

Chairman Phil Mendelson
at the request of the Not-for-
Profit Hospital Corporation

A RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHC-RSK-21-C-00064 Modifications between the Not-for-Profit Hospital Corporation, commonly known as United Medical Center (“Hospital”), and Kiernan Trebach LLP to provide medical malpractice litigation services on behalf of the Hospital, and to authorize payment for the services received and to be received under the Contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. NFPHC-RSK-21-C-00064 Modifications between the Not-for-Profit Hospital Corporation and Kiernan Trebach LLP Approval and Payment Authorization Emergency Declaration Resolution of 2021”.

Sec. 2. (a) There exists an immediate need to approve Modification 1 to Contract No. NFPHC-RSK-21-C-00064 (“Contract”) between the Not-for-Profit Hospital Corporation (“Hospital”) and Kiernan Trebach LLP, to provide medical malpractice litigation services, and to authorize payment for the services received and to be received under this Contract.

36 (b) The parties entered into a 120-day contract, effective August 19, 2021, for a
37 total amount of \$400,000.00 to allow for the continued provision of medical malpractice
38 litigation services. Early procurement was needed to timely retain and secure medical
39 malpractice litigation services to support the Hospital's on-going malpractice lawsuits
40 while Kiernan Trebach identified a suitable subcontractor in order to satisfy the District's
41 subcontracting requirements.

42 (c) Once a subcontractor was secured, the parties sought to enter into
43 Modification 1 to extend the term for eight (8) months for a total twelve-month base year
44 value of \$1,200,000.00

45 (d) This Contract has an aggregate value that exceeds \$1 million in a 12-month
46 period, and therefore Council approval is necessary.

47 (e) Emergency approval of this Contract for \$1,200,000.00 is necessary to
48 prevent any impact to the Hospital's defense of on-going litigation matters.

49 (f) Without this approval, Kiernan Trebach LLP cannot be paid for these critical
50 services provided and to be provided in excess of \$999,999.99.

51 Sec. 3. The Council determines that the circumstances enumerated in section 2
52 constitute emergency circumstances making it necessary that Contract No. NFPHC-RSK-
53 21-C-00064 Modifications between the Not-for-Profit Hospital Corporation and Kiernan
54 Trebach LLP Approval and Payment Authorization Emergency Amendment Act of 2021,
55 be adopted after a single reading.