



State of West Virginia  
Office of the Attorney General

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**Request for Proposal for Legal Services  
To Represent the West Virginia Department  
of Agriculture and the West Virginia Conservation Agency**

The West Virginia Department of Agriculture (hereinafter "WVDA") and the West Virginia Conservation Agency (hereinafter "WVCA") have requested legal representation in conjunction with a review of property under their control.

The WVDA is seeking a review of its real estate holdings of approximately 10,000 acres of land across the state. Specifically, the WVDA needs assistance with the review of each parcel of acreage to ensure each parcel is properly delineated and recorded. Where the boundaries of such properties are uncertain, the WVDA needs assistance with conducting title abstracts in the various counties to determine the exact boundaries of such properties. Further, the WVDA needs assistance with determining ownership of the substrata of each property including but not limited to oil, gas, coal, limestone and clay, as well as any surface easements, leases or other encumbrances. This project will be conducted in the following counties: Berkeley, Braxton, Cabell, Doddridge, Harrison, Hardy, Jackson, Kanawha, Lewis, Lincoln, Marshall, Mason, Mineral, Monroe, Pleasants, Preston, Raleigh, Randolph, Ritchie, Summers, Taylor and Wood.

The WVCA is seeking a two-phase review of its one hundred and seventy (170) flood control dams statewide. Specifically, the WVCA needs assistance with the review of each flood control dam's deed and easement specifications to ensure each is properly delineated and recorded (Phase I). Where the boundaries of such property are uncertain, the WVCA needs assistance with conducting title abstracts in various counties to determine the exact boundaries (Phase II). Further, the WVCA needs assistance with determining any other leases or other encumbrances related to said dams. Phase I of this project will be conducted exclusively in Romney, West Virginia, either at the WVCA's field office or the Potomac Valley Conservation District office. Phase II may require travel to various counties to conduct title work. Both the WVDA and WVCA's projects require significant knowledge and expertise in real estate transactions and land use planning.

Qualified law firms or attorneys are invited to submit a proposal on or before August 19, 2013, to assist with the Office of the West Virginia Attorney General's representation of the WVDA and WVCA 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 WVDA and WVCA are in need of legal assistance as they perform reviews of their respective real estate holdings and flood-control dam sites throughout the state. Outside counsel will be expected to work with the Attorney General's Office to advise the WVDA and the WVCA throughout the review process. The WVDA and WVCA seek particular experience as follows:

- Significant familiarity and practice with real estate law;
- Knowledge and expertise in land use planning,
- Ability to oversee and/or conduct title abstracts; and,
- Ability to efficiently and effectively manage multiple transactions throughout the state.

At present, a timeline for completion of the review process has not been finalized.

## **Scope of Representation**

The clients are the WVDA and the WVCA. WVDA and WVCA are jointly responsible for any legal fees accrued for these projects. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the WVDA, the WVCA, and representatives of the Attorney General's Office to provide legal advice in conjunction with the review of the WVDA's real estate holdings and the review of the WVCA's deed and easement specifications of its flood control dams (Phase I) and subsequent title abstracts (Phase II). The Attorney General's Office shall be involved in oversight and control of the project.

## **Conflict of Interest Information**

The attorney or firm should disclose any prior or current representations of (1) the WVDA and/or the WVCA and (2) apparent potential conflict(s) with your existing or former clients.

## **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,<sup>1</sup> and should also address your

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<sup>1</sup> 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;

experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in the following practice areas:

1. Real estate transactions;
2. Real estate title opinions; and
3. Any other legal experience relevant to this potential representation.

In addition, your proposal should disclose any prior legal work you have performed for the WVDA and/or the WVCA, as well as any experiences that may particularly qualify you for the search process.

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 to, or within, Hampshire County 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 WVDA and the WVCA. 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](mailto:rfpresponse@wvago.gov). This Request for Proposal shall be known as RFP #006, and any and all correspondences relating to this Request for Proposal should reference RFP #006. All proposals must be received by email no later than August 19, 2013, at 5:00 p.m. Any questions regarding this request for proposal should likewise be emailed to [rfpresponse@wvago.gov](mailto: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 WVDA or the WVCA.

Thank you for considering this Request for Proposal.

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- 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.