

LEGISTAR #50135 – Version 1

DRAFTER'S ANALYSIS: Section 4.25, Procurement of Items of Apparel, establishes "sweatfree" purchasing standards when the City purchases or rents apparel. Apparel is defined to include clothing made of textiles and all footwear. This ordinance creates two exceptions from this ordinance: First, it creates a limited exception when there are no qualified vendors who can provide uniform rental, laundry or dry cleaning services and the services are deemed essential. Several City departments provide uniforms for City employees and the uniform service includes garment rental and regular laundry and repair services. The second exception is for Personal Protective Equipment (PPE) used primarily by the police and fire departments. Certain protective equipment such as ballistic vests, harnesses, firefighter gear, other safety equipment, are made from textiles and therefore meet the definition of apparel and under the current ordinance, must be sourced from vendors who comply with these sweatfree purchasing requirements. This amendment would allow an exemption to be sought from the Finance Director if the Police or Fire Department are unable to find a compliant vendor or supplier for the gear in question. If, after the required competitive selection process, there are no vendors who can comply with the requirements of Sec. 4.25, the Finance Director can grant an exception if the services or PPE gear are deemed essential and after considering the purposes of this ordinance. Finally, this amendment makes a housekeeping change to include city ordinance and employee handbooks along with collective bargaining agreements in the section dealing with clothing allowances and vouchers.

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

1. Subsection (2) entitled "Applicability - Procurement of Apparel" of Section 4.25 entitled "Procurement of Items of Apparel" of the Madison General Ordinances is amended to read as follows:

- "(2) Applicability - Procurement of Apparel. This ordinance shall apply to all City procurement of apparel, as defined herein, when the circumstances in sub. (a) or (b) are met:
- (a) \$5,000 or more in apparel with the same brand name purchased from a single contractor. All articles of apparel with the same brand name purchased from that contractor during the term of the contract, or if there is no contract, during the calendar year in which the purchase is made, shall be counted in reaching the \$5,000 total; or
 - (b) \$5,000 or more of a specific item of apparel purchased from a single contractor, during the term of the contract, or if there is no contract, during the calendar year in which the purchase is made.
 - (c) For purposes of this ordinance, "procurement" shall include the purchase, rental, lease, laundering or dry cleaning of apparel, whether by contract, purchase order, or other means; and allowance and voucher programs for city employees to make their own purchases, except where a city collective bargaining agreement, city ordinance, employee handbook or similar arrangement establishes a clothing allowance or voucher program that specifies another method of purchase or identifies purchasing criteria in conflict with this ordinance, in which case the terms of the collective bargaining agreement shall control. This ordinance shall also apply to contracts for the provision of City financial assistance, if \$5,000 or more of will be used for procurement of apparel under the circumstances in paragraph (2)(a) or (2)(b) above.
 - (d) Lack of Compliant Bidders For Certain Purchases. If, after conducting the applicable competitive selection process required by the Finance Department for (i) services that include the rental, lease, laundering or dry cleaning of uniforms or other apparel worn by City employees or (ii) personal protective equipment (PPE) that meets the definition of apparel, there are no qualified bidders that can comply with this ordinance, and such services or PPE are deemed essential by the Finance Director, the services or PPE may be procured without the requirements of this ordinance and the resulting contract need not include the language required by this ordinance. The determinations required by this paragraph shall be made in the sole discretion of the Finance Director, taking into account the purpose of this ordinance."

2. New Subdivision (e) entitled "Personal Protective Equipment" of Subsection (3) entitled "Definitions" of Section 4.25 entitled "Procurement of Items of Apparel" of the Madison General Ordinances is amended to read as follows:

"(e) "Personal Protective Equipment" means any device, including clothing, footwear, accessories and equipment, that is worn on the body or carried by personnel for the purpose of protecting the wearer from injury, or used for carrying or supporting such protective equipment, whether or not such item includes textile or other weaving, knitting or felting. Examples include but are not limited to: body armor, ballistic vests, plate carriers, safety harnesses, and accessories thereto; chemical or biological protection gear, hazmat suits or overgarments, firefighter turnout gear or ensemble; and gear designed to protect the face, eyes and head from injury or contamination. This definition does not include items intended primarily to protect the wearer from the elements, such as hats, gloves, jackets, etc."

3. Current Subdivision (e) entitled "Subcontractor" of Subsection (3) entitled "Definitions" of Section 4.25 entitled "Procurement of Items of Apparel" of the Madison General Ordinances is renumbered to Subdivision (f).