



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**

### **For representation of The West Virginia Broadband Enhancement Council**

The West Virginia Broadband Enhancement Council (hereinafter the "Council") has requested legal representation to assist with the preparation and submission of information in the form of letters or comments to the Federal Communications Commission (FCC) related to the Rural Digital Opportunity Fund (RDOF) and potential representation of the Council in related matters currently pending at the West Virginia Public Service Commission (WVPSC). The provision of these needed legal services is very time sensitive.

Qualified law firms or attorneys are invited to submit a proposal on or before Monday, June 22, 2020, at noon to assist with the Office of the West Virginia Attorney General's (WVAGO) representation of the Council. 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 Broadband Council is seeking an attorney or law firm for legal services specific to the development of policies, plans, processes and procedures to be employed and dedicated to extending broadband access to West Virginians. The Broadband Council consists of 13 voting members, as well as two advisory members from the West Virginia Senate and two advisory members from the West Virginia House of Delegates. The Broadband Council is created under the West Virginia Department of Commerce for administrative, personnel and technical support.

In fulfilling its mission, the Council currently is involved in the RDOF project being undertaken by the FCC. In order to further that mission the Council is in need of experienced legal counsel to aid in the preparation and submission of various documents to FCC. Additionally, the Council seeks counsel to provide legal analysis and potential representation in one or more matters before the WVPSC.

## **Scope of Representation**

The client is the WVAGO in its representation of the Broadband Council. An attorney or firm, if any, will be selected for based upon each of the separate legal matters set forth above, and will work in close coordination with the Council, as well as the organization's legal counsel provided by the Attorney General's Office, to provide the legal services as described for a period of one-year.

## **Conflict of Interest Information**

In addition to disclosing any prior representation of the Broadband Council, the bidding firm or attorney should disclose matters where they have previously been adverse to the Broadband Council as well as any other matter(s) 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,<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:

1. Telecommunications and related regulatory law; and,
2. Any other legal experience relevant to this potential representation.

In addition, your proposal should disclose any prior legal work performed for the Council, any client involved in the provision of broadband, telecommunication, or internet service in West Virginia, including but not limited to Frontier Communications. Additionally, please list any experiences that may particularly qualify you for the search process.

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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.

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**

All proposals will be evaluated by the Office of the Attorney General in consultation with the Broadband Council. Any and all proposals may be rejected. Submitted proposals 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 # 90, and any and all correspondences relating to this Request for Proposal should reference RFP # 90. All proposals must be received by email no later than Monday, June 22, 2020, at NOON. 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 WVAGO or the Council.

Thank you for considering this Request for Proposal.