



## Legislation Details (With Text)

<b>File #:</b>	50135	<b>Version:</b>	2	<b>Name:</b>	Exempt uniform rental, laundry services and PPE purchases from sweatfree requirements
<b>Type:</b>	Ordinance	<b>Status:</b>			Passed
<b>File created:</b>	1/10/2018	<b>In control:</b>			COMMITTEE ON SWEATFREE PURCHASES
<b>On agenda:</b>	2/27/2018	<b>Final action:</b>			2/27/2018
<b>Enactment date:</b>	3/10/2018	<b>Enactment #:</b>			ORD-18-00026
<b>Title:</b>	SUBSTITUTE Amending Section 4.25 to create a process to exempt uniform rental and laundry services and purchases of Personal Protective Equipment (PPE) from the sweatfree procurement requirements when there are no qualified bidders who can comply, creating a definition for personal protective equipment, and making one editorial correction.				
<b>Sponsors:</b>	Michael E. Verveer, Paul R. Soglin				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. RFP 8412-0-2018-BP Compliance Scoring Worksheet.pdf, 2. Version 1				

Date	Ver.	Action By	Action	Result
2/27/2018	2	COMMON COUNCIL	Adopt	Pass
2/5/2018	1	COMMITTEE ON SWEATFREE PURCHASES	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
1/24/2018	1	COMMITTEE ON SWEATFREE PURCHASES	Refer	Pass
1/22/2018	1	FINANCE COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
1/16/2018	1	COMMITTEE ON SWEATFREE PURCHASES	Refer	
1/16/2018	1	COMMON COUNCIL	Refer	Pass
1/10/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

### Fiscal Note

No fiscal impact.

### Title

SUBSTITUTE Amending Section 4.25 to create a process to exempt uniform rental and laundry services and purchases of Personal Protective Equipment (PPE) from the sweatfree procurement requirements when there are no qualified bidders who can comply, creating a definition for personal protective equipment, and making one editorial correction.

### Body

DRAFTER'S ANALYSIS: Section 4.25, Procurement of Items of Apparel, establishes "sweatfree" purchasing standards when the City purchases or rents apparel. Apparel is defined to include clothing and other items that include textiles, and all footwear. The ordinance requires bidders to disclose factory locations, wages, and other information about their suppliers and follow sweatfree practices. This ordinance would create exceptions for two types of purchases: First, it creates an exception when there are no qualified bidders who can provide uniform rental, laundry or dry cleaning services and the services are deemed essential. Several City departments provide uniforms for City employees and the uniform service includes garment rental and regular laundry and repair services. If no bidders can or will comply, staff can request an exception from the Committee on Sweatfree Purchases who must meet within 2 weeks to decide whether to allow an exception.

The second exception is for Personal Protective Equipment (PPE) used primarily by police and fire. Equipment like ballistic vests, harnesses, firefighter gear, and other safety gear, if made from textiles, meet the definition of apparel, and must be sourced from vendors who comply with the sweatfree purchasing requirements. This amendment would allow the Finance Director to grant an exception if the Police or Fire Department are unable to find a compliant supplier for the gear in question, and the PPE is deemed essential. This amendment also makes a housekeeping correction by adding employee handbooks and city ordinances along with collective bargaining agreements as documents where clothing allowances and vouchers may be found.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (2) entitled "Applicability - Procurement of Apparel" of Section 4.25 entitled "Procurement of Items of Apparel" of the Madison General Ordinances is amended to read as follows:

- "(2) Applicability - Procurement of Apparel. This ordinance shall apply to all City procurement of apparel, as defined herein, when the circumstances in sub. (a) or (b) are met:
- (a) \$5,000 or more in apparel with the same brand name purchased from a single contractor. All articles of apparel with the same brand name purchased from that contractor during the term of the contract, or if there is no contract, during the calendar year in which the purchase is made, shall be counted in reaching the \$5,000 total; or
  - (b) \$5,000 or more of a specific item of apparel purchased from a single contractor, during the term of the contract, or if there is no contract, during the calendar year in which the purchase is made.
  - (c) For purposes of this ordinance, "procurement" shall include the purchase, rental, lease, laundering or dry cleaning of apparel, whether by contract, purchase order, or other means; and allowance and voucher programs for city employees to make their own purchases, except where a city collective bargaining agreement, city ordinance, employee handbook or similar arrangement establishes a clothing allowance or voucher program that specifies another method of purchase or identifies purchasing criteria in conflict with this ordinance, in which case the terms of the collective bargaining agreement shall control. This ordinance shall also apply to contracts for the provision of City financial assistance, if \$5,000 or more of will be used for procurement of apparel under the circumstances in paragraph (2)(a) or (2)(b) above.
  - (d) Lack of Compliant Bidders For Certain Purchases.
    - 1. Personal Protective Equipment. If, after conducting the applicable competitive selection process required by the Finance Department for a purchase of personal protective equipment (PPE) that meets the definition of apparel, there are no qualified bidders that can comply with this ordinance, and such PPE is deemed essential by the Finance Director, the PPE may be procured without the requirements of this ordinance and the resulting contract (if any) need not include the language required by this ordinance. The determinations required by this paragraph shall be made in the sole discretion of the Finance Director, taking into account the purpose of this ordinance. The Finance Director shall report any exceptions granted under this paragraph to the Committee not less than quarterly.
    - 2. Uniform Rental and Laundry. If, after conducting the applicable competitive selection process required by the Finance Department for services that include the rental, lease, laundering or dry cleaning of uniforms or other apparel worn by City employees, there are no qualified bidders that can comply with this ordinance, city staff may bring a request for exemption from this ordinance to the Committee on Sweatfree Purchases. The Committee shall hold a meeting within two (2) weeks of the request to consider the following factors: whether any qualified bidders can comply with the requirements of this ordinance and whether the uniform(s) and related services are essential to City operations, taking into account the purpose of this ordinance. The Committee shall

either grant or deny the exception at their first meeting convened for this purpose. If the Committee grants the exception, the services may be procured without the requirements of this ordinance and the resulting contract need not include the language required by this ordinance. If the Committee cannot meet within two weeks, the decision shall be made by the Finance Director, using the same criteria."

2. New Subdivision (e) entitled "Personal Protective Equipment" of Subsection (3) entitled "Definitions" of Section 4.25 entitled "Procurement of Items of Apparel" of the Madison General Ordinances is created to read as follows:

"(e) "Personal Protective Equipment" means any device, including clothing, footwear, accessories and equipment, that is worn on the body or carried by personnel for the purpose of protecting the wearer from injury, or used for carrying or supporting such protective equipment, whether or not such item includes textile or other weaving, knitting or felting. Examples include but are not limited to: body armor, ballistic vests, plate carriers, safety harnesses, and accessories thereto; chemical or biological protection gear, hazmat suits or overgarments, firefighter turnout gear or ensemble; and gear designed to protect the face, eyes and head from injury or contamination. This definition does not include items intended primarily to protect the wearer from the elements, such as hats, gloves, jackets, etc."

3. Current Subdivision (e) entitled "Subcontractor" of Subsection (3) entitled "Definitions" of Section 4.25 entitled "Procurement of Items of Apparel" of the Madison General Ordinances is renumbered to Subdivision (f).