



# Bid Waiver Form

Revised 01/2022

<b>Short Description of Goods/Services</b>	Independent Third-Party Investigator of Henry Vilas Zoo Concerns	<b>Total Cost</b>	\$50,000		
<b>Vendor Name</b>	Judge Valerie Bailey-Rihn	<b>MUNIS #</b>	TBD	<b>Req #</b>	TBD
<b>Purchasing Officer</b>	Pete Patten	<b>Date</b>	8-2-22		
<b>Department</b>	County Board Office	<b>Email</b>	peterson.karin@countyofdane.com		
<b>Name</b>	Karin Peterson-Thurlow	<b>Phone</b>			

**\*A VENDOR QUOTE MUST BE ATTACHED TO THE WAIVER FOR APPROVAL\***

**Provide a detailed description of the goods/services intended to be purchased:**

Under DCO 7.11(7), the Dane County Board and its standing committees "shall continually monitor the performance of departments and agencies in carrying out the policies of Dane County."

The Dane County Board finds that the concerns identified by the Wisconsin State Journal with respect to recent allegations by employees at the zoo are severe enough that an independent, third-party investigation is warranted and necessary to restore public trust in the zoo, ensure that all zoo employees are treated fairly, and to ensure that animals are being humanely cared for.

The Dane County Board recently approved 2022 Resolution 016 authorizing the selection, appointment, and contract with a retired Circuit Court judge as a special investigator to lead an independent investigation of the zoo.

The scope of the independent investigation shall include all issues raised in the Wisconsin State Journal's report, including but not limited to:

- allegations of racism by zoo management
- allegations of retaliation for union activity
- allegations of retaliation for whistleblowing
- allegations that employees have been unequally disciplined
- allegations that animals at the zoo have been neglected or mistreated
- allegations that zoo employees have left their jobs due to a hostile work environment

The independent investigation shall examine issues to determine whether policies, including those in Dane County Ordinance Chapter 18 and the Employee Benefits Handbook, are being carried out, and provide recommendations to better implement policies.

The special investigator shall issue a written report no later than October 1, 2022, including specific recommendations for reforms at the zoo, which shall be presented at a meeting of the Committee of the Whole of the County Board as soon as possible thereafter.

**\*Send to a Purchasing Officer Once Completed\***



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Revised 04/2021

## Procurement Exception List

- Emergency Procurement
- Unique and specific technical qualifications are required
- A special adaptation for a special purpose is required
- A unique or opportune buying condition exists
- Only one vendor possesses the unique and singularly available ability to meet the Department's requirements

**Provide a detailed explanation as to why the competitive bidding (RFB/RFP) process cannot be used. Also provide a detailed justification in relation to the Procurement Exception(s) chosen:**

The sensitive nature of this independent investigation and the issues raised for analysis require a unique technical and legal expertise, including knowledge of several specific areas of civil law. The County Board deemed a retired Circuit Court judge to be the most appropriate vendor to carry out this independent, third-party investigation.

Upon researching the options for contracting with a retired Circuit Court judge, it became clear that not only is there a very small pool of judges who agree to perform this type of work (inquiries to a number of circuit courts for their lists available retired judges yielded a very small handful of names), but also that the members of this pool had very limited availability given the work and timeline outlined in the County Board resolution.

Judge Valerie Bailey-Rihn not only is available to perform a special investigation of the Henry Vilas Zoo on the timeline and within the budget specified in the resolution, but she has a unique set of skills and interests that are particularly suited for the role, as outlined below:

Judge Bailey-Rihn graduated at the top of her law school class and worked with Quarles and Brady immediately following law school graduation in 1991. She was partner at Quarles & Brady from October 1, 2000, until she went on the bench in 2016. She worked with Quarles. As a former practicing Certified Public Accountant, her strengths were in understanding business systems and processes. At Quarles, she worked with businesses to resolve disputes, improve processes, and modify procedures.

In addition, she did special investigations for companies concerned about events that needed to be disclosed on their public filings, and was hired by a special litigation committee of a publicly held company to investigate allegations against the principal owner. Although her practice was not primarily in the area of labor law, by nature of her career, many of the cases she was involved in also had labor or personnel issues.

As a trial judge, in the civil division, she oversaw cases of all types, and approached each case with a desire to learn the relevant law, analyze the issues, and decide fairly and impartially, but also recognizing the impact her decisions made on individuals. She was the Presiding Judge for Dane County for the last 3 years, tasked with administration of the Dane County Courts along with the Clerk of Courts, and understands the dynamics of overseeing a division of County government.

Judge Bailey-Rihn has a passion for the outdoors and conservation and has served on a number of related boards and commissions, including the Zoo Commission. She stepped down from the Zoo Commission when she was elected as judge, years prior to the current events subject to this special investigation. This gives her a unique perspective and knowledge of the Henry Vilas Zoo, as well.

Therefore, the above-mentioned vendor is the sole vendor who is both uniquely qualified and available to perform this service per the County Board's specifications.

## Bid Waiver Approval (For Purchasing Use Only)

Under \$40,000 (Controller)

\$40,000+ (Personnel & Finance Committee)

Date Approved:

**\*Send to a Purchasing Officer Once Completed\***