



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 Wetzel County Solid Waste Authority

The Wetzel County Solid Waste Authority (hereinafter the "Authority") has requested legal representation to assist with several pending matters before the West Virginia Public Service Commission.

More specifically, the Authority is in need of additional representation to assist with the following matters relating to the disposal of drilling waste at the Wetzel County Landfill:

- PSC Case No. 13-0832-SWF-CN; and,
- PSC Case No. 14-0057-SWF-C.

Qualified law firms or attorneys are invited to submit a proposal on or before October 3, 2014, to assist with the Office of the West Virginia Attorney General's representation of the Authority 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 Authority is in need of legal assistance with respect to several matters relating to the disposal of drilling waste at the Wetzel County Landfill.

More specifically, the Authority is seeking an attorney or law firm who can collaborate with existing counsel, Silas B. Taylor, on the following cases that are pending before the West Virginia Public Service Commission:

- PSC Case No. 13-0832-SWF-CN; and,
- PSC Case No. 14-0057-SWF-C.

Accordingly, the Authority seeks particular experience as follows:

- Significant familiarity and practice with environmental and regulatory laws;

- Substantial litigation and administrative law experience, including experience handling matters before the West Virginia Public Service Commission; and,
- Any other legal experience relevant to this potential representation.

Scope of Representation

The client is the Authority. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the Authority, as well as the organization's legal counsel provided by the Attorney General's Office, to provide the legal services in question.

Conflict of Interest Information

In addition to disclosing any prior representation of the Authority the bidding firm or attorney should disclose matters where they have previously been adverse to the Authority as well as any other regulatory or administrative 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 your experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in the following practice areas:

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.

- Significant familiarity and practice with environmental and regulatory laws;
- Substantial litigation and administrative law experience, including experience handling matters before the West Virginia Public Service Commission; and,
- Any other legal experience relevant to this potential representation.

In addition, your proposal should disclose any prior legal work you have performed for the Authority, 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 Authority. 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 # 29, and any and all correspondences relating to this Request for Proposal should reference RFP # 029. All proposals must be received by email no later than Friday, October 3, 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 Authority.

Thank you for considering this Request for Proposal.