



State of West Virginia
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION REGARDING THE
APPOINTMENT OF BOWLES RICE LLP AS OUTSIDE COUNSEL ON BEHALF OF
THE WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE
EDUCATION AND THE WEST VIRGINIA HIGHER EDUCATION POLICY
COMMISSION**

The West Virginia Council for Community and Technical College Education and the West Virginia Higher Education Policy Commission (hereinafter the “Council” and “Commission” respectively) have requested legal representation to assist with issues with an on-going construction project in Fairmont, West Virginia.

More specifically, the Council and Commission seek legal representation to assist them with issues, and potential litigation, stemming from delays, cost overruns, and conflicting contentions of multiple parties involved in the on-going construction of the North Central West Virginia Advanced Technology Center in Fairmont, West Virginia.

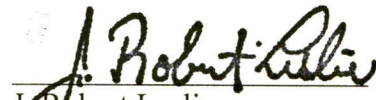
Pursuant to the written determination issued on November 2, 2015, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist the Council and Commission with the needed legal services. A request for proposals, RFP # 47, was issued in accordance with subsection (D) of the Attorney General’s Policy on Outside Counsel (Policy #WVAG0-004).

As of the November 9, 2015, deadline for proposals, the Office of the Attorney General received six timely proposals for legal services. After a review of the proposals received, the Office has determined that the law firm of Bowles Rice LLP has submitted the most competitive proposal for legal services pursuant to Section E of Policy # WVAG0-004, based on the following factors:

- Bowles Rice has the specific expertise in construction law to assist the Council and Commission with the legal matter in question.
- Bowles Rice has the requisite litigation background to assist the Council and the Commission with the legal matter in question.
- Bowles Rice’s proposal was the most responsive to the needs of the Council and Commission, and of those who submitted proposals is the Council and Commission’s preferred council for this matter.

- Bowles Rice has the staffing and availability to provide the needed services immediately.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services at this time.

Accordingly, the Attorney General authorizes the appointment of outside counsel(s) for these legal matters pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAGO-004.


J. Robert Leslie
Senior Deputy Attorney General

Date Signed: December 8, 2015