

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 196

An Act to amend the Code of Virginia by adding a section numbered 2.2-510.1, relating to employment of special counsel.

[H 309]

Approved March 22, 2002

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-510.1 as follows:

§ 2.2-510.1. Open negotiation for employment of special counsel.

No state agency or state agent shall enter into a contingency fee contract for legal services in which contingency fees and expenses are reasonably anticipated to exceed \$100,000 until an open and competitive negotiation process has been undertaken in accordance with the provisions of the Public Procurement Act (§ 2.2-4300 et seq.), applied mutatis mutandis. The contract shall be awarded to the attorney or firm that submits the most competitive proposal to provide such services considering the cost of the services, the qualifications of the attorney or firm to provide the services, the experience of the attorney or firm with similar legal matters, legal expertise generally, and such other relevant factors as may be identified by the Attorney General.

The provisions of this section shall not apply to any contracts for legal fees entered into pursuant to § 2.2-507 for the purpose of implementing the Virginia Debt Collection Act (§ 2.2-4800 et seq.).

2. That the provisions of this act shall not apply to any contracts for legal services entered into prior to the effective date of this act, nor shall the provisions of this act affect renewals of any such contracts.