly referred to as public-private partnerships, or P3s. The Office was established by the P3 Act to expand the utilization of P3s in the District by streamlining the procurement process, serving as an in-house consultant and liaison between District agencies and private sector partners. OP3’s mission is to deliver infrastructure and other government services sought by District residents with the best value-for-money, while also expanding economic opportunities for the District.

3. Please provide a complete, up-to-date organizational chart for each division within the office, including an explanation of the roles and responsibilities for each division and subdivision.



a. Please provide a list of all employees (name and title) for each subdivision and the number of vacant positions.

| Name | Title |
|---------------------|---|
| Darien Pusey | Project Assistant |
| Anna Shapiro | Project Manager |
| Judah Gluckman | Deputy Executive Director and General Counsel |
| Seth Miller Gabriel | Executive Director |

b. Please provide a narrative explanation of any organizational changes made during the previous year:

Response: The positions of Project Assistant and Project Manager were created and filled to support the operations of the Office.

4. Please provide a complete position listing for your office for fiscal year 2017 to date, including the following information.

| Name of Employee | Title of Position | Grade/Series/ Step | Date Employee Began | Salary | Job Status | Overtime/ Bonus Pay |
|---------------------|---|--------------------|---------------------|--------------|------------|---------------------|
| Seth Miller Gabriel | Executive Director | Grade 10 Step 0 | 11/30/2015 | \$151,925.00 | Continuing | \$0 |
| Judah Gluckman | Deputy Executive Director and General Counsel | Grade 10 Step 0 | 09/26/2011+ | \$118,450.00 | Continuing | \$0 |
| Anna Shapiro | Project Manager | Grade 15 Step 1 | 1/19/2010* | \$118,000.00 | Continuing | \$0 |
| Darien Pusey | Project Assistant | Grade 9 Step 1 | 01/22/2018 | \$47,185.00 | Term | \$0 |

* Start dates with District Government; Start date with OP3 was 2017 / +Start date with District Government; Start date with OP3 was 2015

5. Does the office conduct annual performance evaluations of all its employees? If so, who conducts such evaluations? What steps are taken to ensure that all office employees are meeting individual job requirements?

Response: Yes, the Office conducts annual performance evaluations of all its employees. The Executive Director’s performance evaluation is conducted by the City Administrator, and the other OP3 employees’ performance evaluations are conducted by the Executive Director. In order to ensure that OP3 employees are meeting their job requirements, each employee develops personal performance goals in concert with their supervisor and meets with his or her supervisor periodically to determine if he or she is meeting the goals that have been set. Adjustments are made as needed.

6. Please provide a list of employees detailed to, or from your office. Provide the reason for the detail, the detailed employee’s date of detail, and the detailed employee’s projected date of return.



Response: OP3 has no detailed employees nor are any employees from OP3 detailed elsewhere.

7. Please provide the Committee with:

a. A list of all employees who receive cellphones, personal digital assistants, or similar communications devices at the Office’s expense.

| CELLULAR PHONES AND MOBILE DEVICES Fiscal Year 2017 | | |
|--|---------------------------|------------------|
| Name | Position | Device(s) |
| Darien Pusey | Project Assistant | Cell Phone |
| Anna Shapiro | Project Manager | Cell Phone |
| Judah Gluckman | Deputy Executive Director | Cell phone |
| Seth Miller Gabriel | Executive Director | Cell phone |

b. A list of all vehicles owned, leased, or otherwise used by the Office and to whom the vehicle is assigned.

Response: OP3 does not own, lease, or otherwise use official vehicles.

c. A list of employee bonuses or special award pay granted in FY17 and FY18, to date.

Response: OP3 did not pay any bonuses or special awards in FY17 or FY18 to date.

d. A list of travel expenses, itemized by employee.

| AGENCY TRAVEL Fiscal Year 2017 and Fiscal Year 2018 to date | | | |
|--|---|--|--------------------|
| Name | Position/Title | Purpose | Total Spent |
| Seth Miller Gabriel | Director: Public Private Partnership | November 14-16,2016 Toronto, ON Canadian Council for Public- Private Partnership Conference | \$1,315.99 |
| Judah Gluckman | Deputy Director: Public Private Partnership | November 14-16 2016 Toronto, ON Canadian Council for Public- Private Partnership Conference | \$1,621.79 |
| Judah Gluckman | Deputy Director: Public Private Partnership | February 21-23 2017 Denver, CO Denver Smart City Conference | \$1,002.20* |
| Seth Miller Gabriel | Director: Public Private Partnership | February 27 to March 1 2017 Dallas, TX P3 Conference | \$495.00 |
| Judah Gluckman | Deputy Director: Public Private | February 27 to March 1 2017 Dallas, TX | \$495.00 |



| | | | |
|----------------------------|---|---|------------|
| | Partnership | P3 Conference | |
| Judah Gluckman | Deputy Director: Public Private Partnership | September 18-19, 2017 New York, NY North American Infrastructure Finance Forum | \$625.00 |
| Seth Miller Gabriel | Director: Public Private Partnership | November 5-7, 2017 Toronto, ON Canadian Council for Public- Private Partnership Conference | \$1,160.42 |
| Anna Shapiro | Project Manager: Public Private Partnership | November 5-7, 2017 Toronto, ON Canadian Council for Public- Private Partnership Conference | \$1,160.48 |
| Judah Gluckman | Deputy Director: Public Private Partnership | January 25, 2018 New York, NY North America Infrastructure Dialogue | \$98.00 |
| Seth Miller Gabriel | Director: Public Private Partnership | February 25-28, 2018 Dallas, TX P3 Conference & Expo | \$329.60 |
| Judah Gluckman | Deputy Director: Public Private Partnership | February 25-28, 2018 Dallas, TX P3 Conference & Expo | \$329.60 |
| Anna Shapiro | Project Manager: Public Private Partnership | February 25-28, 2018 Dallas, TX P3 Conference & Expo | \$329.60 |

* Cost was fully reimbursed by conference organizers. For other events, the conference organizers waived the registration fees since members of OP3 were presenting on one or more panels.

e. A list of the total overtime and workman’s compensation payments paid in FY17 and FY18 to date.

Response: No overtime or worker’s compensation was paid in FY17 or FY18 to date.

8. Please provide a chart showing your office’s approved budget and actual spending, by division, for FY17 and FY18 to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures.

| | FY’17 | FY’18 |
|--------------------------------|-------------|---------------------|
| Approved Budget (\$000) | \$1,123,476 | \$1,249,838 |
| Expended Budget (\$000) | \$790,378 | \$409,186 (to date) |
| Variance | \$333,098 | n/a |



| | |
|----------------|--|
| (\$000) | |
| Notes | Funds transferred to OCP for staff support were returned to OP3 due to surplus. FY'18 is not complete. |

9. Please list any reprogramming, in or out, which occurred in FY17 or FY18 to date. For each reprogramming, please list the total amount of the reprogramming, the original purposes for which the funds were dedicated, and the reprogrammed use of funds.

| Reprogramming Fiscal Year 2017 and 2018 To Date | | | |
|--|-----------|---------|--|
| Source | Date | Amount | Purpose of Reprogramming |
| Fund 0100 | 8/11/2017 | \$2,000 | This reprogramming transferred local funds from personal services (PS) to non-personal services (NPS) to allow the purchasing of supplies for OP3. |

10. Please provide a complete accounting for all intra-District transfers received by or transferred from the office during FY17 or FY18 to date.

| INTRA-DISTRICT TRANSFERS Fiscal Year 2017 and 2018 To Date | | | | |
|---|-------|-----------|---------------|--|
| Seller | Buyer | Period | Amount of MOU | Purpose of Intra-District Transfer |
| OCTO | OP3 | 5/31/2017 | \$150,000.00 | Technical and legal support for negotiation of small cell agreements and regulations |
| OCP | OP3 | 5/16/2017 | \$140,462.40 | Staff support for procurements |
| OP3 | DDOT | 1/23/2018 | \$450,000.00 | Technical and legal support for Smart Lighting Project |

11. Please identify any special purpose revenue accounts maintained by, used by, or available for use by your office during FY17 or FY18 to date. For each account, please list the following:
- a. The revenue source name and code.
 - b. The source of funding.
 - c. A description of the program that generates the funds.
 - d. The amount of funds generated by each source or program in FY17 and FY18 to date.
 - e. Expenditures of funds, including the purpose of each expenditure, for FY17 and FY18 to date.



Response: OP3 maintains the Public-Private Partnerships Administrative Fund (Agency: AEO Fund Detail: 1243), which collects revenue for the fees charged to review unsolicited proposals. In Fiscal Year 2017, \$60,000 was collected and \$55,000 spent from this account. All spending was in support of project review as required by the P3 Act. No additional funds have been received in or spent from this fund in FY18 to date.

12. Did the Office participate in any ethics trainings in FY 2017 and FY 2018 to date?

Response: All OP3 staff participated in ethics training in FY17 and intends to do so again in FY18.

13. Please provide a list of types and dates of training/information sessions the Office has planned for FY18.

Response: The OP3 staff will participate in the recently created sexual harassment training course, as well as ethics training offered by the Board of Ethics and Government Accountability (BEGA), information technology (IT) trainings for use of specialized software, and special trainings in P3 procurement offered at various industry conferences and capacity building workshops regularly attended by the Office.

14. What are the top challenges the Office is presently facing?

Response: OP3 is working hard to deliver the P3 projects that are in active procurement, as well as developing new projects that serve the residents of the District. This requires extensive education and outreach with stakeholders, both internal and external to the government, to educate them on the P3 procurement model and seek their feedback on how to improve our projects and overall efforts. The Office also seeks to maximize competition on all of our projects, while prioritizing transparency, inclusiveness, favorable terms to the District, speed of delivery, and other policy goals.

15. What areas (e.g., financial training, procedural training, etc.) do you think the Office needs assistance with?

Response: None that OP3 is aware of at this time.

16. Please provide a complete list of the Office's current programs, community events, and initiatives. Include a brief description and general time frame for each item.

Response: OP3's programs, community events, and initiatives are primarily centered around significant procurements in its project pipeline, including:

- **Street Light Modernization**

The District's first-ever P3 is expected to be the modernization of our more than 75,000 streetlights throughout the District with the addition of free public Wi-Fi. Working with our partner agencies, DDOT and OCTO, we have taken strides to partner with a private sector team that will convert the bulbs to more energy efficient and environmentally sustainable LED



technology, install remote monitoring and control for the new lights, and expand the District's free broadband Wi-Fi network. The procurement currently envisions that the same partner will also be responsible for the maintenance of the system.

This industry leading project will be one of the earliest P3 lighting projects in the United States and the first to be focused on urban, neighborhood street lighting as opposed to highway lighting. OP3 and its partner agencies have been working closely with community stakeholders to define and identify the best lighting solution for the District based on the most current industry standards.

At this time, OP3 is poised to announce the pre-qualified or "short-listed" bidder teams for this project. These teams, which were culled from the 11 teams that responded to the Request for Qualifications (RFQ), will be the only teams to receive the final Request for Proposals (RFP), once that RFP have been approved by the District. Responses and review of the final proposals should occur during the summer of 2018 with the selection of a Preferred Bidder expected in the fall.

- **Henry J. Daly Building**

The Metropolitan Police Department's (MPD) headquarters, located within the Henry J. Daly Building (300 Indiana Avenue, NW) is in a very poor state of repair. The 80-year old, 600,000 square foot facility located at Judiciary Square is in extremely poor condition, with much of the space unusable. The MPD and all District residents deserve a state-of-the-art facility to accommodate the important functions of MPD, the Department of Corrections (DOC), and additional District agency users. OP3, in coordination with MPD and DGS, have worked hard in FY2017 to move this critical project into an active procurement.

The goal of this project is to team with a private sector partner to design, renovate, finance, and maintain the Daly Building to serve MPD and other government agencies. This critical project not only has the potential to provide MPD with much improved offices, it will also consolidate several government agencies into a single modern building, allowing the District to utilize this facility to maximum benefit. This project will help preserve one of the District's most precious historic buildings, which includes Depression-era murals and other historically significant features. Currently, OP3 anticipates launching a procurement this winter.

Both of these projects, as well as other pending opportunities from OP3's pipeline, include extensive community conversations, public meetings, and stakeholder engagement to ensure successful outcomes.

17. What has the Office done in the past year to make the activities of the Office more transparent to the public? In addition, please identify ways in which the activities of the Office and information retained by the Office could be made more transparent.

Response: OP3 has worked very hard during FY17, and will continue that work in FY18, to maintain the highest level of transparency possible on our projects and other activities while maintaining the level of confidentiality that is necessary for procurements. In coordination with the owner agencies involved in our active projects, OP3 has presented at dozens of ANC and community meetings to explain the P3 procurement process and get feedback on how to improve projects. OP3 also uses a



wide range of platforms to provide information and solicit input on our projects, including our website, Twitter, the OP3 newsletter, the D.C. Register, as well as local and national media publications.

18. What collaborations, initiatives, or programs have been successful in FY17 and FY18 to date? Why were they successful?

Response: OP3 collaboration with our partner agencies for the Smart Lighting (DDOT and OCTO) and Daly Building (DGS and MPD) projects, the Office of Contracting and Procurement (OCP), the Office of the Chief Financial Officer (OCFO), and the Office of the Attorney General (OAG) all have been successful in moving our first P3 procurements forward. Communication and alignment of goals has resulted in this success.

19. How does the Office solicit feedback from customers? Please describe.

Response: OP3 does not have customers in the traditional sense, but our response to Questions 17 (for residents and potential contractors) and 18 (for our partner agencies) addresses this question. The Office has established a culture of strong customer service by being open, accessible, and receptive to feedback and is always striving to improve upon that through proactive engagement and conversation.

20. Please provide a list of all studies, research papers, and analyses (“studies”) the Office requested, prepared, or contracted for FY17 and FY18 to date. Please state the status and purpose of each study.

Response: The OP3 commissioned a study on the P3 models available for the social infrastructure market through a competitive grant the District received from the Living Cities, City Accelerator program. That study is complete and can be reviewed at <https://gpc.stanford.edu/publications/p3-project-structuring-guidelines-local-governments-district-columbia-p3-program%E2%80%94case>

21. How many community based grants were awarded in FY 2017?

Response: OP3 does not provide grants.

22. How many community based grants have been or will be awarded in FY 2018?

Response: OP3 does not provide grants.

23. Please list each contract, procurement, lease, and grant (contract) awarded or entered into by your office during FY 2017 – FY 2018 to date. For each contract, please provide the following information where applicable.

OP3 has a range of technical, financial and legal advisors, who are experts in their respective P3 fields and support the District on critical infrastructure project. They are hired through indefinite delivery,



*Responses to FY2017 Performance Oversight Questions
Office of Public-Private Partnerships*

indefinite quantity (IDIQ) contracts that allow the advisors to be retained at no-cost until a task order is issued to the advisor who possesses the most relevant experience and expertise for a given project.

| Firm (OP3 Pool of Advisors; all awarded through competitive process) | Description | IDIQ Ceiling | Period of Performance | | Notes |
|--|----------------------|--------------|-----------------------|-----------|---------------|
| Castalia* | P3 Advisory Services | \$950,000.00 | 4/11/2017 | 4/10/2018 | IDIQ Contract |
| Claret | P3 Advisory Services | \$950,000.00 | 4/3/2017 | 4/2/2018 | IDIQ Contract |
| Deloitte Consulting | P3 Advisory Services | \$950,000.00 | 4/25/2017 | 4/24/2018 | IDIQ Contract |
| Ernst & Young | P3 Advisory Services | \$950,000.00 | 4/25/2017 | 4/24/2018 | IDIQ Contract |
| Frasca | P3 Advisory Services | \$950,000.00 | 4/18/2017 | 4/17/2018 | IDIQ Contract |
| IMG Rebel* | P3 Advisory Services | \$950,000.00 | 4/25/2017 | 4/24/2018 | IDIQ Contract |
| Infrastructure Advisors | P3 Advisory Services | \$950,000.00 | 4/10/2017 | 4/9/2018 | IDIQ Contract |
| Jones Lang and LaSalle | P3 Advisory Services | \$950,000.00 | 4/7/2017 | 4/6/2018 | IDIQ Contract |
| KPMG | P3 Advisory Services | \$950,000.00 | 4/3/2017 | 4/2/2018 | IDIQ Contract |
| Project Finance Advisory | P3 Advisory Services | \$950,000.00 | 4/25/2017 | 4/24/2018 | IDIQ Contract |
| Hill International | P3 Advisory Services | \$950,000.00 | 4/3/2017 | 4/2/2018 | IDIQ Contract |
| HNTB | P3 Advisory Services | \$950,000.00 | 4/4/2017 | 4/3/2018 | IDIQ Contract |
| Jacobs Engineering | P3 Advisory Services | \$950,000.00 | 4/11/2017 | 4/10/2018 | IDIQ Contract |
| Tetra Tech | P3 Advisory Services | \$950,000.00 | 3/13/2017 | 3/12/2018 | IDIQ Contract |
| WSP Parsons | P3 Advisory Services | \$950,000.00 | 4/3/2017 | 4/2/2018 | IDIQ Contract |
| Ballard Spahr | P3 Advisory | \$950,000.00 | 4/3/2017 | 4/2/2018 | IDIQ Contract |



*Responses to FY2017 Performance Oversight Questions
Office of Public-Private Partnerships*

| | | | | | |
|---|--|---|------------------------------|-----------|---------------|
| | Services | | | | |
| Dorsey & Whitney | P3 Advisory Services | \$950,000.00 | 4/18/2017 | 4/17/2017 | IDIQ Contract |
| Goldblatt Martin Pozen* | P3 Advisory Services | \$950,000.00 | 4/3/2017 | 4/2/2018 | IDIQ Contract |
| Graves Horton Askew & Jenkins* | P3 Advisory Services | \$950,000.00 | 4/3/2017 | 4/2/2018 | IDIQ Contract |
| Hunton & Williams | P3 Advisory Services | \$950,000.00 | 4/3/2017 | 4/2/2018 | IDIQ Contract |
| Kutak Rock | P3 Advisory Services | \$950,000.00 | 4/3/2017 | 4/2/2018 | IDIQ Contract |
| Mayer Brown | P3 Advisory Services | \$950,000.00 | 4/14/2017 | 4/13/2018 | IDIQ Contract |
| Nossaman | P3 Advisory Services | \$950,000.00 | 3/28/2017 | 3/27/2018 | IDIQ Contract |
| Squire Patton Boggs | P3 Advisory Services | \$950,000.00 | 4/3/2017 | 4/2/2018 | IDIQ Contract |
| Firm (OP3 Pool of Advisors; all awarded through competitive process) | Description | Task Order Amount (All funding from OP3 or Owner Agency) | Period of Performance | | Notes |
| GMP* | Legal support for Daly Project | \$96,793.75 | 8/22/2017 | 8/22/2018 | Task Order 1 |
| Hunton & Williams | Legal support for Smart Lighting Project | \$207,300.00 | 10/31/2017 | 1/31/2018 | Task Order 2 |
| IMG Rebel* | Financial support for Daly Project | \$59,584.00 | 9/20/2017 | 9/19/18 | Task Order 1 |
| Hunton & Williams | Legal support for Smart Lighting Project | \$289,625.00 | 5/2/2017 | 9/30/17 | Task Order 1 |
| *Certified Business Enterprise (CBE). | | | | | |

24. Did the Office conduct oversight of the organization to which it awards grants to ensure funds are used as intended? If so, how many oversights?

Response: OP3 does not provide grants.



25. Of the organizations that received a community-based grant in FY 2017, how many also received community based grants in FY 2016?

Response: OP3 does not issue grants.

26. Please describe how an organization is selected to receive a community based grant.

Response: OP3 does not issue grants.

27. Did the Office receive any grants in FY 2017? If so, what was the source and duration of the grant(s), and what was it used to accomplish?

Response: The OP3 was awarded an 18-month City Accelerator grant by the Living Cities organization in FY16 that extended into FY17. The grant was used to commission the study mentioned in the response to question 20 of this document and to engage in technical capacity building and dialogue about best practices in infrastructure finance and delivery with fellow government officials from other U.S. cities.

28. Has the Office sought any grant opportunities in FY 2018?

Response: OP3 is always seeking new opportunities and resources to help achieve its mission, while being good stewards of public dollars. Although the Office considered several grant opportunities, it has not applied for any in FY18 to date because the goals and requirements of the grants considered ultimately did not align with those of the Office. OP3 will continue to seek such opportunities.

29. Does the Office ever request internal or external audits to be conducted on the operation of your office as a precautionary tool?

Response: OP3 routinely practices its own internal audits on various programs and activities to ensure compliance with established procedures and processes. Following the achievement of key milestones in projects and other key office activities, OP3 hosts “after-action” or “hotwash” meetings with staff from our office and other key stakeholders to discuss what improvements and adjustments can be made in future endeavors. OP3 also conducts an annual audit of its budget to ensure proper allocation of resources and prudent fiscal management.

30. What are the Office’s goals going forward in FY2018?

Response: During FY2018 OP3’s goals are simple: to deliver the best infrastructure for the residents of the District of Columbia at the best value for money. OP3 feels that the projects currently in active procurement, and those projects nearing the procurement process, represent that value. The District must continue advancing the ideas of full-life-cycle costing for all projects and plan correctly for the future to ensure quality facilities for current and future Washingtonians. We look forward to working with the Committee on Government Operations to achieve these goals.

