



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

West Virginia State University ("WVSU") is in need of legal representation to assist with pending litigation relating to an environmental contamination issue stemming from the disposal of waste in Michigan. More specifically, WVSU is seeking assistance in the case of *Michigan Dept. of Environmental Quality v. Yale University et al.*, Case No.: 15-126-CE, currently pending the Circuit Court for the 30th Judicial Circuit, Ingham County.

Qualified law firms or attorneys are invited to submit a proposal on or before April 14, 2015, to assist the Office of the Attorney General 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 respect to pending litigation involving claims under Michigan law including, but not limited to, Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act as the result of alleged releases of hazardous substances on property in Michigan. To that end, WVSU seeks particular experience as follows:

- General litigation background and experience; and,
- Significant familiarity and practice with environmental compliance and enforcement specifically hazardous waste disposal and cleanup.

Scope of Representation

The client is WVSU. The attorney or firm, if any, that is selected as a result of this process will work in close coordination with the Office of the Attorney General to assist with the legal services in question.

Conflict of Interest Information

The attorney or firm should disclose any prior or current representations of (1) WVSU; (2) the State of Michigan and any department, subdivision, or agency, including, but not limited to, the Michigan Department of Environmental Quality; (3) Yale University; (4) Auburn University; (5) Case Western Reserve University; (6) Northern Tioga School District; or (7) the University of Georgia. The final selection of counsel, if any, is contingent upon the successful completion of a conflicts of interest analysis.

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. General litigation; and
2. Environmental compliance and enforcement specifically hazardous waste disposal and cleanup.

In addition, your proposal should disclose any prior legal work you have performed for WVSU; the State of Michigan and any department, subdivision, or agency, including, but not limited to, the Michigan Department of Environmental Quality; Yale University; Auburn University; Case Western Reserve University; Northern Tioga School District; or the University of Georgia as well as any experiences that may particularly qualify you for the legal matter in question.

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 portion of total time that will be billed at each rate.

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 if your proposal for billing is different than the fee arrangements set forth in Section I. 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.

Evaluation and Acceptance

Your proposal will be evaluated by the Office of the Attorney General in consultation with the 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 # 32, and any and all correspondences relating to this Request for Proposal should reference RFP # 32.

All proposals must be received by email no later than April 14, 2015, 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 the Office of the Attorney General.

Thank you for considering this Request for Proposal.