

EXHIBIT A-2: AGENDA 7-13-11 -COMMITTEE ON SWEATFREE PURCHASES

DRAFT amendment to sec. 4.25 to authorize the Committee on Sweatfree Purchases to establish procedures to rank compliance with the bidder disclosure statement requirement.

- (5) Bid Specifications and Pre-Award Procedures.
- (a) Contract Bid and Request-for-Proposal Specifications. A copy of this Ordinance or a sufficient summary and link to the entire text shall be included in all specifications for all contracts or requests for financial assistance to which this ordinance may apply.
- (b) Bidder Disclosure Statements. The City shall require for each bid or proposal to which this ordinance applies under sub. (2), each bidder, proposer or potential contractor to submit disclosure statements that include the information below, to the city and/or the city's independent monitoring agency, if any, with the knowledge that this information may be disclosed to the public, subject to applicable public records law. Compliance with this requirement shall be determined using procedures adopted by the Committee on Sweatfree Purchases. Such procedures may include, but are not limited to, the use of a formula or other criteria to rank compliance based upon the quality and/or quantity of the disclosure statements completed by bidders. Any such procedures, and any changes thereto, shall be adopted by the Committee at a properly-noticed public meeting of the Committee before being included in any bids, and reported to the Common Council when the Committee makes its annual report required by MGO 4.25(9)(a). If the pre-award disclosure reveals a violation of this ordinance or a statement that the proposed contractor will not or cannot comply with this ordinance, the City reserves the right not to award the contract to that contractor. The disclosures shall include:
1. The names, addresses, and phone numbers of each facility involved in the production of goods covered by this policy.
 2. The names, business addresses, and phone numbers of the principal officers of each facility involved in the production of goods covered by this policy.
 3. The base hourly wage of non-supervisory production employees, percent of wage level paid as health benefit, other benefits, regular deductions from paychecks, normal working hours per day and week, actual working hours per day and week over the last three months, and overtime policy.
 4. The raw number of each type good produced in a given factory for the City.
 5. A sworn statement that each of the proposed production facilities, including any sub-contractors, complies with all requirements of this ordinance.
 6. Any other information deemed necessary by the City for the administration and enforcement of this Ordinance.
- (c) Transparency. Bidders, proposers and contractors shall provide access to the City of Madison and the City's independent monitoring agency, if any, to archived and contemporary inspection and monitoring reports for

all facilities producing goods for the contract in question and shall require their subcontractors to allow the same access.

(6) Requirements for Contracts and other Procurement arrangements.

- (a) Mandatory Contract Language. No contract to which this Ordinance applies under Subsection (2) be entered into by the City unless such contract contains the following language:

“The contractor shall follow labor practices consistent with international standards of human rights, meaning that, at a minimum contractor shall adhere to the minimum employment standards found in Section 4.25 of the Madison General Ordinances and shall require all subcontractors and third-party suppliers to do the same. For purposes of sec. 4.25, “Subcontractor” means a person, partnership, corporation or other entity that enters into a contract with the contractor for performance of some or all of the City-contracted work and includes all third-party suppliers or producers from whom the contractor or its contractors obtains or sources goods, parts or supplies for use on the city contract and is intended to include suppliers at all level of the supply chain. The standards in Sec. 4.25 shall apply in all aspects of the contractor’s and subcontractor’s operations, including but not limited to, manufacture, assembly, finishing, laundering or dry cleaning, (where applicable), warehouse distribution, and delivery. Contractor acknowledges that by entering into this contract, Contractor shall be subject to all of the requirements and sanctions of sec. 4.25 of the Madison General Ordinances.

All applicable contracts must also include the list of sanctions in sub. (7)(c).

- (b) Inclusion by reference in all Contracts. For purposes of carrying out the intent of this ordinance, all provisions of this section are made part of all applicable contracts for procurement under this ordinance.
- (c) Every contractor and vendor shall bind its contractors and subcontractors, in writing, to the provisions of this Ordinance.
- (d) Continuing Disclosure and Transparency. All contractors operating under an existing contract applicable under sub (2), shall submit quarterly sworn disclosure statements containing the information required in sub. (6)(b), to the City (or its independent monitoring agency, if any,) the content of which shall meet any requirements that may be established as part of the ranking procedures adopted by the Committee on Sweatfree Purchases under 4.25(5)(b). Disclosures that reveal a violation of the ordinance or statement that contractor will not or cannot comply with this ordinance may be grounds for sanctions without further investigation, or may be investigated for action under this ordinance and the contract. The City and its independent monitoring organization, if any, shall have complete and unfettered access to all contractor’s and subcontractor’s facilities utilized under a contract to which this Ordinance applies. The transparency requirements in sub. (6) above shall continue to apply to contractors under an existing contract.