



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

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

**WRITTEN DETERMINATION REGARDING THE
APPOINTMENT OF 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.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint outside counsel to assist with the legal matters in question, based on the following factors:

- The matter at issue requires specific expertise in construction law that is not sufficiently possessed by the Office of the Attorney General.
- It would require a significant time commitment from the Office of the Attorney General to familiarize itself with the particular issues relating to the legal matters in question.
- It is critical for the Council and Commission to obtain the needed legal services as construction of the project is ongoing and thus, the legal services are needed 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: November 2, 2015