



State of West Virginia
Office of the Attorney General

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Attorney General

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**Amended Request for Proposal for Legal Services
To Represent the West Virginia Department of Transportation, Division of Highways**

The West Virginia Department of Transportation, Division of Highways (hereinafter the "WVDOH") has requested legal representation.

Qualified law firms or attorneys are invited to submit a proposal on or before Friday, September 15, 2023, to assist with the Office of the West Virginia Attorney General's representation of the WVDOH. Selection of a winning proposal or proposals, if any, will be made as soon as possible after that date with representation to commence forthwith upon selection.

Background

The WVDOH is in need of experienced counsel to assist and advise on legal matters related to implementation of the National Electric Vehicle Infrastructure ("NEVI") Program pursuant to the Infrastructure Investment and Jobs Act of 2021 (Public Law 117-58)("IIJA").

Accordingly, the WVDOH seeks particular experience as follows:

- Federal and State procurement law
- Design-build agreements
- Design-bid-build agreements
- Transportation sector public-private partnership agreements and financing
- Operations and maintenance agreements
- Drafting and handling of requests for proposals
- Real property and related transactions
- Federal guidance and regulations related to the NEVI Program
- Federal Highway Administration ("FHWA") programs, processes and procedures
- Electric vehicle technology and infrastructure
- Contract negotiation and drafting

Scope of Representation

The client is the West Virginia Department of Transportation, Division of Highways. An attorney or firm, if any, will be selected for the legal matters set forth above, and will work in close

coordination with the WVDOH, its legal counsel 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 WVDOH, the bidding firm or attorney should disclose matters where they have previously been adverse to the WVDOH as well as any other matter(s) that could impact a conflict analysis for this potential client. Retention of any selected firm(s) will be subject to completion of further conflict analyses specific to the scope of work to be performed for the WVDOH.

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 practice areas noted above.

In addition, your proposal should disclose any prior legal work you have performed for the WVDOH or adverse to the WVDOH, as well as any experiences that may particularly qualify you for the requested legal representation.

If you propose to bill hourly rates, please state them separately for each attorney or paralegal to be assigned to this representation. 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

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.

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 WVDOH. 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 # 123, and any and all correspondences relating to this Request for Proposal should reference RFP # 123. All proposals must be received by email no later than Friday, September 15, 2023, 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 WVDOH, and/or the Office of the Attorney General.

Thank you for considering this Request for Proposal.