

UPDATED DRAFT FOR 4-21-16 COMMITTEE MEETING
(underlined text was added at the 4-7-16 meeting)

CITY OF MADISON

REQUEST FOR PROPOSALS



RFP #: 8504-0-2016-BP

Title: Madison Police Department Policy and Procedure Review

City Agency: Mayor's Office

Due Date: Friday, April 29, 2016
2:00 PM CST

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1 NOTICE TO PROPOSERS

1.1 Summary

The City of Madison Mayor's Office ("City") is soliciting Proposals from qualified vendors for Madison Police Department Policy and Procedure Review. Vendors submitting Proposals ("Proposers") are required to read this Request for Proposals ("RFP") in its entirety and follow the instructions contained herein.

1.2 Important Dates

Deliver Proposals no later than the due time and date indicated below. The City will reject late Proposals:

Issue Date: Monday, March 14, 2016
Questions Due Date: Monday, April 4, 2016
Answers Posted Date: Friday, April 8, 2016
Due Date: Friday, April 29, 2016, 2:00 PM CST

1.3 Format

Submit Technical and Cost Proposals (Form D) in separate, distinct parts within the proposal package.

Hardcopy proposals typed and securely bound on 8.5 by 11-inch paper, otherwise identical to the electronic version.

Electronic proposal in a PDF format stored on a common media (CD, DVD, or flash drive), identical in content and sequence to hardcopy proposals submitted.

Cost Proposal (Form D): One Copies
Technical Proposal: Five Copies
Electronic Proposal: One (1) complete copy (Cost and Technical)

The City will not consider illegible Proposals.

Elaborate proposals (i.e., expensive artwork) beyond that sufficient to present a complete and effective proposal, are not necessary or desired.

Complete and return Forms A through E to City of Madison Purchasing Services by Friday, April 29, 2016, 2:00 PM CST.

1.4 Labeling

All proposals must be clearly labeled:

Proposer's Name and Address
RFP #: 8504-0-2016-BP
Title: Madison Police Department Policy and Procedure Review
Due: Friday, April 29, 2016, 2:00 PM CST

All email correspondence must include RFP #8504-0-2016-BP in the subject line.

1.5 Delivery of Proposals

Delivery of hard copies to: City of Madison Purchasing Services
City County Building, Room 407
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Delivery of electronic copy to: via email to bids@cityofmadison.com
or on a commonly used media with the hard copies.

Proposals must be delivered as instructed. Deliveries to other City departments and/or locations may result in disqualification.

Note: When mailing your response via a third party delivery service, the outside of the packaging MUST be clearly marked with the RFP/RFQ name and number. This ensures that the bid can be delivered to the correct purchasing agent without having to open the bid.

1.6 Appendix A: Standard Terms & Conditions

Proposers are responsible for reviewing this attachment prior to submission of their Proposals. City of Madison Standard Terms and Conditions are the minimum requirements for the submission of Proposals.

1.7 Appendix B: Sample Contract for Purchase of Services

Proposers are responsible for reviewing this attachment prior to submission of their Proposals. The Sample Contract for Purchase of Services shall serve as the basis of the contract resulting from this RFP. The terms of this template contract shall become contractual obligations following award of the RFP. By submitting a proposal, Proposers affirm their willingness to enter into a contract containing these terms.

1.8 Multiple Proposals

Multiple Proposals from Proposers are permitted; however, each must fully conform to the requirements for submission. Proposers must sequentially label (e.g., Proposal #1, Proposal #2) and separately package each Proposal. Proposers may submit alternate pricing schemes without having to submit multiple Proposals.

1.9 City of Madison Contact Information

The City of Madison Mayor's Office is the procuring agency: Gloria Reyes
City of Madison Mayor's Office
PH: (608) 266-4611
greyes@cityofmadison.com

The City of Madison Purchasing Services administers the procurement function: Brian Pittelli
Purchasing Services
City-County Bldg, Room 407
210 Martin Luther King, Jr. Blvd.
Madison, WI 53703-3346
PH: (608) 267-4969
FAX: (608) 266-5948
bids@cityofmadison.com

For questions regarding
Affirmative Action Plans please
contact:

Contract Compliance
Department of Civil Rights
City-County Bldg., Room 523
210 Martin Luther King, Jr. Blvd.
Madison, WI 53703
PH: (608) 266-4910
dcr@cityofmadison.com

The City employs spam filtering that occasionally blocks legitimate emails, holding them in ‘quarantine’ for four calendar days. The contacts listed in this RFP will acknowledge all emails received. Proposers not receiving acknowledgement within twenty-four hours shall follow-up via phone with specific information identifying the originating email address for message recovery.

1.10 Inquiries, Clarifications, and Exceptions

Proposers are to raise any questions they have about the RFP document without delay. Direct all questions, *in writing*, to the Purchasing Services administrator listed in Section 1.9.

Proposers finding any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this RFP document shall immediately notify the Buyer and request clarification. In the event that it is necessary to provide additional clarification or revision to the RFP, the City will post addenda – see 1.11 below. Proposers are strongly encouraged to check for addenda regularly.

Proposals should be as responsive as possible to the provisions stated herein. A prospective vendor may take “exception” to bid terms, conditions, specifications and dates stated within the bid package. However, the City of Madison reserves the right to disqualify any and all bids submitted which include exceptions, if deemed not in the City’s best interests.

1.11 Addenda

In the event that it is necessary to provide additional clarification or revision to the RFP, the City will post addenda to its Proposals distribution websites – see 1.12 below. It is the Proposers responsibility to regularly monitor the websites for any such postings. Proposers must acknowledge the receipt of any addenda on Form B. Failure to retrieve addenda and include their provisions may result in disqualification.

1.12 Bid Distribution Networks

The City of Madison posts all Request for Proposals, addenda, tabulations, awards and related announcements on two distribution networks – VendorNet and DemandStar. The aforementioned documents are available **exclusively** from these websites. It is the Proposers responsibility to regularly monitor the bid distribution network for any such postings. Proposers failure to retrieve such addenda and incorporate their appropriate provisions in their response may result in disqualification. Both sites offer free registration to City Proposers.

State of Wisconsin
VendorNet System:

State of Wisconsin and local agencies bid network. Registration is free.
<http://vendornet.state.wi.us/vendornet>

DemandStar by Onvia:

National bid network – Free subscription is available to access Proposals from the City of Madison and other Wisconsin agencies, participating in the Wisconsin Association of Public Purchasers (WAPP). A fee is required if subscribing to multiple agencies that are not included in WAPP.

Bid Opportunities:

www.cityofmadison.com/finance/purchasing/bidDemandStar.cfm

Home Page: www.demandstar.com

To Register: www.onvia.com/WAPP

1.13 Local Vendor Preference

The City of Madison has adopted a local preference purchasing policy granting a scoring preference to local suppliers. Only suppliers registered as of the bid's due date will receive preference. Learn more and register at the City of Madison website: www.cityofmadison.com/business/localPurchasing.

1.14 Oral Presentations/Site Visits/Meetings

Proposers may be asked to attend meetings, make oral presentations, inspect City locations or make their facilities available for a site inspection as part of this RFP process. Such presentations, meetings or site visits will be at the Proposers expense.

1.15 Acceptance/Rejection of Proposals

The City reserves the right to accept or reject any or all proposals submitted, in whole or in part, and to waive any informalities or technicalities, which at the City's discretion is determined to be in the best interests of the City. Further, the City makes no representations that a contract will be awarded to any proposer responding to this request. The City expressly reserves the right to reject any and all proposals responding to this invitation without indicating any reasons for such rejection(s).

The City reserves the right to postpone due dates and openings for its own convenience and to withdraw this solicitation at any time without prior notice.

1.16 Withdrawal or Revision of Proposals

Proposers may, without prejudice, withdraw Proposals submitted prior to the date and time specified for receipt of Proposals by requesting such withdrawal before the due time and date of the submission of Proposals. After the due date of submission of Proposals, no Proposals may be withdrawn for a period of 90 days or as otherwise specified or provided by law. Proposers may modify their Proposals at any time prior to opening of Proposals.

1.17 Non-Material and Material Variances

The City reserves the right to waive or permit cure of nonmaterial variances in the offer if, in the judgment of the City, it is in the City's best interest to do so. The determination of materiality is in the sole discretion of the City.

1.18 Public Records

Proposers are hereby notified that all information submitted in response to this RFP may be made available for public inspection according to the Public Records Law of the State of Wisconsin or other applicable public record laws. Information qualifying as a "trade secret"—defined in State of Wisconsin Statutes—may be held confidential.

Proposers shall seal separately and clearly identify all information they deem to be "trade secrets," as defined in the State of Wisconsin Statutes. Do not duplicate or co-mingle information, deemed confidential and sealed, elsewhere in your response.

S. 19.36(5)

(5) TRADE SECRETS. An authority may withhold access to any record or portion of a record containing information qualifying as a trade secret as defined in s. 134.90(1)(c).

s. 134.90(1)(c)

(c) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique or process to which all of the following apply:

1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
2. The information is the subject of efforts to maintain its secrecy that are reasonable under the circumstances.

The City cannot ensure that information will not be subject to release if a request is made under applicable public records laws. The City cannot consider the following confidential: a bid in its entirety, price bid information, or the entire contents of any resulting contract. The City will not provide advance notice to Proposers prior to release of any requested record.

To the extent permitted by such laws, it is the intention of the City to withhold the contents of Proposals from public view—until such times as competitive or bargaining reasons no longer require non-disclosure, in the City's opinion. At that time, all Proposals will be available for review in accordance with such laws.

1.19 Usage Reports

Annually, the successful Proposers shall furnish to City Purchasing usage reports summarizing the ordering history for each department served during the previous contract year. The report, at a minimum, must include each and every item or service ordered during the period, its total quantities and dollars by item/service and in total. The City reserves the right to request usage reports at any time and request additional information, if required, when reviewing contract activity.

1.20 Partial Award

Unless otherwise noted, it will be assumed that Proposers will accept an order for all or part of the items/services priced.

1.21 Tax Exempt

The City of Madison as a municipality is exempt from payment of federal excise taxes (Registration Number 39-73-0411-K) and State of Wisconsin taxes per Wisconsin statute 77.54(9a). Federal Tax ID #39-6005507. A completed Wisconsin Department of Revenue Form S-211 (R.2-00) can be found on the City website. Our tax-exempt number is ES 42916.

1.22 Cooperative Purchasing

Bidders may choose to extend prices offered on bids to other municipalities. Under Wisconsin Statutes, a municipality is defined as a county; city; village; town; school district; board of school directors; sewer district; drainage district; vocational, technical and adult education district; or any other public or quasi-public corporation, officer, board or other body having the authority to award public contracts. This is known as "cooperative" or "piggyback" purchasing, a practice common amongst units of government. The City is not responsible for any contract resulting from a cooperative purchase using this RFB as a basis; they are made solely between the bidders and third party unit of government.

1.23 Proposers Responsibility

Proposers shall examine this RFP and shall exercise their judgment as to the nature and scope of the work required. No plea of ignorance concerning conditions or difficulties that exist or may hereafter arise in the execution of the work under the resulting contract, as a consequence of failure to make necessary examinations and investigations, shall be accepted as an excuse for any failure or omission on the part of the Proposers to fulfill the requirements of the resulting contract.

2 DESCRIPTION OF SERVICES/COMMODITIES

2.1 Background

The City seeks proposals for an expert(s) to conduct a comprehensive review of Madison Police Department's (MPD) culture, training, policies and procedures and obtain an understanding of the current status of the Madison Police Department and identify places for improvement. Particularly in the areas of racial disparity, implicit bias, use of force, dealing with people with mental health problems or who are under the influence of alcohol or other drugs, the rights of civilian witnesses, disproportionate contact with youth of color, and culturally-related behavioral variations.

2.2 Contract Term

The final report should be completed and submitted to the MPD Policy Review Committee by October 2016 unless an extension is agreed upon by the expert and committee.

2.3 Expert(s) Experience

The selected vendor should have extensive experience in community policing, law, problem oriented policing, racial disparities, restorative justice and implicit bias.

Please note that no current or former City of Madison employees will be eligible to win this RFP. This includes subcontractors.

2.4 Rules of Conduct

The selected vendor shall conduct business in an ethical manner that will keep the confidence of the community and Madison Police Department.

2.5 Outcomes

The criteria we would like proposers to use when reviewing Madison Police Department policies should include the following:

1. Current policing best practices should be implemented and adhered to. Best practices shall be understood to include the recommendations of the *Report of the President's Task Force on 21st Century Policing* and the Police Executive Research Forum report *Use of Force: Taking Policing to a Higher Standard - 30 Guiding Principles*. Furthermore, the *Special Community/Police Task Force Recommendations Regarding "Use of Force"* and relevant recommendations of the Dane County Resolution 556 workgroup report should be implemented and adhered to.
2. Use of force, particularly use of deadly force and fatalities from use of deadly force, should be reduced to the maximum extent possible. Preservation of life should be the highest priority. Causal analysis of officer involved shooting incidents should be used on an ongoing basis to inform training and practice, to decrease risk of further incidents.
3. Racial equity in treatment of residents (as well as nonresidents visiting, working, or attending school in Madison) should be achieved. Insofar as possible, racial disparities in police contacts, diversion access, citations, and arrests (including arrests for Department of Corrections community supervision violations), including disproportionate contact with youth of color, should be eliminated. Explicit bias should be eliminated and maximally effective training and policy interventions should be used to curtail implicit bias. Racial equity should also be achieved within MPD itself.
4. People with mental health issues, or who are under the influence of alcohol or other drugs, should be dealt with optimally, ensuring their wellbeing to the greatest extent possible. In dealing with

such individuals, use of force should be reduced through de-escalation and other techniques, and all means possible should be used to avoid deadly force. Proactive approaches should be employed to avoid crisis situations. Diversion to mental health providers, rather than intake into the criminal justice system, should be utilized whenever appropriate.

5. Ideals of community-oriented and, particularly, neighborhood policing should be followed fully. For the purpose of this review, the concept of community policing should be understood as defined by Robert Trojanowicz and Bonnie Bucqueroux: "Community policing is a philosophy of full service personalized policing, where the same officer patrols and works in the same area on a permanent basis, from a decentralized place, working in a proactive partnership with citizens to identify and solve problems."
6. Problem-oriented policing should be utilized wherever appropriate.
7. Evidence-based practices should be followed wherever possible.
8. Overly aggressive policing should be avoided and instances of contacts, citations, and arrests (including arrests for Department of Corrections community supervision violations) in which harms may outweigh societal benefits should be eliminated. Potential negative impacts should be considered in making enforcement decisions. Diversion to restorative justice or treatment-based approaches, especially those that do not require further justice system involvement, should be used as extensively as possible.
9. The rights of civilian witnesses should be fully recognized and respected.
10. People who are homeless should be dealt with in a manner that, insofar as possible, seeks to ensure their wellbeing and autonomy, and that minimizes harm and criminalization.
11. Complaints against officers or other MPD employees should be investigated in a transparent, timely, and entirely unbiased manner, and a "preponderance of the evidence" standard should be used in proper fashion in determining whether to sustain complaints.
12. After an MPD officer has used lethal force, MPD should treat the deceased person's family and friends with sensitivity, compassion, and respect, should keep them fully informed of developments (without delays) as the case unfolds, and should not take actions that potentially endanger their privacy or safety.
13. Outcomes averse to community members should be reduced by providing optimal initial and ongoing training in understanding the communities being policed, implicit bias, conflict resolution, nonviolent communication, de-escalating situations, community dynamics, adolescent development, and other such forms of training that foster wise, equitable, and minimally-coercive approaches.
14. Training and practices should result in understanding of and optimal sensitivity and responses to culturally-related behavioral variations.
15. Strengthening the community's own capacity to reduce violence and serious crime should be a priority.
16. Accountability of the MPD to the community, and the degree of control of the community over the policies and practices of the MPD, should be maximized.
17. The above outcomes should be accomplished in a manner that reduces or maintains stability of measures of serious and especially violent crime, and that maintains adequate officer safety.

2.6 Responsibilities

The primary criteria for evaluation shall be the objectives delineated in section 2.5.1 (above). The review should evaluate the following specific components of MPD.

1. A full assessment should be performed of MPD Standard Operating Procedures and Code of Conduct. Any topics or areas not covered by current written policies and procedures should be identified. Informal (non-written) policies, procedures, or practices that may enhance or inhibit compliance with written policies and procedures should be identified.
2. All MPD training curricula and procedures of training should be assessed, including for pre-service training, in-service training, specialized training, and any field training. This will include meeting with training staff to review all curriculum and procedures, observing training, obtaining information from officers about the training they've received, and any other means necessary to obtain desired information. Particular attention should be paid to training surrounding use of force, implicit bias, mental health, alcohol/drug abuse, and other forms of training for working with people from vulnerable or marginalized communities. The assessment should include identification of any areas where new training or changes in the existing training are needed.
3. MPD's current recruitment, hiring, promotion, and retention processes should be assessed, both internally and in relation to the Police and Fire Commission. There should be assessment of the capacity of MPD's current processes to properly screen candidates to determine those who would or would not be suitable. This should include assessment of the choice of screening instruments for optimality. The promotion process should be assessed to insure that quality and suitability, rather than embrace of existing culture or cultivation of superiors, forms the basis for promotion, and that those raising unpopular critiques are not penalized. The criteria used by the department for evaluation of performance of officers should be assessed to insure that the criteria incentivize community trust building and minimization of negative impacts, and to ensure that high citation and arrest rates are not being incentivized.
4. A detailed assessment of the internal culture of MPD should be performed through surveys, interviews of staff, interviews of community members interacting with police, and any other means necessary to obtain desired information. The assessment of MPD culture should include all members of the department, civilian and sworn. The assessment should include internal MPD groups, including but not limited to Association of Madison Police Supervisors and Madison Professional Police Officers Association, and any other groups, including non-profit support groups and partners, that impact the working culture.
5. Actual MPD field practices should be examined using field observation, interviews with officers, analysis of MPD records, interviews of community members interacting with police, and any other means necessary to obtain desired information.
6. Analyze MPD's efforts toward community policing and problem-oriented policing. The analysis should include information on whether the culture, structure, and staffing support the goals of community-oriented policing and problem-oriented policing efforts.
7. All accountability mechanisms within MPD should be thoroughly evaluated, including but not limited to supervision, disciplinary process, complaints, and commendations. There should be assessment of the adequacy of supervisory oversight and supervisory monitoring of performance to ensure that officers are properly carrying out their responsibilities. There should be assessment of the validity and use of all supervisory oversight practices that allow for the identification of officers who are outliers in performance. The disciplinary process should be reviewed to determine if the process is appropriately followed, and whether it results in effective, efficient, and equitable outcomes. The complaint process used by MPD should be reviewed to determine its effectiveness and equity for both officers and civilians. Analysis of accountability mechanisms must include a specific assessment of the internal review process when officer involved deaths or

injuries occur. Potential mechanisms that could increase the independence of such reviews, including mechanisms under which such reviews would be conducted by an independent board or person must be explored.

8. There should be a thorough assessment of all MPD data collection, data usage, data records, automation, and communication systems. Dispatch and communication systems should be assessed for efficiency and reliability, and particularly whether all information necessary for optimal responses is being conveyed without error and in an adequate timeframe. Communication errors should be analyzed (including those involving the 911 Center). Determination should be made of the extent to which the current data collection system and information captured is consistent and reliable, with data stored and retrieved in a manner that facilitates its use and analysis. There should be an assessment of whether there are more efficient means of data processing and records management that would allow MPD staff to better understand patterns related to incidents, officers, victims, use of force, and particularly the desired outcomes listed in 2.5.1.
9. There should be assessment of equipment and technology used in the department, and how the equipment and technology is used, and particularly less lethal weapons and other technology that could help reduce use of force and civilian injuries and fatalities.
10. The following MPD special initiatives and programs should be evaluated:
11. Assess MPD's efforts toward community engagement with representatives of communities such as but not limited to: African American, Asian, Latino, Native American, immigrant, LGBTQ, homeless, drug involved people, people with mental health issues, and people under Department of Corrections community supervision.
12. Evaluate efforts related to Amigos en Azul and the other youth academies.
13. Review past and present MPD Trust Based Policing Initiatives, the Racial Disparity Workgroup, and the work of the Diversity Inclusion Team.
14. Review MPD programming that serves people with mental health and/or drug abuse issues. Review how MPD programming is connected to services provided by agencies that serve those populations. Assess the adequacy of such resources from a police perspective. Evaluate in particular how the MPD system does or does not adequately work towards the goal of preservation of life. In addition, evaluate MPD's current system of working with members of its own department who have mental health issues or who are drug and alcohol dependent.

TO BE CONTINUED AT 4-21-16 MEETING.....

some tasks for 4-21 meeting:

- **did committee intend to *replace* the city's "responsibility" section (2.5 in City draft) with CRT's? or do you want to supplement it? The above text is a replacement of the city's original sec. 2.5. Review City's responsibility section for anything useful.**
- **review rest of CRT v. 2 draft for suggestions for anything else to add to section 2.**
- **create a section on "deliverables"**
- **review section 3 in both drafts / compare / select language**
- **consider any scope changes if more clarity on funding is given, brainstorm how to write scope for various funding scenarios if necessary.**

- consider adding a blurb at the beginning of the RFP to explain that the requirements of this RFP were written as a collaborative process of the Committee. Include / attach the resolution creating the committee and a statement of the charge of the committee

(Placeholder for final Section 3 – to be determined)

(Placeholder for Deliverables section – to be determined)

Draft

DESCRIPTION OF SERVICES/COMMODITIES

2.7 Section 1 – General Information

- a. Form A – Signature Affidavit
- b. Form B – Receipt Forms and Submittal Checklist
- c. Form C – Contractor Profile Information

2.8 Section 2 – References, Performance, and Litigations

- 1) List any and all contracts your firm has done for the City of Madison.
- 2) Please submit references on Form E. If possible, please provide moderately sized law enforcement agencies. If you do not have any law enforcement agencies, please provide governmental organizations or municipalities.
- 3) Disclosure of Contract Failures, Litigations

Disclose any alleged significant prior or ongoing contract failures, contract breaches, any civil or criminal litigation or investigation pending which involves the consultant or in which the consultant has been judged guilty or liable, or which may affect the performance of the services to be rendered herein, in which the Firm, any of its employees, subcontractors, or sub consultants is or has been involved in within the last three (3) years.

2.9 Section 3 – Qualifications and Technical Questions

Complete the following questionnaire.

Responses must be in the same sequence as listed and must be identified with the corresponding question number. i.e., Question 1, Question 2, etc.

1) Please list your credentials and experience. A resume is not a valid form of answering this question. An extensive description of previous law enforcement and governmental agencies you have worked with, along with any certifications that you have obtained is preferred.

2) Have you worked with any moderately-sized urban police departments similar to the City of Madison? This size can best be described as a city with a population of 250,000 through 400,000 residents, with a police force with approximately 500 employees (including civilian employees).

What types of challenges would you see arising from having to deal with a department the size of City of Madison, along with the unique culture that is inherent to the City of Madison?

3) Have you done a previous analysis of a department's culture? What methods did you use to gather your information?

4) Describe your previous experience working with African American, Asian, Latino, Native American, and LGTBQ communities.

5) List the education and training of any employee (including subcontractors) to be tasked to work on this project. This should include any subcontractors that you will utilize. Explain how it relates to best practices for police use of force, implicit bias, mental health issues, and community policing/problem solving.

6) Are there any issues with having to make numerous presentations to different City of Madison personnel, agencies, and the public? Will there be any issues with having to field questions and answers, including those from the media?

2.10 Pricing

Please submit cost proposal, Form D, separate from the rest of the proposal.

Draft