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PRESS RELEASE

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**ATTORNEY GENERAL MORRISEY ADVISES WEST VIRGINIA UNIVERSITY TO RE-BID
ITS MULTIMEDIA RIGHTS**

Patrick Morrisey says a review of the process finds no signs of “intentional wrongdoing” but significant errors suggest the matter should be re-bid.

CHARLESTON – Attorney General Patrick Morrisey today released his report on the office’s review of the West Virginia University media rights matter. Morrisey issued a lengthy report with numerous findings and recommendations about how WVU should proceed with respect to the rebidding process.

Significantly, Morrisey said “while our office found significant errors and sloppiness in the process warranting a rebid, we did not find any evidence of intentional wrongdoing or intentional interference that might be used to advance a pre-determined result.”

Morrisey’s suggestions come as part of a comprehensive and expedited review of the University’s handling of its multimedia rights. He and attorneys within the Office of the Attorney General reached those conclusions based upon several key findings:

- The multimedia rights contract is revenue generating and not required to be placed through a competitive RFP process under either the West Virginia Code or the West Virginia University Procurement Rules.
- Based upon the proposals and identified criteria, the record supports the University’s decision to invite IMG College to engage in negotiations for a contract.
- The procurement process utilized in the evaluation and selection of proposals was flawed, incomplete, and/or not in accordance with the RFP or the University’s Procurement Rules, specifically:
 - All Evaluation Committee members were not afforded a timely opportunity to formally vote in favor of the winning proposal, resulting in two of the six members ultimately not voting.

- The make-up of the Evaluation Committee was altered during the pendency of the evaluation process, and (when coupled with the lack of affirmative votes from two members) may have materially affected the outcome of the decision.
 - There was not strict adherence to the confidentiality/non-disclosure provisions of the RFP and University Rules.
 - There was a failure of the Procurement Office and/or the Consultant to properly document conversations with the proposers or potential proposers during the process.
 - The evaluation of the proposals did not conform to the RFP criteria, including specifically, the RFP Addendum requiring weighted scoring.
 - There is no reason to conclude that the University's contracts with Rockbridge Sports Group violated procurement rules.
- BOG Chairman Andrew Payne improperly received information about the process and instead should have recused himself from any and all participation in this matter.
 - BOG Member David Alvarez should have recused himself from any and all participation in the matter.

“Let me be clear, this review found no proof of intentional wrongdoing and no intentional interference in the process in order to derive a predetermined outcome,” Attorney General Morrissey said. “However, this report highlights areas where the University should take some specific steps in order to eliminate any appearance of improprieties.”

The review by the Attorney General's Office determined that the facts and the record support the University's decision to invite IMG College to engage in negotiations for a contract.

The report highlights several steps the University could take in order to improve the multimedia rights bidding process in the future. Those include reviewing and clarifying the steps the University takes in its procurement process relating to the competitive bidding of revenue-generating contracts; and better educating BOG members, officers and employees about recusal requirements and/or avoiding participation in matters in which he or she may have a potential financial interest. The report also encourages the University to keep prior bids it received confidential.

“My office understands that West Virginia University's decision to out-source sponsorship and multimedia rights has a significant impact on the University and its many fans, supporters, and alumni in the state. Every taxpayer, as well, has a vested interest in this issue,” Morrissey said. “Our goal from the beginning has been to assess how the University handled the multimedia rights bidding process, determine if there were improprieties and, if necessary, ensure that errors were addressed. Regardless of who is unhappy with this report, our Office has done the right thing. We appreciate WVU's cooperation in this matter and willingness to release this report.”

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