



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 Marshall University

Marshall University (hereinafter "Marshall") requires legal representation in conjunction with immigration matters for its employees and students. Qualified law firms or attorneys are invited to submit a proposal on or before July 8, 2013, to represent Marshall in these immigration matters for a period of one year. Selection of a winning proposal, if any, will be made as soon as possible after July 8, 2013, and the representation will commence forthwith upon selection.

Background

Marshall is in need of an attorney who can assist with future employee and student related immigration matters on an ongoing basis. More specifically, Marshall is need of an attorney capable of providing employment based immigration services including, but not limited to, assisting with the preparation and filing of H-1B visa petitions (including Labor Condition Applications), and permanent residency applications (including PERM applications, I-140 visa petitions and I-485 adjustment of status applications). Marshall could also require counseling regarding O-1 visas, J-1 visas, J-1 visa waivers, TN visa status and various other immigration matters. Furthermore, Marshall may be in need of assistance in conjunction with reviewing I-9s of foreign nationals and counseling regarding general immigration related matters which affect students.

Conflict of Interest Information

The attorney or firm should disclose any prior or current representations of (1) Marshall or (2) entities/individuals that may have interests that are, or are likely to become, adverse to the interests of Marshall. Additionally, the attorney or firm should disclose any matter or information which could impact a conflict analysis for this potential client.

Scope of Representation

The client is Marshall. The attorney or firm selected will work in close coordination with Marshall's general counsel, associate general counsel, human resources staff, administrators, employees, and students to provide ongoing counseling to Marshall in conjunction with employee and student related immigration matters as more fully detailed in the "Background" section.

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,¹ and should also address your experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in the following practice areas:

- A. Immigration law – including the matters more specifically addressed in the “Background” section;
- B. Assisting higher education institutions with immigration issues; 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 Marshall 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

¹ 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.

such as copying; whether you will bill for travel expenses to Huntington 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.

Your proposal should be addressed to the Office of Attorney General and emailed to rfpresponse@wvago.gov. All proposals must be received by email no later than July 8, 2013 at 4:00 p.m. Any questions regarding this request for proposal should likewise be emailed to rfpresponse@wvago.gov.

Evaluation and Acceptance

Your proposal will be evaluated by the Office of Attorney General in consultation with Marshall. 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 Marshall.

Thank you for considering this Request for Proposal.