



State of West Virginia
Office of the Attorney General

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Attorney General

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Request for Proposal for Legal Services
To Represent the West Virginia Offices of the Insurance Commissioner

The West Virginia Offices of the Insurance Commissioner (hereinafter the "OIC") is in need of legal representation to assist with the handling of a public employee grievance.

More specifically, the OIC is in need of legal representation to assist it during level three and beyond – to the extent that the grievance moves forward – for one public employee grievance.

Qualified law firms or attorneys are invited to submit a proposal on or before September 17, 2015, to assist the OIC with the legal matters in question. Selection of a winning proposal, if any, will be made as soon as possible after that date with representation to commence immediately upon selection.

Background

The OIC is in need of legal assistance to assist with the handling of a public employee grievance.

More specifically, the OIC is seeking an attorney or law firm who can assist it with a public employee grievance from level three and beyond.

Accordingly, the OIC seeks particular experience as follows:

- Significant familiarity and practice in administrative law;
- Substantial experience with mediation and grievances generally;
- Significant experience with labor and employment law; and,
- Knowledge of state wage and salary, classification, and position reclassification requirements.

Scope of Representation

The client is the Office of the Attorney General in its representation of the OIC. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the OIC to provide the legal services in question until the resolution of the grievances is complete. The bidding firm or attorney must be able to provide legal assistance for the OIC immediately, as mediation is anticipated to take place quickly.

Conflict of Interest Information

In addition to disclosing any prior representation of the OIC, the bidding firm or attorney should disclose matters where they have previously been adverse to the OIC, any representation before the OIC or any offices, bodies or boards associated therewith or thereunder, as well as any other matters that could impact a conflict analysis for this potential client.

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. Labor and employment law;
2. Administrative law, mediation and grievances; and,
3. Any other legal experience relevant to this potential representation.

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.

In addition, your proposal should disclose any prior legal work you have performed for the OIC, any representation before the OIC or any offices, bodies or boards associated therewith or thereunder, as well as any experiences that may particularly qualify you for the legal matters in question.

If you propose to bill hourly rates, please state them separately for each attorney or paralegal to be assigned to this representation and indicate the approximate proportion of total time that will be billed at each rate. Computerized legal research tools, such as WESTLAW or LEXIS, may not be billed as an expense. 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 any additional 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 Office of the Attorney General in consultation with the OIC. 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 # 40, and any and all correspondences relating to this Request for Proposal should reference RFP # 40. All proposals must be received by email no later than Thursday, September 17, 2015, 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 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 OIC.

Thank you for considering this Request for Proposal.