State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

(304) 558-2021
Fax (304) 558-0410

Request for Proposal for Legal Services

The Office of the West Virginia Attorney General (hereinafter "WVAGO") is seeking the assistance of outside counsel for consumer protection oriented litigation that is currently pending in Kanawha County Circuit Court. More specifically, the WVAGO is seeking legal assistance for pending litigation involving violations of the West Virginia Consumer Credit and Protection Act stemming from alleged unfair and deceptive practices relating to the sale of telecommunications services

Qualified law firms or attorneys are invited to submit a proposal on or before May 21, 2014, to assist the WVAGO in this matter. Selection of a winning proposal, if any, will be made as soon as possible after that date with representation to commence forthwith upon selection.

Background

The WVAGO is in need of legal assistance with respect to pending litigation involving the alleged commission of unfair or deceptive acts and practices in violation of the West Virginia Consumer Credit & Protection Act. Outside counsel will be expected to assist and participate in a pending lawsuit filed by the WVAGO. The WVAGO seeks particular experience as follows:

- Significant familiarity and practice with West Virginia consumer protection laws;
- General litigation background and experience; and,
- Consumer transactions with telecommunication services, including familiarity with federal and state regulations and customary charges and fees.

Scope of Representation

The client is the WVAGO. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with WVAGO staff and attorneys to assist with the legal services in question.

Conflict of Interest Information

The attorney or firm should disclose any prior or current representations of (1) the WVAGO or (2) any other apparent potential conflict(s) with your existing or former clients, including previous representation of any telecommunications companies. The final selection of counsel, if any, is contingent upon the successful completion of a conflicts of interest analysis.

Your Proposal

No specific form is required of your proposal, but it should address those factors identified in the Attorney General's Outside Counsel Policy,[1] and should also address your experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in the following practice areas:

1. Consumer protection laws;
2. General litigation; and,
3. Consumer transactions with telecommunication services, including familiarity with federal and state regulations and customary charges and fees.

In addition, your proposal should disclose any prior legal work you have performed for the WVAGO, as well as any experiences that may particularly qualify you for the legal matter in question.

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[1] Pursuant to the Outside Counsel Policy, the Attorney General shall consider the following factors when determining the most competitive proposal for legal services:

- Whether the private attorneys possess the requisite skills and expertise needed to handle the legal matters in question;
- Whether the private attorneys possess requisite staffing and support to handle the scope of the litigation or matter;
- Whether the private attorneys, or any members of the private attorneys' law firm, have been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct;
- Whether the private attorneys have been peer rated, and if so, what peer ratings they have received, along with any other recognitions or awards for legal services;
- The estimated fees, costs and expenses of the private attorneys to perform the legal services requested;
- The willingness of the private attorneys to enter into alternative billing arrangements;
- Whether the private attorneys are in compliance with all applicable laws of the State of West Virginia;
- Any potential conflicts of interest between the private attorneys and the State;
- Any relevant input from the state entity client, if applicable, regarding the needed legal services; and
- Any such other relevant factors as may be identified by the Attorney General.

Unless an alternative billing method is proposed, selected counsel, if any, will be compensated in accordance with the fee arrangements set forth in Section I of the Attorney General's Outside Counsel Policy.

Computerized legal research tools, such as WESTLAW or LEXIS, may not be billed as an expense if your proposal for billing is different than the fee arrangements set forth in Section I. Please state your per-unit costs (if any) for expenses such as copying; whether you will bill for travel expenses, and at what rate; and whether and how you bill for attorney-time while traveling. Representations made in your proposal will supersede any conflicting terms that are less favorable to the client appearing in any written contract or invoice.

Evaluation and Acceptance

Your proposal will be evaluated by the WVAGO. Any and all proposals may be rejected. Your proposal should be addressed to the Office of the Attorney General and emailed to rfpresponse@wvago.gov. This Request for Proposal shall be known as RFP # 024, and any and all correspondences relating to this Request for Proposal should reference RFP # 024. All proposals must be received by email no later than May 21, 2014, at 5:00 p.m. Any questions regarding this request for proposal should likewise be emailed to rfpresponse@wvago.gov.

Retention of the selected attorney or firm, if any, is conditioned upon the execution of a written contract approved by the Attorney General. In no event will any such contract preclude the termination of the representation at any time by official action of the WVAGO.

Thank you for considering this Request for Proposal.