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 Department of Health & Human Resources

The West Virginia Department of Health & Human Resources (the "WVDHHR") is seeking legal representation to assist WVDHHR and the Office of the West Virginia Attorney General with an ongoing Department of Justice investigation regarding West Virginia's system of care for children in need of mental health services.

Qualified law firms or attorneys are invited to submit a proposal on or before July 24, 2015, to assist with the Office of the West Virginia Attorney General's representation of the WVDHHR 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 WVDHHR is in need of legal assistance with respect to an ongoing Department of Justice investigation regarding West Virginia's system of care for children in need of mental health services. More specifically, WVDHHR is seeking an attorney or law firm who would help advise and assist the WVDHHR throughout the Department of Justice investigation.

Accordingly, the WVDHHR seeks particular experience as follows:

- Substantial experience with Department of Justice civil rights investigations and matters;
- Experience with compliance issues, including, but not limited to compliance with the American's with Disabilities Act and Title VI of the Civil Rights Act of 1964;
- Experience with healthcare law, including, but not limited to behavioral health.

Scope of Representation

The client is the WVDHHR and the Office of the Attorney General. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the WVDHHR, 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 litigation.

Conflict of Interest Information

In addition to disclosing any prior representation of the WVDHHR, the bidding firm or attorney should disclose matters where they have previously been adverse to the WVDHHR 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 with Department of Justice civil rights investigations;
2. Experience with healthcare law, including, but not limited to behavioral health;
3. Experience with compliance issues, including, but not limited to compliance with the American's with Disabilities Act and Title VI of the Civil Rights Act of 1964;
4. Previous experience or background with WVDHHR generally; and,
5. Any other legal experience relevant to this potential 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

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[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.

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 WVDHHR. 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 # 34, and any and all correspondences relating to this Request for Proposal should reference RFP # 34. All proposals must be received by email no later than Friday, July 24, 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 WVDHHR.

Thank you for considering this Request for Proposal.