



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

Amended Request for Proposal for Legal Services

This Amended Request for Proposal for Legal Services amends and clarifies RFP # 52 issued February 23, 2016 for legal services in *Elizabeth D. Walker v. Natalie Tennant, Gary A. Collias, and Vincent Cardi, Members of the West Virginia State Election Commission; Glenn B. Gainer, III; West Virginia Auditor; John Perdue, West Virginia State Treasurer; and William R. Wooten*, Civil Action No. 16-AA-13; and *Elizabeth D. Walker v. Natalie Tennant, ex-officio, Gary A. Collias, and Vincent P. Cardi, members of the West Virginia State Election Commission; and Brent D. Benjamin, candidate for the Supreme Court of Appeals of West Virginia*, Civil Action No. 16-AA-17. RFP # 52 previously indicated that the client agency would be the West Virginia Secretary of State, however, the correct clients in this engagement will be Natalie Tennant, Gary A. Collias, and Vincent Cardi in their official capacity as members of the West Virginia State Election Commission (“WVSEC”).

Qualified law firms or attorneys are invited to submit a proposal on or before February 25, 2016, to assist with the Office of the West Virginia Attorney General's representation of the members of the WVSEC in this matter. The winning proposal, if any, will be selected as soon as possible after that date with representation to commence forthwith.

Background

The WVSEC is seeking qualified outside counsel to provide legal services on behalf of its named members in *Elizabeth D. Walker v. Natalie Tennant, Gary A. Collias, and Vincent Cardi, Members of the West Virginia State Election Commission; Glenn B. Gainer, III; West Virginia Auditor; John Perdue, West Virginia State Treasurer; and William R. Wooten*, Civil Action No. 16-AA-13 and *Elizabeth D. Walker v. Natalie Tennant, ex-officio, Gary A. Collias, and Vincent P. Cardi, members of the West Virginia State Election Commission; and Brent D. Benjamin, candidate for the Supreme Court of Appeals of West Virginia*, Civil Action No. 16-AA-17.

Accordingly, the WVSEC seeks particular experience as follows:

- Substantial experience and expertise in election and campaign finance law; and,
- Substantial litigation experience and appellate practice expertise.

Scope of Representation

The client is the Office of the Attorney General in its representation of the members of the WVSEC. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the members of the WVSEC, as well as the organization's legal counsel provided by the Attorney General's Office, to provide legal services in relation to the above referenced matter.

Conflict of Interest Information

In addition to disclosing any prior representation of the WVSEC, and the individual members named, the bidding firm or attorney should disclose matters where they have previously been adverse to the WVSEC, or any member thereof as well as any other previous representations 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. Substantial experience and expertise in election law;
2. Substantial litigation experience and appellate practice expertise;
3. Previous experience or background with the WVSEC generally; and,
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.

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 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 # 52, and any and all correspondences relating to this Request for Proposal should reference RFP # 52. All proposals must be received by email no later than February 25, 2016, 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 and/or the members of the WVSEC .

Thank you for considering this Request for Proposal.