



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 Educational Broadcasting Authority**

The West Virginia Educational Broadcasting Authority (hereinafter "WVEBA") has requested legal representation to assist with the WVEBA's ongoing compliance with numerous telecommunications and regulatory laws.

More specifically, the WVEBA is seeking representation to assist with meeting Federal Communications Commission ("FCC") license requirements and Federal Aviation Administration ("FAA") regulations for the WVEBA's fifteen (15) radio and twelve (12) television transmitters and translators located throughout the state hereinafter "FCC & FAA legal & regulatory issues."

Qualified law firms or attorneys are invited to submit a proposal on or before September 26, 2014, to assist with the Office of the West Virginia Attorney General's representation of the WVEBA 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.

Background

The WVEBA is in need of legal assistance with respect to FCC and FAA legal & regulatory issues.

More specifically, the WVEBA is seeking an attorney or law firm who can assist it with meeting the FCC license requirements and FAA regulations on the company's fifteen (15) radio and twelve (12) television transmitters and translators throughout the state. Selected counsel, if any, would assist the WVEBA to obtain proper permissions from the FCC regarding the construction of new towers or modification of existing ones. Counsel would also help ensure compliance with FCC guidelines as they relate to issues including, but not limited to, strength of signal and special reporting requirements regarding content.

Accordingly, the WVEBA seeks particular experience as follows:

- Significant familiarity and practice with telecommunications and regulatory laws;
- Substantial familiarity and interaction with the FCC;
- Awareness of FAA regulation mandates and updates; and,
- Ability to provide said legal services on a time-sensitive basis.

Scope of Representation

The client is the WVEBA. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the WVEBA, 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, with a one-year option to renew.

Conflict of Interest Information

In addition to disclosing any prior representation of the WVEBA, the bidding firm or attorney should disclose matters where they have previously been adverse to the WVEBA as well as any other telecommunications or regulatory matters 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

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.

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

1. Telecommunications and regulatory law; and,
2. Any other legal experience relevant to this potential representation.

In addition, your proposal should disclose any prior legal work you have performed for the WVEBA, as well as any experiences that may particularly qualify you for the search process.

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 the WVEBA. 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 # 27, and any and all correspondences relating to this Request for Proposal should reference RFP # 027. All proposals must be received by email no later than Friday, September 26, 2014, 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 WVEBA.

Thank you for considering this Request for Proposal.