

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED

July 19, 2011 (FROM THE FLOOR)

Amending Sections 4.25(5)(b) and (6)(d) of the Madison General Ordinances, Procurement of Items of Apparel, to authorize the Committee on Sweatfree Purchases to establish procedures to rank bidders' compliance with the bidder disclosure statement requirement.

REFERRED

Committee on Sweatfree Purchases

Drafted by: Lara Mainella

Date: July 14, 2011

SPONSOR: Alder Rhodes-Conway

DRAFTER'S ANALYSIS: Sec. 4.25, MGO, currently requires all contractors bidding on a contract for the purchase of apparel to complete sworn bidder disclosure statements for each facility or factory from which the contractor sources its goods. The form requires extensive details about the location, wages, benefits, and other working conditions at each factory. Failure to submit complete forms eliminates a contractor from consideration for the contract. This amendment would allow the Committee on Sweatfree Purchases to establish a procedure to rank the level of a bidder's compliance with the disclosure form requirement, to allow for some flexibility. This ordinance would allow the Committee to establish and change the procedure as needed, so the ordinance does not have to be amended every time the ranking system is changed. This ordinance would require the Committee to include their new procedure in the annual report that the Committee is already required to provide to the Common Council under Sec. 4.25(9)(a).

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

1. Subdivision (b) entitled "Bidder Disclosure Statements" of Subsection (5) entitled "Bid Specifications and Pre-Award Procedures" of Section 4.25 entitled "Procurement of Items of Apparel" of the Madison General Ordinances is amended to read as follows:

"(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 (Committee). 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 Sec. 4.25(9)(a), MGO. 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.

Approved as to form:

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.”

2. Subdivision (d) entitled “Continuing Disclosure and Transparency” of Subsection (6) entitled “Requirements for Contracts and Other Procurement Arrangements” of Section 4.25 entitled “Procurement of Items of Apparel” of the Madison General Ordinances is amended to read as follows:

“(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 compliance procedures adopted by the Committee on Sweatfree Purchases under Sec. 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.”