



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 Division of Natural Resources

The West Virginia Division of Natural Resources (hereinafter "West Virginia DNR") has requested legal representation in conjunction with the preparation of a title abstract for the Great Cacapon Power Plant Public Access Site ("PAS") situated in Morgan County. The West Virginia DNR is in need of an attorney to abstract the title and prepare a title report on the subject property on or before August 26, 2013.

Qualified law firms or attorneys are invited to submit a proposal on or before August 9, 2013 to represent the West Virginia DNR 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 West Virginia DNR is in need of legal assistance to abstract the title and prepare a title report for the Great Cacapon Power Plant PAS. Outside counsel will be expected to work with the West Virginia DNR throughout the title process. West Virginia DNR is seeking particular experience as follows:

- Significant familiarity and practice with real estate law;
- Knowledge and expertise handling title transactions; and,
- Ability to oversee and/or conduct title abstracts and prepare title reports.

Scope of Representation

The client is the West Virginia DNR. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the West Virginia DNR's Environmental Resources Specialist to provide legal advice in conjunction with the title abstract of the subject property and perform other tasks reasonably necessary to the responsible completion of this service.

Conflict of Interest Information

West Virginia DNR owns the subject property. The firm or attorney should disclose matters where they have previously been adverse to the West Virginia DNR and any other matter(s) 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 draft 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:

- A. Real estate transactions;
- B. Real estate title opinions; and
- C. Any other legal experience relevant to this potential representation.

In addition, your proposal should disclose any (1) prior legal work you have performed for the West Virginia DNR and (2) apparent potential conflict(s) with your existing or former clients.

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, Morgan County 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.

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.

Evaluation and Acceptance

Your proposal will be evaluated by the Office of the Attorney General in consultation with the West Virginia DNR. Any and all proposals may be rejected. Your proposal should be addressed to the Office of Attorney General and emailed to rfpresponse@wvago.gov. This Request for Proposal shall be known as RFP # 007, and any and all correspondences relating to this Request for Proposal should reference RFP # 007. All proposals must be received by email no later than 5:00 p.m. on August 9, 2013. 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 West Virginia DNR.

Thank you for considering this Request for Proposal.