



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 Board of Education

The West Virginia Division Board of Education (hereinafter "WV BOE") has requested legal representation in conjunction with its search for a new state superintendent of schools. As set forth in greater detail below, the WV BOE needs assistance with a nationwide search to ensure compliance with all applicable state laws, as well as the proper drafting of any and all employment documents associated with the hiring of a new superintendent.

Qualified law firms or attorneys are invited to submit a proposal on or before Friday, August 2, 2013, to assist with the Office of the West Virginia Attorney General's representation of the WV BOE in this matter. Selection of a winning proposal, if any, will be made as soon as possible after that date with representation to commence forthwith upon selection.

Background

The WV BOE is in need of legal assistance as it performs a nationwide employment search for a new state superintendent of schools. Outside counsel will be expected to work with the Attorney General's Office to advise the WV BOE throughout the employment process. The WV BOE is seeking particular experience as follows:

- Significant familiarity and practice with education law;
- Knowledge and expertise of bidding rules, regulations and contract law as it relates to the potential hiring of educational consultants;
- Ability to advise and oversee a nationwide employment selection process; and,
- Capability to assist in the drafting of all relevant labor and employment documents related to the nationwide search.

At present, a timeline for completion of the search process has not been finalized.

Scope of Representation

The client is the WV BOE. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the WV BOE as well as representatives of the Attorney General's Office to provide legal advice in conjunction with the nationwide employment search process and perform other tasks reasonably necessary to the responsible

completion of this service. The Attorney General's Office shall be involved in oversight and control of the search process.

Conflict of Interest Information

The attorney or firm should disclose any prior or current representations of (1) the WV BOE or (2) entities/individuals that may have interests that are, or are likely to become, adverse to the interests of the WV BOE. Additionally, the attorney or firm should disclose any matter or information that could impact a conflict analysis for this potential client, including but not limited to, any relationships with potential candidates for the superintendent of schools position.

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. Education law;
2. Contract law;
3. Labor & Employment law; and,
4. Any other legal experience relevant to this potential representation.

In addition, your proposal should disclose any prior legal work you have performed for the WV BOE, 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

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.

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 to, or within, Kanawha County 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 WV BOE. 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 #005, and any and all correspondences relating to this Request for Proposal should reference RFP #005. All proposals must be received by email no later than Friday, August 2, 2013, 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 WV BOE.

Thank you for considering this Request for Proposal.