



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 Office of Miners' Health, Safety, and Training**

The West Virginia Office of Miners' Health, Safety, and Training (hereinafter the "OMHST") is in need of legal representation to assist with legal issues, including potential litigation, regarding various employment matters.

Qualified law firms or attorneys are invited to submit a proposal on or before Wednesday, January 11, 2023, to assist with the Office of the West Virginia Attorney General's representation of the OMHST 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 OMHST is in need of legal assistance with respect to various employment and regulatory enforcement matters.

Accordingly, the OMHST seeks particular experience as follows:

- Substantial experience and expertise in federal and state employment law including, but not limited to, Fair Labor Standards Act, Equal Pay Act, West Virginia Wage Payment and Collection Act;
- Federal and state administrative proceedings; and
- General litigation.

Scope of Representation

The client is the OMHST. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the Department of Commerce, the OMHST, 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 OMHST, the bidding firm or attorney should disclose matters where they have previously been adverse to the OMHST as well as any other previous representations 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. Substantial experience and expertise in federal and state employment law including, but not limited to, Fair Labor Standards Act, Equal Pay Act, West Virginia Wage Payment and Collection Act;
2. Previous experience or background with the OMHST 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.

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.

Evaluation and Acceptance

Your proposal will be evaluated by the Office of the Attorney General in consultation with the OMHST and the Department of Commerce. 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 # 114, and any and all correspondences relating to this Request for Proposal should reference RFP # 114. All proposals must be received by email no later than Wednesday, January 11, 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 OMHST.

Thank you for considering this Request for Proposal.