



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

**WRITTEN DETERMINATION APPOINTING OUTSIDE COUNSEL
ON BEHALF OF THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION,
DIVISION OF HIGHWAYS
(RFP # 89)**

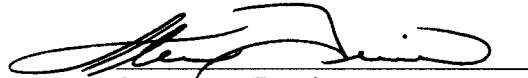
The West Virginia Department of Transportation, Division of Highways (hereinafter the "WVDOT") has requested legal representation to assist with a complex construction matter.

Pursuant to the written determination issued on February 24, 2020, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist WVAGO with the needed legal services. A request for proposals, RFP # 89, was issued in accordance with subsection (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAG0-004).

As of the March 4, 2020, deadline for proposals, the Office of the Attorney General received eight timely proposals for legal services. After a review of the proposals received, the Office has determined that the law firm of Bailey & Glasser LLP ("Bailey & Glasser") submitted a competitive proposal for legal services pursuant to Section E of Policy # WVAG0-004, based on the following factors:

- Bailey & Glasser has the requisite attorneys and staff to provide the legal services to be performed, and is readily available to perform the needed services in a timely manner.
- Bailey & Glasser's proposal is responsive to the WVDOT's needs, and of those who submitted proposals, is WVDOT's preferred counsel for this matter.
- Bailey & Glasser has agreed to perform the needed legal services at an hourly rate structure as follows:
 - Partners: \$365-\$295 per hour
 - Associates: \$275 per hour
 - Paralegals: \$150 per hour

Based on the factors set forth above, the Office of the Attorney General authorizes the appointment of Bailey & Glasser to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy # WVAGO-004.

A handwritten signature in black ink, appearing to read "Steven A. Travis", is written over a horizontal line.

Steven A. Travis
Deputy General Counsel

Dated: March 25, 2020