



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

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

**Request for Proposal for Legal Services
To Represent the West Virginia Council for Community and Technical College Education
and The West Virginia Higher Education Policy Commission**

The West Virginia Council for Community and Technical College Education and the West Virginia Higher Education Policy Commission (hereinafter the "Council" and "Commission" respectively) have requested legal representation to assist with issues with an on-going construction project in Fairmont, West Virginia.

More specifically, the Council and Commission seek legal representation to assist them with issues, and potential litigation, stemming from delays, cost overruns, and conflicting contentions of multiple parties involved in the on-going construction of the North Central West Virginia Advanced Technology Center in Fairmont, West Virginia.

Qualified law firms or attorneys are invited to submit a proposal on or before November 9, 2015, to assist with the Office of the West Virginia Attorney General's representation of the Council and Commission. Selection of a winning proposal or proposals, if any, will be made as soon as possible after that date with representation to commence forthwith upon selection.

Background

The Council and Commission have requested legal representation to assist with issues with an on-going construction project in Fairmont, West Virginia.

More specifically, the Council and Commission seek legal representation to assist them with issues, and potential litigation, stemming from delays, cost overruns, and conflicting contentions of multiple parties involved in the on-going construction of the North Central West Virginia Advanced Technology Center in Fairmont, West Virginia.

Accordingly, the Council and Commission seek particular experience as follows:

- Construction law; and
- General litigation.

Scope of Representation

The client is WVAGO in its representation of the Council and Commission. An attorney or firm, if any, will be selected for each of the separate legal matters set forth above, and will work in close coordination with the Council and Commission, as well as the organization's legal counsel provided by the Attorney General's Office, to provide the legal services in question for a period of one-year.

Conflict of Interest Information

In addition to disclosing any prior representation of the Council and Commission, the bidding firm or attorney should disclose matters where they have previously been adverse to the Council and Commission as well as 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 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:

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

1. Construction law; and
2. General litigation.

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 Council and/or Commission, as well as any experiences that may particularly qualify you for the requested legal representation.

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 Council and Commission. 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 # 47, and any and all correspondences relating to this Request for Proposal should reference RFP # 47. All proposals must be received by email no later than Monday, November 9, 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 Council, Commission, and/or the Office of the Attorney General.

Thank you for considering this Request for Proposal.