



DANE COUNTY
DEPARTMENT OF ADMINISTRATION
PURCHASING DIVISION

REQUEST FOR PROPOSAL (RFP)

Revised 05/2021

RFP NUMBER: **121073**

RFP TITLE: **Impartial Hearing Officers & Independent Consultants**

RFP DEADLINE: **September 3, 2021**
2:00 p.m. (CST)

PROPOSALS MUST BE UPLOADED TO: **Purchasing Bid Dropbox**
www.danepurchasing.com

Late, faxed, mailed, hand-delivered or unsigned proposals will be rejected

**DIRECT
ALL INQUIRES TO:**

Pete Patten
Purchasing Officer
(608)267-3523
patten.peter@countyofdane.com
www.danepurchasing.com

PROPOSAL SUBMISSION CHECKLIST

- Update Vendor Registration
- Read Entire RFP Document

- RFP Response
(Separate from Cost Proposal)
- Cost Proposal
(Separate from RFP Response)

- Upload RFP Response and Cost Proposal to Purchasing Bid Dropbox

DATE ISSUED | July 23, 2021

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1.0 RFP OVERVIEW

1.1 Introduction

The goal of this Request for Proposals to create a pool of individuals to serve as Impartial Hearing Officers and Independent Consultants. Dane County is looking for firms, individuals, or a combination of both to provide these services.

The purpose of this document is to provide interested parties with information to enable them to prepare and submit a proposal for Services of an Impartial Hearing Officer. Impartial Hearing Officers provide resolution to Grievances under the Dane County Employee Benefit Handbook that cannot be resolved by the Director of Administration and may serve as an Independent Consultant for the purposes of reviewing and recommending revisions to the Dane County Employee Benefit Handbook.

The County intends to use the results of this process to award contracts or issue of purchase orders for Impartial Hearing Officers.

The contract that is awarded through this RFP process will be administered for Dane County by the Employee Relations Division in the Department of Administration.

The Dane County Purchasing Division is the sole point of contact for questions and issues that may arise during the RFP process.

1.2 Clarification of the Specifications

All inquiries concerning this RFP must be **emailed** to the **person indicated on the cover page** of the RFP Document.

Any questions concerning this RFP must be submitted in writing by e-mail on or before the stated date on the **Calendar of Events** (Section 1.4).

Proposers are expected to raise any questions, exceptions, or additions they have concerning the RFP document at this point in the RFP process. If a proposer discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this RFP, the proposer should immediately notify the contact person of such error and request modification or clarification of the RFP document.

Proposers are prohibited from communicating directly with any employee of Dane County, except as described herein. No County employee or representative other than those individuals listed as County contacts in this RFP is authorized to provide any information or respond to any question or inquiry concerning this RFP.

1.3 Vendor Conference

[There will not be a vendor conference.](#)

1.4 Calendar of Events

Listed below are specific and estimated dates and times of actions related to this RFP. The actions with specific dates must be completed as indicated unless otherwise changed by the County. In the event that the County finds it necessary to change any of the specific dates and times in the calendar of events listed below, it will do so by issuing an addendum to this RFP and posting such addendum on the Dane County

[website](#). There may or may not be a formal notification issued for changes in the estimated dates and times.

DATE	EVENT
July 23, 2021	RFP Issued
August 13, 2021	Last day to submit written inquiries (2:00 p.m. CST)
August 20, 2021	Addendums or supplements to the RFP posted on the Purchasing Division website
September 3, 2021	Proposals due (2:00 p.m. CST)
September 2021	Interviews (if needed)
September/October 2021	Vendor Selection/Award

1.5 Evaluation Criteria

The County encourages firms with multiple individuals to apply. Firms with multiple individuals should identify all individuals to serve as an Impartial Hearing Officers. The proposals will be scored using the following criteria:

Proposal Requirements	Percent
Experience, Capabilities, and Qualifications (Section 3.4)	70%
Conflicts of Interest (Section 3.6)	5%
Cost	Percent
Cost (Section 5)	25%
Total	100%

1.6 Submittal Instructions

Proposals must be received in the Purchasing – Bid Dropbox located on the www.danepurchasing.com website no later than the date and time indicated within the RFP Deadline field on the RFP Cover Page or addenda. Late, faxed, mailed, hand-delivered, or unsigned proposals will be rejected unless otherwise specified. Dane County is not liable for any cost incurred by proposers in replying to this RFP.

All proposals must be saved in PDF format unless otherwise specified within the RFP document and the file name shall include the RFP# and name of business submitting proposal.

Example of how to name the files:
 120012 – Vendor Name – RFP Response
 120012 – Vendor Name – Cost Proposal

To Submit a Proposal:

1. Go to www.danepurchasing.com and click on Purchasing – Bid Dropbox or click on the Open RFP’s and Bids page link.
2. Click on the Submit a Bid button within the green Purchasing Bid Dropbox.
3. Type in the Email, First Name, Last Name and Company information and click Continue.
4. Drag and drop the RFP files one at a time into the “Drag files here” box.

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5. After all files have been placed into the “Drag files here” box, click on the blue Upload button.
 - a. The file upload status can be seen for each document uploaded.
 - b. After each document reaches 100%, it will say “Uploaded”.
6. Confirm all files have been uploaded and then close out of the window.

2.0 PROJECT OVERVIEW AND SCOPE OF SERVICES

2.1 Definitions and Links

The following definitions and links are used throughout the RFP.

Committee: the Personnel & Finance Committee of the Dane County Board of Supervisors.

Contract: the purchase of services contract awarded for professional services pursuant to the terms of this RFP.

Contractor: proposer awarded the contract, also defined as the Independent Consultant.

County: Dane County

County Agency: Department/Division utilizing the service or product.

Dane County Purchasing website: www.danepurchasing.com

Fair Labor Practices websites: www.nlr.gov and <http://werc.wi.gov>

Interested Stakeholders: employees covered by the Employee Benefit Handbook, employee groups and their representatives.

Proposer/Vendor/Firm/Contractor: a company submitting a proposal in response to this RFP.

2.2 Background Information about Dane County Employee Relations

A. Background Information about Dane County Employment Relations

The Employee Relations Division in the Department of Administration administers complex employment and labor relations programs in all areas of human resources. In the 2021 budget, Dane County has authorized 2,563.55 Full-Time Equivalent Employees and there are several hundred more Limited Term Employees.

The terms and conditions of employment for Dane County employees who are not subject to a collective bargaining agreement are contained in an Employee Benefit Handbook. Dane County currently has seven different Employee Groups, each containing categories of employees with similar job classifications. Each Employee Group has its own section of the Employee Benefit Handbook. Each Employee Group also has its designated representatives. Employees can choose to pay dues to their Employee Group for the benefits of representation or they can forgo the payment of dues and choose to represent themselves.

B. Scope of Work: Impartial Hearing Officer for Step 4 Grievances

Under the Employee Benefit Handbook, a grievance is defined to be controversy between the Employer and any Employee or group of employees as to: 1) the interpretation or application of the Employee Benefit Handbook; 2) an alleged violation of the rights and privileges of an Employee or Group of Employees; 3) Any matter involving terminations, employee discipline, or workplace safety.

The Dane County Employee Benefit Handbook describes the process for filing a grievance. If Grievances are not settled at Step 3 (Appeal to the County Executive's Designee), matters may be appealed to the Impartial Hearing Officer.

Under this RFP, the selected firms or individuals operating under an LLC would be expected to serve as potential Impartial Hearing Officers (IHO) and follow the procedures outlined in the Employee Benefit Handbook. The language in the Employee Benefit Handbook for this procedure is described in Attachment B of this RFP.

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C. Independent Consultant for the Annual Review of the Employee Benefit Handbook

Dane County Ordinance 18.24(4) requires an annual review of the Employee Benefit Handbook. This ordinance outlines a procedure to adopt changes to the Employee Benefit Handbook, referred to as the Meet and Confer process.

Under the Employee Benefit Handbook, an individual from the pool of Impartial Hearing Officers is selected to serve as an Independent Consultant if an Independent Consultant is required.

The Independent Consultant will work with the Department of Administration, county employees and their representatives (if any) to make an initial recommendation concerning those matters that employees have raised an objection to during the annual Meet and Confer process. In developing these recommendations, the Independent Consultant shall conduct quasi-judicial hearings and provide a transcript of those hearings. The language in the Employee Benefit Handbook for this procedure is described in Attachment B of this RFP.

2.3 Experience, Capabilities, and Qualifications

A. Through this Request for Proposals Dane County is looking for arbitration/mediation firms or individual attorneys operating under an LLC to serve as an Impartial Hearing Officer(s). The selected firms or individuals attorney would become the pool of Impartial Hearing Officers and from that pool an individual may be selected to serve as an Independent Consultant. Selected firms or individuals should have significant experience that could come from any of the following legal fields:

1. Alternative dispute resolution practices and procedures, with an emphasis on employment law
2. An attorney who has years of service on a Civil Service Commission and/or other Boards and Commissions providing personnel oversight.
3. A retired Judge or Magistrate.
4. Other similar services relevant to the legal specialties listed in 1-3.

B. Provide an introduction to the individual/firm and their interest in this opportunity.

C. Please describe the individual or firm's experience and capabilities in providing impartial hearing services. This experience may come from the following fields: labor and employment law, service as a mediator, service as an arbitrator, human resources or employee relations, service on Civil Service Commission or related board offering personnel oversight to public sector employees, service as a judge or magistrate. Please describe this experience in detail and offer how this experiences makes the firm qualified to serve as an Impartial Hearing Officer and Independent Consultant for Dane County as described here within.

D. Provide resumes describing the educational and work experiences for each of the key staff participating in this project.

A substantial portion of that experience should be in handling public-sector employment relations in the State of Wisconsin. Experience may come from any of

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the following areas: employment law, mediation service, arbitration service, human resource or employee relations, service on Civil Service Commissions or other boards providing oversight of public sector employment, judicial experience.

Staff should be familiar with County-level government.

Additional consideration will be given for affiliation with any of the following: National Academy of Arbitrators, American Academy of Arbitrators, National Academy of Distinguished Neutrals, American Association of Mediators, National Association of Certified Mediators, Wisconsin Employment Relations Council, Wisconsin Association of Mediators, or affiliation with a similar organization of professionals related to arbitration or mediation (for example, other state level organizations – the Illinois Academy of Mediators & Arbitrators).

Please identify all important points of contact. Please indicate which staff members would be primary points of contact and their backups.

2.4 **Conflicts of Interest**

Please provide information on your current clients and conflicts of interest. In order to provide Dane County a sense of your firm please:

- List all municipalities or public entities for which you or your firm currently provides services and describe the services provided.
- Describe the process you or your firm uses to identify actual or potential conflicts of interest.
- List any clients represented by your firm that would pose an actual or potential conflict of interest with your role as an independent consultant. Describe how you would propose to resolve these conflicts.
- Identify any client you or your firm has represented in the past 5 years whose interest was adverse to Dane County or any of its boards, commissions, elected officials, or employees.
- The firm selected to provide independent consultant services shall comply with the Wisconsin rules of professional conduct for attorneys and must enter into a contractual agreement. Describe how, if selected, you would avoid any conflicts of interest that could interfere with your role as the independent consultant.

SECTION 3 – PROPOSAL PREPARATION REQUIREMENTS

3.0 RFP RESPONSE PREPARATION REQUIREMENTS

Proposals shall be organized to comply with the section numbers and names as shown below. Each section heading should be clearly marked. Graphics may be included. The RFP sections which should be submitted/responded to are:

3.1 Attachment A – Vendor Information

3.2 Table of Contents

Provide a table of contents that, at a minimum, includes all of the sections as identified below. Listings of sub-sections and graphics/tables also may be included. Section dividers are encouraged.

3.3 Response to 2.3 Experience, Capabilities, and Qualifications

3.4 Response to 2.4 Conflicts of Interest

3.5 Response to Attachment B – Compliance with County Ordinance and the Employee Benefit Handbook

The selected firm must be able to work with the Impartial Hearing Officer and Independent Consultant procedure as described in County Ordinance and the Employee Benefit Handbook. By submitting an RFP you are affirming that you or your firm can comply with this procedure as written. Please submit an affirmation that you can comply with procedures as described in Attachment B.

3.6 Additional Information Submitted by Proposer, if applicable

1. Impartial Hearing Officer Procedure

The selected firm must be able to work with the Impartial Hearing Officer procedure as described in County Ordinance and the Employee Benefit Handbook. The procedure is described below:

The IHO will conduct a hearing on the grievance in a manner that ensures that a record of proceedings is created and preserved. In grievances resulting from an employee discharge, the hearing will be scheduled within thirty (30) days of the notice of selection. The IHO shall have the authority to administer oaths, issue subpoenas at the request of the parties, and shall determine if a transcript of proceedings is necessary. The IHO may require the parties to submit documents and witness lists in advance of the hearing. The burden of proof at the hearing shall be the “preponderance of the evidence” standard. The IHO shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony or evidence that is inadmissible under s. 901.05 of the Wisconsin statutes. The IHO shall give effect to the rules of privilege recognized by law. Basic principles of relevancy, materiality and probative force shall govern the proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

2. Independent Consultant Procedure

The selected firm must be able to work with the Independent Consultant procedure as described in County Ordinance and the Employee Benefit Handbook. The procedure is described below:

1. Introduction

During the process of adopting, amending or terminating provisions on this handbook pursuant to Dane County Ordinances 18.24 (3) and (4), in the event that the County or the Interested Stakeholders engage the assistance of the independent consultant, pursuant to Dane County Ordinances 18.24 (3) (f), the following process shall be followed.

2. Notification

Upon receipt of any draft resolution authorizing revision to this handbook, pursuant to Dane County Ordinances 18.24 (3) (e), any Interested Stakeholder must notify, in writing within ten (10) days, the County of its intent to engage the independent consultant. Such notification shall also include the Stakeholder’s draft resolution authorizing revision.

3. Selection of Independent Consultant

The County, in consultation with Interested Stakeholders, shall follow normal procurement practices to select an Independent Consultant.

4. Independent Consultant’s Process and Hearing

The Independent Consultant will work with the County and the interested stakeholder(s) to gather all pertinent information and to make initial and final recommendations concerning the matters at issue. Prior to any hearing, the Independent Consultant will collect final draft resolutions authorizing revision, which, once submitted, may not be amended except by permission of the Independent Consultant and the other party. Hearings shall follow a quasi-judicial

format. Unless mutually agreed otherwise, there shall be a transcript of such a hearing. The hearing shall be held in the City County Building if space can be made available, otherwise at another location to be agreed upon by the parties.

5. Costs

The County and the interested stakeholders shall share equally in the costs and expenses of the Independent Consultant's proceedings, including reporter's costs, transcript fees and the fees of the Independent Consultant. Either party may elect to use a tape recorder and in such event shall not be responsible for its proportionate share of reporter's fees unless a transcript is ordered by either party. Expenses for a party's witnesses and a party's attorney(s) shall be borne solely by the party.

6. Final Recommendations of the Independent Consultant

The final recommendations of the Independent Consultant shall be limited to selecting the final resolution of one (1) of the parties on each individual issue before the Independent Consultant without modification, unless the parties and the Independent Consultant agree otherwise. In preparing recommendations, the Independent Consultant shall consider the standards normally or traditionally used in evaluating changes to wages, hours and conditions of employment. The recommendations of the Independent Consultant shall be presented to the Personnel and Finance Committee and the County Board. The Personnel and Finance Committee and the County Board shall vote on whether to incorporate, subject to section 18.24 (4)(g) Dane County Ordinance, the Independent Consultant's final recommendations, into the relevant portion of the Employee Benefit Handbook, together with all items upon which the Independent Consultant was not engaged.

3. Additional Technical Requirements for Services as an Independent Consultant

1. The Independent Consultant will work with the Department of Administration and interested stakeholders to gather all pertinent information and make an initial and final recommendation concerning matters or issues within or stemming from the Employee Benefit Handbook.
2. The Independent Consultant may be required to conduct hearings on recommendations. Those hearings must follow a quasi-judicial format and provide a transcript of the hearings. The Independent Consultant will not be responsible for providing the transcription services.