

Exhibit B
Meeting Agenda 12/16/10
COMMITTEE ON SWEATFREE PURCHASES

To Sweatfree Purchases Committee:

Carol's preliminary report on homework re "sliding scale" of compliance.
Things to think about in preparation for next meeting.

I had a great meeting with Monette wherein I learned more about the RFP and bid evaluation process, including the point system used for evaluating bidder qualifications.

After looking through piles of bidder disclosure forms, I'm not convinced that the forms are fine just because the vendors on the forum call didn't complain. It's clear to me that we could at least improve the instructions, improve the space available, and provide a sample form completed correctly. It can't hurt, and provides an opportunity to communicate more clearly with vendors. This should be doable any time because there would be no change to the information requested.

With regard to a possible sliding scale, there is a clear framework in Monette's bid evaluation process to allow for a point system for sweatfree compliance. She creates the criteria for each area (cost, years of experience, sustainability, etc) and assigns each a point value, but since sweatfree compliance is "black and white" and no one is fully compliant, effectively there are no points awarded to anyone, so the points don't reflect even the lowest level of compliance or relative compliance. I'm confident that a flexible point system could be created, tested and tweaked while keeping it easy for staff.

There is a serious downside to using a point system and we'd have to think hard about it. In the Ordinance, compliance is non-negotiable. If we implemented a sliding scale we would have to address how important it should be relative to the other points awarded. Local Preference is defined as 5% of total points. Any sliding scale is clearly a lowering of the bar, the question is how far we want to go and what time frame we set for improvement.

One risk is that, by assigning too few points relative to other criteria, vendors could just opt out of compliance at the bid phase (though still be subject to penalties for noncompliance, should any ever be discovered). So what portion of the total points should be given to sweatfree? 10%, 50%? How do we arrive at a number that reflects the importance while realizing that anything we do is less than the 100% requirement we have now? This possible watering down is not viewed favorably by the Sweatfree Purchasing Consortium, which is obviously wanting 100% compliance, as of course we all wish were possible .

I must point out that the difference between the top vendors in the Qualifications area may indeed be small enough that the sweatfree compliance points would make the difference in the bid, which is the desired outcome. We could set a relatively high number of points, and have a minimum threshold for consideration, rather than all or nothing. I may try to review older bids to test this theory by looking at the point differentials.

I had a phone conference with Bjorn Claeson of the Consortium. He urges Madison to participate in a pilot process with our next RFP. He says this could happen in the next few months, since I told him about our desired near-term timeline. A pilot, however, is dependent on Monette actually having an RFP that would be let out in the next few months.

The Consortium is not encouraging any ordinance changes at this time. The main reason is to not exacerbate the existing differences among Consortium members, and to not change policy now and then again later if a Consortium process is adopted. The Consortium would instead have us focus on creating model policy and participating in a pilot.

Rather than change specific compliance details in the ordinance, it might be more pragmatic to introduce language that says the Committee has the ability to work with Purchasing staff to create and revise guidelines for bid evaluation and delayed compliance, retaining the goal of full compliance. I can report more in the meeting about some of the Consortium's ideas.

Carol Bracewell