



November 13, 2015

City Council  
City of Madison  
Madison Municipal Building  
215 Martin Luther King Jr. Boulevard  
Madison, WI 53703

Honorable Members of the City Council:

I write regarding the process for considering proposals to redevelop Judge Doyle Square.

As you know, the City of Madison (“City”) issued a request for proposals (“RFP”) for Judge Doyle Square in March 2015. Among other content, that RFP articulated a process that the City would follow for vetting the RFP responses. In reliance on that process, 4 respondents invested time and significant money preparing responses to the RFP. For Vermilion alone, we invested tens of thousands of dollars preparing our response.

Upon receiving the responses, the City chose to depart from the selection process it had outlined in the RFP and enter into exclusive negotiations with JDS Development (“JDS”). Though disappointing, that decision was understandable because of the anchor office tenant that JDS proposed. At that time, the City indicated it would return to the other three responses should the exclusive negotiations not succeed.

Those negotiations have now been terminated. Rather than following the process it outlined when it entered into exclusive negotiations with JDS, the City is again contemplating deviating from its own (revised) process. This time, however, there is no clear or compelling justification for doing so.

The City has indicated that it will ask the RFP respondents to reaffirm their interest in the project. For one, Vermilion is very hesitant to continue when the City is unwilling to adhere to its own process (as revised). Respectfully, I ask the City to follow the process it previously articulated – evaluating the three other RFP responses it has received, not reopening the RFP process.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "David J. Cocagne".

David Cocagne  
President/CEO