



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 Department of Transportation, Division of Highways**

The West Virginia Department of Transportation, Division of Highways (hereinafter the "WVDOT") has requested legal representation to assist with a complex construction matter.

Qualified law firms or attorneys are invited to submit a proposal on or before Wednesday, March 4, 2020, to assist with the Office of the West Virginia Attorney General's representation of the WVDOT. 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 WVDOT is in need legal representation to assist with a complex construction matter.

More specifically, the WVDOT seeks legal representation to assist with contract review and interpretation as well as reviewing, analyzing, and solving issues, including potential litigation, stemming from ongoing construction projects and activities.

Accordingly, the WVDOT seeks particular experience as follows:

- Construction law;
- Contract law;
- Alternative Dispute Resolution in construction matters; and
- Complex litigation.

**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 WVDOT, 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 WVDOT, the bidding firm or attorney should disclose matters where they have previously been adverse to the WVDOT 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 WVDOT.

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

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

1. Construction law;
2. Contract law;
3. Alternative Dispute Resolution in construction matters; and
4. Complex litigation;

In addition, your proposal should disclose any prior legal work you have performed for the WVDOT or adverse to the WVDOT, 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 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

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<sup>1</sup> 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.

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 WVDOT. 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](mailto:rfpresponse@wvago.gov). This Request for Proposal shall be known as RFP # 89, and any and all correspondences relating to this Request for Proposal should reference RFP # 89. All proposals must be received by email no later than Wednesday, March 4, 2020, at 5:00 p.m. Any questions regarding this request for proposal should likewise be emailed to [rfpresponse@wvago.gov](mailto: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 WVDOT, and/or the Office of the Attorney General.

Thank you for considering this Request for Proposal.