

A PROPOSED 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. DCHBX-E-2023-0002 with Norton Rose Fulbright, LLC, in the not-to-exceed amount of \$2.6 million, and to authorize payment for goods and 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 “Contract No. DCHBX-E-2023-0002 with Norton Rose Fulbright, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2023”.

Sec. 2 (a) There exists an immediate need to approve Contract No. DCHBX-E-2023-0002 for representation and litigation services between the District of Columbia Health Benefit Exchange Authority (“DCHBX”) and Norton Rose Fulbright, LLC (“Norton Rose”), in the not-to-exceed amount of \$2.6 million, and to authorize payment for goods and services received and to be received under the contract.

(b) On March 6, 2023, DCHBX received notice that data for some DC Health Link customers had been published on a data breach forum. DCHBX immediately launched a comprehensive investigation, began working with law enforcement, and engaged a third-party expert forensics firm to investigate.

33 (c) Norton Rose has a practice that focuses on complex cybersecurity attacks and  
34 data breach investigations, involving sophisticated threat actor groups and advanced  
35 persistent threats focused on critical infrastructure entities. To date, DCHBX is aware of  
36 5 putative class action complaints that have been filed arising out of the data breach.

37 (d) Because there was a need to mitigate the risk of harm to consumers as quickly  
38 as possible, including providing notice to affected individuals immediately, conducting a  
39 comprehensive review of the HBX information technology systems and processes, and  
40 litigation ensued within 10 days of the incident, it was necessary to acquire expert legal  
41 services without delay and there was insufficient time to submit the contract to the  
42 Council in advance.

43 (e) Council approval of the contract is required pursuant to section 451 of the  
44 District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C.  
45 Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of  
46 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), and  
47 Council approval is necessary to continue receiving these critical services.

48 Sec. 3. The Council determines that the circumstances enumerated in section 2  
49 constitute emergency circumstances making it necessary that the Contract No. DCHBX-  
50 E-2023-0002 with Norton Rose Fulbright, LLC Approval and Payment Authorization  
51 Emergency Act of 2023 be adopted after a single reading.

52 Sec. 4. This resolution shall take effect immediately.