



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 19183

File ID: 19183	File Type: Discussion Item	Status: In Committee
Version: 1	Reference:	Controlling Body: COMMITTEE ON SWEATFREE PURCHASES
File Name: Workplan		File Created Date : 07/09/2010
		Final Action:

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

Discussion items to be provided by Purchasing

Title: Workplan
Continuing discussion of Guidelines, Procedures and Evidentiary standards - policies for implementation of sweatfree ordinance.
Discussion items to be provided by Purchasing

Notes:

Agenda Number: 3.

Sponsors:

Effective Date:

Attachments:

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Author:

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Published Date:

Approval History

Version	Date	Approver	Action
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History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	COMMITTEE ON SWEATFREE PURCHASES	07/09/2010	Discuss and continue				
	Action Text:	This Discussion Item was Discuss and continue					
	Notes:						

1 COMMITTEE ON
SWEATFREE
PURCHASES

07/20/2010

- Action Text:
- 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, and 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.

Notes:

1 COMMITTEE ON
SWEATFREE
PURCHASES

10/20/2010

Action Text:

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

a. Clarification of \$5,000 limit as stated in the ordinance.

- Is this per purchase, per item, per contract, per vendor, per manufacturer or annual purchase volume? Asst. City Attorney Mainella interprets this limit to apply to a purchase or contract.
- Example. Single purchase that is estimated at \$6,000 and consists of 15 different apparel items. Should 15 different affidavits be filled out by multiple vendors?

b. Wage issue (fair vs. minimum) is usually problematic to verify.

c. Affidavit. Intent is for vendors to supply verifiable information (e.g. name, address) for the proposed SPC database. Provide incentives (e.g. more points) for vendors who are willing to provide more specific and complete information. Issues about brands/manufacturers not willing to disclose factory locations for competitive reasons.

d. Compliance. The ordinance has strict requirements that no vendor can meet and does not provide for any form of an "out" or waiver. The concern is how the City can restore credibility of the ordinance when currently, there is no consequence for noncompliance.

e. While the original ordinance that was passed did not account for many issues, including the flexibility to participate in a consortium, its effectiveness and impact on vendors and factories, it has served a purpose in ratcheting up industry standards overall and progressive improvements have been made by creating a baseline for compliance.

f. Committee to itemize specific issues to focus on in agenda.

no formal action was taken.

Notes:

Text of Legislative File 19183

Title

Workplan

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

Discussion items to be provided by Purchasing