



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 West Virginia State University

West Virginia State University (hereinafter "WVSU") has requested legal representation in conjunction with a review of its financing of a new athletic complex.

More specifically, WVSU seeks counsel to review potential loan and servicing agreements in relation to the financing of a new athletic center. This project will be conducted in Kanawha County.

Qualified law firms or attorneys are invited to submit a proposal on or before November 15, 2013, to assist with the Office of the West Virginia Attorney General's representation of WVSU 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

WVSU is in need of legal assistance with its reviews of potential loan and servicing agreements for financing a new campus athletic complex. Outside counsel will be expected to work with the Attorney General's Office to advise WVSU throughout the review process. WVSU seeks particular experience as follows:

- Significant familiarity and practice with public finance law;
- Knowledge and expertise of public financing;
- Ability to oversee and/or draft complex financial legal documents; and,
- Ability to efficiently and effectively manage complex financial agreements.

WVSU seeks to have all financial documents completed by December 31, 2013.

Scope of Representation

The client is WVSU. WVSU is responsible for any legal fees accrued for these projects. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with WVSU and representatives of the Attorney General's Office to provide legal advice in conjunction with the review of WVSU's financing options. The Attorney General's Office shall be involved in oversight and control of the project.

Conflict of Interest Information

The attorney or firm should disclose any prior or current representations of (1) WVSU and (2) apparent potential conflict(s) with your existing or former clients.

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. Public finance transactions;
2. Public finance legal research and writing; and
3. Any other legal experience relevant to this potential representation.

In addition, your proposal should disclose any prior legal work you have performed for WVSU, 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. When possible, please indicate an estimated number of hours anticipated to complete the legal services in question.

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 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 WVSU. 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 #015, and any and all correspondences relating to this Request for Proposal should reference RFP #015. All proposals must be received by email no later than November 15, 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 the 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 WVSU.

Thank you for considering this Request for Proposal.