



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0410

**Request for Proposal for Legal Services
To Represent the West Virginia Conservation Agency**

The West Virginia Conservation Agency (hereinafter the "WVCA") is seeking legal representation in conjunction with a review of riparian water rights associated with the various flood-control dams operated and maintained by West Virginia's conservation districts and the WVCA. Qualified law firms or attorneys are invited to submit a proposal on or before February 28, 2014, to assist the Attorney General's Office with its representation of the WVCA. Selection of a winning proposal, if any, will be made as soon as possible after February 28, 2014, and the representation will commence forthwith upon selection.

Background

The WVCA and the Office of the Attorney General is in need of an attorney who can assist with the review of riparian water rights associated with the various flood-control dams operated and maintained by West Virginia's conservation districts and the WVCA. More specifically, the WVCA is seeking legal review and analysis of the rights and responsibilities frequently associated with many of its publicly financed structures that are created through use of easements on privately owned land.

Conflict of Interest Information

The attorney or firm should disclose any prior or current representations of (1) the WVCA or (2) entities/individuals that may have interests that are, or are likely to become, adverse to the interests of the WVCA. Additionally, the attorney or firm should disclose any matter or information which could impact a conflict analysis for this potential client.

Scope of Representation

The client is the WVCA. The WVCA is responsible for any legal fees accrued for the services in question. The attorney or firm, if any, that is selected as a result of this process will work in close coordination and under the direct supervision of the Office of the Attorney General to provide the needed legal review and analysis for WVCA as detailed in the "Background" section.

Your Proposal

No specific form is required of your proposal, but it should address those factors identified in the Attorney General's Outside Counsel Policy¹, and should also address your experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in the following practice areas:

- A. Riparian water rights and natural resources law;
- B. Property law and common law; and
- C. Any other legal experience relevant to this potential representation.

In addition, your proposal should disclose any (1) prior legal work you have performed for the WVCA and (2) apparent potential conflict(s) with your existing or former clients.

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. When possible, please indicate an estimated number of hours anticipated to complete the legal services in question.

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.

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 to the WVCA and at what rate; and whether and how you bill for 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 WVCA. Your proposal should be addressed to the Office of Attorney General and emailed to rfpresponse@wvago.gov. Any and all proposals may be rejected.

This Request for Proposal shall be known as RFP # 020, and any and all correspondences relating to this Request for Proposal should reference RFP # 020. All proposals must be received by email no later than 5:00 p.m. on February 28, 2014. 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 WVCA.

Thank you for considering this Request for Proposal.