



# City of Madison

City of Madison  
Madison, WI 53703  
[www.cityofmadison.com](http://www.cityofmadison.com)

## Meeting Minutes - Approved SWEATFREE PURCHASES, COMMITTEE ON

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Tuesday, July 20, 2010

5:00 PM

210 Martin Luther King Jr Blvd  
Room 417 (City-County Building)

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### CALL TO ORDER / ROLL CALL

Chair Bottari called the meeting to order at 4:15 pm

**Present:** 4 -

Satya V. Rhodes-Conway; Carol Bracewell; Jonathan D. Rosenblum and Mary E. Bottari

**Absent:** 1 -

Eric S. Hoyt

**Excused:** 1 -

Norman Davis

**Staff:** Randy Whitehead, Monette McGuire

### APPROVAL OF MINUTES

This was Approved

**Present:** 6 -

Satya V. Rhodes-Conway; Carol Bracewell; Eric S. Hoyt; Jonathan D. Rosenblum; Mary E. Bottari and Norman Davis

### PUBLIC COMMENT

There were no registrants.

### ITEMS CONSIDERED

1. 18877 Standing update on Sweatfree Purchasing Consortium activities - Purchasing  
  
No report on Sweatfree Purchasing Consortium.  
City Purchasing activities – uniform bid for MPD is out on the street.  
Approximate annual contract value is \$200,000. The bid consists of > 300 items with 22 different clothing brands, 9 footwear brands and 14 brands for dutygear, gloves, vests, etc. McGuire indicated that this example will be used to discuss the issues that will be addressed in the workplan.

No formal action was taken on this item.

2.

19183

Workplan

Continuing discussion of Guidelines, Procedures and Evidentiary standards - policies for implementation of sweatfree ordinance.

Discussion items to be provided by Purchasing

- a. The committee will continue discussion of Guidelines, Procedures and Evidentiary standards - policies for implementation of sweatfree ordinance.
- b. McGuire presented a draft workplan for the committee to consider. See Exhibit A. The discussion points were compiled and categorized from discussions in previous meetings.
  - 1. Annual Report is required by ordinance.
  - 2. Interpretation and Implementation of MGO 4.25 Ordinance. Policy Recommendations.
    - a. \$5,000 threshold.
      - How should this be applied to an \$8,000 contract that includes 20 different items and brands?
      - MPD RFP for uniforms. The attempt to prequalify vendors for completeness of submitted affidavits before the bid due date was unsuccessful. None of the four bidders provided complete information. Some submitted only codes of conduct. For this bid, Purchasing required affidavits only where the total value of products for a brand/manufacturer amounts to \$5,000 or more.
    - b. Continuing Disclosure and Transparency, Sec. 6(d). Requires quarterly submission of affidavits. Should this be modified?
    - c. Fair Wage Definition, Sec. 3(d) and Standards, Wages and Benefits, Sec. (4) (b)1
  - Fair wage definitions among jurisdictions vary greatly. For example, wage tables for Milwaukee and San Francisco for the same country are different.
  - 3. Sweatfree Affidavit

Address related issues to the Affidavit and consider a dialogue with vendors with the goal of getting better compliance.

  - a. Information Required
  - b. From Whom? Contractors, subcontractors, vendors or manufacturers?
  - c. Proposed standard Affidavit of Compliance form by Sweatfree Purchasing Consortium (SPC)
  - d. Process for vendors to submit information.
  - e. Affidavits would have to be valid for at least one year.
  - f. Fees
  - 4. Guidelines for Monitoring Compliance
  - 5. Other – Education, Discussion of context/expansion of ordinance
  - c. Discussion
    - Annual Report. The committee will spend the next three months discussing the workplan, provide a report by the end of the year, then discuss how often the committee should continue to meet.
    - In the past year, Purchasing conducted 3 competitive bids that required sweatfree compliance. Affidavits supplied by bidders thus far, have been inaccurate and incomplete.
    - Language in the affidavit is complex and unenforceable.
    - Committee would prefer accurate information over more frequent submissions of affidavits (ordinance requires quarterly submission of affidavits.)
    - Minimum Wage vs. Fair Wage. There should be information (e.g., issued by

US Dept. of Labor) that can be easily referenced. Some agencies (e.g. UW Madison) refer to the country's minimum wage in their code of conduct. While the minimum wage is easier to enforce and find, it is also less meaningful to the spirit of the ordinance.

- Ordinance requires contractors as well as subcontractors to file affidavits
- If the City adopts proposed Sweatfree Purchasing Consortium (SPC) standard Affidavit of Compliance, any change in ordinance would depend on how significantly different the information in the SPC affidavit is from what is required in the City's ordinance.
- Can the City accept SPC's model of charging fees? Ordinance would actively state that we can't.
- In awarding contracts, language should be added to state that compliance will be subject to monitoring during award, throughout the term of the contract and when renewing a contract.
- If the City will need SPC to assist in monitoring compliance, City will be required to pay additional fees in addition to current membership dues of \$500.
- The City is now well positioned to address sustainable purchasing not just from the economic and environmental aspects, but also from the social equity context because of policies such as local preference, living wage, fair trade and sweatfree procurement that are already in place.
- In the charge to implement the ordinance, the committee needs to be mindful of the policy direction that is contemplated by the ordinance and that other Purchasing policies are not adversely affected, e.g. local vendors will not be discouraged by the sweatfree process.
- Workplan. Committee will prioritize tasks based on which ones rise to a level of urgency.
- Purchasing staff indicated the top concerns would be to
  - 1) clarify the \$5000 limit; McGuire distributed San Francisco's formula for compliance.
  - 2) determine what course of action to take when vendors do not or cannot comply, and
  - 3) Simplify the affidavit; evaluate the usefulness of the information required
- Committee agreed to address tasks based on Rhodes-Conway's order of priority for top level categories:
  - 1) Affidavit
  - 2) Interpretation / Implementation
  - 3) Guidelines for Compliance
  - 4) Report
  - 5) Other
- All tasks under each category may not be addressed individually but will fall under major tasks.
- Bracewell expressed concern about the credibility in enforcement of the process, where information is required but is not qualified.
- In prioritizing between the price threshold and the affidavit, the level of information gleaned from discussing the affidavit first, might inform the committee as to the structure of the price point or vice versa.
- No recommendation on any policy guidelines or action on any tasks will be taken at this meeting.
- For the discussion on the affidavit, committee will invite vendors to the September meeting to get feedback on what does or doesn't work for them in terms of process.
- Committee will work on a list of questions at the next meeting and possibly develop a survey for vendors to consider before the September meeting.
- Should the committee consider any changes to the form at this time, given that it might defer to SPC's form in the future?

No formal action was taken on this item.

3. 19285 Discussion of future meeting dates.

**August 24 @ 5:00 p.m.**

**September 28th meeting for discussion with vendors. Allow at least 2 hours**

**No formal action was taken on this item.**

4. 19184 Status of committee membership from Labor Licensing Committee

**Representative from Labor Licensing Committee (LLC) has not attended a meeting. Since the seat is very specific, committee will check with LLC staff for another recommendation. Committee can work towards an ordinance change of the structure of the membership, if needed.**

**Also need to clarify nature of conflict re: meeting schedule with committee member, Norm Davis. The committee changed the meeting time to 5:00 p.m. and will need to determine how that will affect his future participation.**

**No formal action was take on this item.**

5. 18547 Agenda items for future meetings.

- **Discussion of Affidavit**

**In preparation for discussion of affidavit, Purchasing staff will provide the following to the committee:**

- Copies of Affidavit Forms for City and proposed affidavit by SPC**
- List of fields in the affidavit or that is least commonly filled out or deemed as problem areas**
- Purchasing statistics: # of bids, volume of purchases, value of procurement contracts to which the ordinance applies.**
- **Develop questions for discussion and/or survey for September forum with vendors.**
- **Status of committee member seats**
- **Standing update SPC - Purchasing**

**No formal action was taken on this item.**

6. 19185 Announcements

**None**

#### **ADJOURNMENT**

**A motion was made by Rhodes-Conway, seconded by Rosenblum to adjourn at 6:15 p.m. The motion passed by voice vote/other.**