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June 1, 2006

Via Facsimile & U.S. Mail

Steven M. Biskupic
Scott Campbell
United States Attorney's Office
Eastern District of Wisconsin
517 E. Wisconsin Avenue
Milwaukee, WI 53202

Re: ***United States of America v. Georgia Thompson***
Case No. 06-CR-20

Dear Steve and Scott:

As I informed Scott in our phone conference of the other day, I am submitting this supplement to our May 25, 2006 letter to you in which we disclosed individuals who could testify as experts in this matter.

Helen McCain is the Director of Purchasing, Bureau of Procurement, Wisconsin Department of Administration. She has been in that position since April, 2005. Prior to that, she was the Director of Purchasing at the University of Wisconsin System. A copy of the Government's prior interview of Ms. McCain may be found at pages 3451 through 3456 of the discovery materials provided to us by the Government. Ms. McCain has been in state service for 31 years, having served as a research analyst with the Department of Public Instruction, as a budget analyst for the Department of Local Affairs and Development, as a budget analyst for the Department of Administration, as a section chief for I T purchases and as a division administrator for administrative services within the State Department of Development. She also served as head of purchasing for the Wisconsin Department of Corrections.

The opinions which she will give at trial will be premised upon the Wisconsin Statutes, the Wisconsin Administrative Code, and the Department of Administration State Procurement Manual, as well as upon her 31 years experience in the field. She will opine that statutes, administrative rule, policy and practice encourages the discussion of RFP evaluators' scores



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among the evaluators; that it permits, and often encourages, change of scores after discussion. She will opine that the use of a best and final procedure with respect to the partner contract for the state travel program, brought in to question by the Indictment in this case, was appropriate. She will opine that scoring of RFP's in general – and particularly with respect to the state travel contracts, – was a subjective analysis to which each evaluator was expected to bring his or her unique experience and perspective. Finally, Ms. McCain will explain that the Department of Administration uses a best and final process in no less than 60 percent of all cases involving requests for proposal.

Mark Buhger's opinions were previously provided to you. The facts and data upon which he bases his opinions are his knowledge of Wisconsin State Statutes, the Wisconsin Administrative Code, the State Procurement Manual, his years of experience in state service including service as the Director of the Department of Revenue and the Secretary of Administration; and his analysis of the State's procurement system as set forth in his report.

Michael Pohlman is the Deputy Director of Purchasing, Bureau of Procurement, Wisconsin Department of Administration. He is 54 years old and a graduate of Mount Horeb High School. He has been with the Department of Administration for 16 years (since 1990). Prior to that he was employed at the Department of Military Affairs as a purchasing agent for approximately six years. Prior to that he was a store keeper for a University of Wisconsin entity: there, his duties touched on procurement. Before that he was involved in UW food service purchasing. He has let Requests for Proposals and Requests for bids on behalf of state agencies for 20 years; and has participated in well over 100 requests for proposal.

Mr. Pohlman will opine that, based upon his experience, his understanding of the statutes and the Administrative Code and the Procurement Manual, it is appropriate for evaluators of an RFP to discuss their scoring and, after such discussion, to change their scores. He will opine that it is proper for an evaluator in scoring an RFP to take into account questions concerning implementation of the contract which is to be let. He will also opine that unanimity is not required in the request for a proposal process. He will further opine that a best and final process was appropriate for the contract in question here.

Karen Aasen's opinions will be premised upon the Wisconsin Statutes, the Wisconsin Administrative Code and the State Procurement Manual as well as her experience in the field of procurement. Ms. Aasen began her career as an assistant buyer at Gimbel's Department Store;

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and thereafter at the University of Wisconsin Milwaukee Bookstore purchasing all non-book items. Subsequently, she became employed at the Wisconsin Department of Administration, Madison, in purchasing. Later, she took a job at the University of Wisconsin Madison in procurement and ended up being a supervisor of all purchasing agents. She was employed, thereafter, by the Wisconsin State Lottery, for whom she supervised procurement. Currently, she is employed at the Department of Administration in its Bureau of Procurement. You are referred, also, to the FBI report of interview with Karen Aasen, pages 3444 through 3447 of the materials provided to the defense in discovery.

She will opine that, with respect to the evaluators of a request for a proposal, each evaluator brings to the process his or her own point of view. Evaluation is a somewhat subjective process. She will opine that, after discussion among the evaluators, it is a proper practice for the evaluators to change their scores based upon the discussion. She will opine that one purpose of the request for the proposal process is to permit the State to get the best price obtainable for the State. She will opine that, even with one vendor, the State may appropriately issue a request for a best and final offer. She will further opine that an evaluation committee makes a recommendation for the award of the contract, but that the committee does not award the contract.

Mike Hardiman is the Director of Purchasing at the UW Madison. He has been involved in purchasing for approximately 20 years; and has been involved in the implementation or evaluation of more than 100 requests for proposal. His opinions will be based upon Wisconsin Statutes, the Wisconsin Administrative Code, the State Procurement Manual and his over 20 years of experience. He will opine that evaluators participate in an evaluation committee with the expectation that each brings his or her own perspective to the evaluation. He will opine that while scoring is an individual process the committee members should discuss the result. He will opine that the University System of procurement differs slightly from that of the Department of Administration in that the University System continues the use of the evaluation committee even after an RFP goes to the best and final process. The Department of Administration, on the other hand, discontinues use of the evaluation committee when the scoring is complete; and the best and final process is not a matter for the evaluation committee.

Michael Soehner is employed in the Office of State Employment Relations. Mr. Soehner will testify concerning State regulations and procedures for employment action(s) against career executive employees. Mr. Soehner will testify that, based on state law and

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administrative regulations, as well as the performance evaluations of Georgia Thompson's service while employed as a career executive employee, Georgia Thompson could not have been terminated or disciplined by her superior(s) except for just cause. He will opine that her following a supervisor's order to allow improper political considerations to influence her scoring of an RFP would give rise to just cause; but that refusing to follow such an order would not. Mr. Soehner will testify that the purpose of a career executive's civil service status is to protect her from improper political pressures. He will further testify about the procedural steps of discipline of a civil service employee.

The facts and data upon which he bases his opinions are Wisconsin Statutes, the Wisconsin Administrative Code and his experience (outlined in his curricula vitae, attached) and synthesized in two publications of the Office of State Employment Relations (entitled *Management: Personnel Administration*, and entitled *Discipline: Due Process, Investigation and Making a Decision*) which are attached to this letter.

Cordially,

HURLEY, BURISH & STANTON, S.C.


Stephen P. Hurley

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