



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 West Virginia Public Broadcasting**

West Virginia Public Broadcasting (hereinafter "WVPB") has requested legal representation to assist with the maintenance of tower leases involving WVPB's statewide radio and television network (hereinafter "tower lease issues").

The Office of the Attorney General is seeking proposals for the matters set forth above, and invites qualified law firms or attorneys to submit a proposal on or before November 8, 2013, to assist with the Office of the West Virginia Attorney General's representation of WVPB. 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**

WVPB is in need of legal assistance with complex leasing issues relating to WVPB's telecommunication towers. WVPB currently has subleases with 18 entities that rent space on its towers, while also leasing property for its towers from twenty (20) different landowners. These leases are critical to the organization's operations, and must be maintained accordingly.

Accordingly, WVPB seeks particular experience as follows:

- Significant familiarity and practice with telecommunications and regulatory laws;
- Real estate and lease transactions; and,
- Ability to provide said legal services on a time-sensitive basis.

### **Scope of Representation**

The client is WVPB. The attorney or firm, if any, selected will work in close coordination with WVPB, 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 WVPB, the bidding firm or attorney should disclose matters where they have previously been adverse to WVPB 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.<sup>1</sup>

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

1. Significant familiarity and practice with telecommunications and regulatory laws;
2. Real estate and lease transactions; and
3. 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 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.

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<sup>1</sup> 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 WVPB. 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](mailto:rfpresponse@wvago.gov). This Request for Proposal shall be known as RFP # 012, and any and all correspondences relating to this Request for Proposal should reference RFP # 012. All proposals must be received by email no later than Friday, November 8, 2013, at 5:00 p.m. Any questions regarding this request for proposal should likewise be emailed to [rfpresponse@wvago.gov](mailto: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 WVPB.

Thank you for considering this Request for Proposal.