



State of West Virginia
Office of the Attorney General

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Request for Proposal for Legal Services
To Represent The West Virginia Community Advancement and Development Office

The West Virginia Community Advancement and Development Office (WVCAD) has requested legal representation to provide various legal services for implementation of the US Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) and Community Development Block Grant (CDBG) funding. Firms with expertise in federal grants (with emphasis on HUD programs including CDBG), compliance/grant oversight, monitoring/auditing, contract law, construction/engineering, and procurement are encouraged to apply.

Qualified law firms or attorneys are invited to submit a proposal on or before May 19, 2017, to assist with the Office of the West Virginia Attorney General's representation of WVCAD. 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

WVCAD is a division within the West Virginia Development Office, and is responsible for the administration of multiple federal and state grant programs focused on community and economic development. WVCAD has grants relating to community sustainability, infrastructure/development, and resiliency. WVCAD funds a variety of organizations and entities including non-profits and various types of municipalities all across the state of West Virginia. WVCAD currently has a budget of approximately \$150M. WVCAD is responsible for approximately \$104M in CDBG-DR funds.

WVCAD is in need of legal assistance with telecommunications matters involving FCC and The West Virginia Community Advancement and Development Office (WVCAD) has requested legal representation to provide various legal services for implementation of the US Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) and Community Development Block Grant (CDBG) funding. Firms with expertise in federal grants (with emphasis on HUD programs including CDBG),

compliance/grant oversight, monitoring/auditing, contract law, construction/engineering, and procurement are encouraged to apply.

Accordingly, WVCAD seeks qualified bidders who can perform the following necessary services related to the CDBR-DR and CDBG projects described above:

- A. Support and assistance with oversight monitoring activities to review administrative, programmatic, and financial compliance with Federal and State Laws, regulations, and policies, including but not limited to: financial management, national objectives, citizen participation, environmental review records, procurement, labor standards, and fair housing and equal opportunity, as related to the CDBG-DR program;
- B. Support and assistance with oversight and monitoring of vendors contracted by WVCAD for the CDBG and CDBG-DR program, including but not limited to: development and implementation of benchmarks as applicable, as well as quality improvement plans corrective actions, and other necessary oversight actions. Ensure that all vendors comply with all regulations governing their administrative, financial and programmatic operations and achieve their performance objectives on schedule and within budget;
- C. Review and/or draft contracts with construction contractors, inspectors, engineers, architects, and other service providers;
- D. Provide advice on procurement issues; review and ensure compliance with state and federal procurement statutes and regulations;
- E. Represent WVCAD in litigation, as requested;
- F. Provide advice on other various issues, including but not limited to: compliance matters, real or potential conflict of interest situations, statute interpretation and legal interpretations as needed; and
- G. Provide such other legal services as may be requested by WVCAD from time to time.

Scope of Representation

The client is WVAGO in its representation of the WVCAD. An attorney or firm, if any, will be selected for each of the separate legal matters set forth above, and will work in close coordination with WVCAD, as well as the organization's legal counsel provided by the Attorney General's Office, to provide the legal services in question for the duration of the grant funding to be administered.

Conflict of Interest Information

In addition to disclosing any prior representation of WVCAD, the bidding firm or attorney should disclose matters where they have previously been adverse to WVCAD, the West Virginia Development Office, or the West Virginia Department of Commerce 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,¹ and should also address your experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in provided those necessary services described in the Background Section above.

In addition, your proposal should disclose any prior legal work you have performed for WVCAD or the West Virginia Development Office, as well as any experiences that may particularly qualify you for the search process.

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

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.

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 WVCAD. 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 # 59, and any and all correspondences relating to this Request for Proposal should reference RFP # 59. All proposals must be received by email no later than Friday, May 19, 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 WVAGO or WVCAD.

Thank you for considering this Request for Proposal.