



State of West Virginia  
Office of the Attorney General

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

The West Virginia Conservation Agency (hereinafter the "WVCA") is seeking the assistance of outside counsel to assist with legal work necessary to comply with various requirements of the National Resources Conservation Service including, but not limited to, ascertaining land rights in order to obtain and distribute federal funds to aid in clean-up efforts after the recent extensive flooding.

Currently, the WVCA requires assistance performing these services in the following counties (those which the WVCA anticipates the most immediate need are under lined):

1. Barbour
2. Boone
3. Braxton
4. Cabell
5. Calhoun
6. Clay
7. Doddridge
8. Fayette
9. Gilmer
10. Harrison
11. Jackson
12. Kanawha
13. Lewis
14. Lincoln
15. Logan
16. Marion
17. Mason
18. McDowell
19. Mercer
20. Mingo
21. Monongalia
22. Monroe
23. Pendleton

24. Pleasants
25. Pocahontas
26. Preston
27. Putnam
28. Raleigh
29. Randolph
30. Ritchie
31. Roane
32. Summers
33. Taylor
34. Tucker
35. Tyler
36. Upshur
37. Wayne
38. Webster
39. Wetzel
40. Wirt
41. Wood
42. Wyoming
43. Nicholas
44. Greenbrier

Please be advised that because of the immediate need for these services the WVAGO is collecting proposals to provide these services in individual counties, a group of counties, or in all counties. When submitting your proposal please indicate how many attorneys can be devoted to the needed services, in which counties the services can be provided, and how many counties can be served at the same time.

### **Background**

The WVCA is in immediate need of attorneys who can assist the WVCA perform restorative work throughout counties affected by the recent extensive flooding. These legal services include those necessary for the WVCA to comply with the requirements of the National Resources Conservation Service to ascertain the legal owners of parcels of land that need restorative work, including, but not limited to, removal of flood debris and blockages, in order to facilitate the use of federal funds.

### **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 Office of the Attorney General in its representation of 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 services 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 Policy<sup>1</sup>, and should also address your experience and demonstrated skill (via references, example documents, and/or a descriptive narrative) in the following practice areas:

- A. Property law;
- B. Title examination and the determination of legal rights to land;  
and
- C. Any other legal experience relevant to this potential representation.

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<sup>1</sup> 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.

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.

Please indicate how many attorneys can be devoted to the needed services, which counties the services can be provided, and how many counties can be served at the same time.

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 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](mailto:rfpresponse@wvago.gov). Any and all proposals may be rejected.

This Request for Proposal shall be known as RFP # 054, and any and all correspondences relating to this Request for Proposal should reference RFP # 054. All proposals must be received by email no later than 5:00 p.m. on Friday, July 8, 2016. Any questions regarding this request for proposal should likewise be emailed to [rfpresponse@wvago.gov](mailto: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.