

REQUEST FOR PROPOSAL FOR LEGAL SERVICES

Pursuant to O.C.G.A. § 45-15-4, the Attorney General of the State of Georgia is seeking assistance of outside private counsel to provide representation to the Georgia Department of Community Health (“DCH”) in investigation of and possible litigation against certain chain pharmacies in connection with the reimbursement of the costs of prescription drugs paid for by DCH under the State of Georgia’s Medicaid program. The proposed investigation will involve review and analysis of Medicaid claims data of DCH to determine the actual reporting practices of the usual and customary amounts charged for certain drugs by major chain pharmacies which participate in the state’s Medicaid program and a subsequent determination of whether there is sufficient evidence to support claims for monetary damages, injunctive relief, other civil penalties, and any other available remedies.

Selected outside counsel, if any, will be appointed as a Special Assistant Attorney General (“SAAG”) pursuant to O.C.G.A. § 45-15-4.

Qualified attorneys are invited to submit proposals to the Office of the Attorney General on or before Friday, June 1, 2018 at 5:00 p.m., EST. Selection of an attorney to serve as a SAAG, if any, will occur as soon as practicable after that date.

A proposal should identify the individual who will serve as the SAAG if selected and all attorneys who would work with the SAAG. Information should include particular abilities and experience relevant to representation of DCH for purposes of conducting the investigation and possible pursuit of litigation as described above. Particular experience representing state governmental agencies or officials in complex litigation is relevant. References, writing samples, and narratives of relevant experience are welcomed.

The Attorney General, directly or through his staff, shall at all times retain control of representation including litigation and shall retain final decision-making authority over any proposed actions by the SAAG related to the litigation. Decisions regarding settlement of any

case shall be reserved exclusively to the Attorney General and shall not be delegated to the SAAG.

It is anticipated that compensation for services performed will be solely based on a contingency fee. Proposals should set forth specific information for a contingency fee arrangement as well as an analysis of the legal authorization for such an arrangement in the particular context of this request for proposal for legal services (“RFP”). Parties submitting responses are encouraged to review the Administrative Order issued by the Attorney General dated October 16, 2017, which addresses contingency fee arrangements.

The Office of the Attorney General shall have the right to modify or cancel this RFP and to negotiate with specific attorneys responding to this RFP without any obligation to any party. Submission of a response to this RFP in no way forms a written contract.

Responses to this RFP should be directed to: Annette M. Cowart, Deputy Attorney General, 40 Capitol Square, SW, Atlanta, Georgia 30334.