



State of West Virginia  
Office of the 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 purchase of property situated in Pendleton County. The property is an approximately 0.350 acre parcel owned by Linda K. Sponaugle and Donna Jean Smith. The West Virginia DNR is in need of an attorney to abstract the title, prepare a title report, prepare the deed, and hold the closing for this property on or before September 2, 2013.

Qualified law firms or attorneys are invited to submit on or before July 1, 2013, a proposal 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.

### **Retention of Private Counsel**

The Attorney General has granted his consent for the West Virginia DNR to procure its own counsel through a cooperative competitive process consistent with the policy objectives that underlie the Attorney General's draft "Outside Counsel Policy." The firm or attorney, if any, which is selected as a result of this process, will contract directly with the West Virginia DNR. The West Virginia DNR shall be solely responsible for payment of attorney fees and expenses associated with the representation.

### **Conflict of Interest Information**

Linda K. Sponaugle and Donna Jean Smith are the owners of the property to be purchased by the West Virginia DNR. In addition to disclosing prior representations of these individuals, 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.

### **Scope of Representation**

The client is the West Virginia DNR. The attorney or firm will work in close coordination with the West Virginia DNR's Environmental Resources Specialist to provide legal advice in conjunction with purchase of the subject property and perform other tasks reasonably necessary to the responsible completion of this service.

## **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,<sup>1</sup> 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, Pendleton 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.

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<sup>1</sup> The draft Policy, which is available [www.wvago.gov/pdf/FinalDraftOutside CounselPolicy.pdf](http://www.wvago.gov/pdf/FinalDraftOutside%20CounselPolicy.pdf), provides:

### Factors to be Considered During Competitive Bidding Process:

When soliciting proposals from private attorneys to represent the State on a contingency-fee basis, or any other basis, 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; and
- Any such other relevant factors as may be identified by the Attorney General.

Your proposal should be addressed to the Office of Attorney General and emailed to [rfpresponse@wvago.gov](mailto:rfpresponse@wvago.gov). All proposals must be received by email no later than 4:00 p.m., on July 1, 2013. Any questions regarding this request for proposal should likewise be emailed to [rfpresponse@wvago.gov](mailto:rfpresponse@wvago.gov).

### **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.

### **Administration and Approval of Invoices**

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. A copy of all invoices submitted to the West Virginia DNR will be provided to the Office of Attorney General to review for reasonableness and consistency with the proposal. Due to processing time, invoices may not be paid for as long as 60 days after receipt. No late fees or interest will be paid except as may be provided by law.

Thank you for considering this Request for Proposal.