



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 West Virginia Tax Department

The West Virginia Tax Department (hereinafter the "Tax Department") is in need of legal representation to assist in pursuing the tax liabilities of Mountain West Hospitality, LLC, and its affiliates and subsidiaries in Federal Bankruptcy Court in the Middle District of Florida.

Qualified law firms or attorneys are invited to submit a proposal on or before June 16, 2017, to assist with the Office of the West Virginia Attorney General's representation of the Tax Department in this matter. The winning proposal, if any, will be selected as soon as possible after that date with representation to commence forthwith.

Background

The Tax Department is in need of legal assistance with respect to the bankruptcy matter styled *In re: Mountain West Hospitality, LLC dba Hampton Inn Elkins dba Hilton Garden Inn Clarksburg*, Case No. 9:17-bk-04118-FMD, Chapter 11, in the United State Bankruptcy Court Middle District of Florida Ft. Myers Division.

Accordingly, the Tax Department seeks particular experience as follows:

- Substantial experience and expertise in bankruptcy law.

Scope of Representation

The client is the Office of the Attorney General in its representation of the Tax Department. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the Tax Department, as well as the organization's legal counsel provided by the Attorney General's Office, to provide legal services in relation to the above referenced matter.

Conflict of Interest Information

In addition to disclosing any prior representation of the Tax Department, the bidding firm or attorney should disclose matters where they have previously been adverse to the Tax Department as well as any other previous representations that could impact a conflict analysis for this potential client including, but not limited to, representation of Mountain West Hospitality,

LLC or any of its subsidiaries, affiliates, or related companies including its d/b/a's Hampton Inn Elkins and Hilton Garden Inn Clarksburg.

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. Substantial experience and expertise in bankruptcy law;
2. Previous experience or background with the Tax Department generally; 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.

Evaluation and Acceptance

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

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.

Request for Proposal shall be known as RFP #60, and any and all correspondences relating to this Request for Proposal should reference RFP #60. All proposals must be received by email no later than Friday, June 16, 2017, 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 Tax Department.

Thank you for considering this Request for Proposal.