



Legislation Text

File #: 83673, Version: 2

**Fiscal Note**

Fiscal impacts, if any, will be minor. No appropriation is required.

**Title**

SUBSTITUTE: Amending Section 4.25 of the Madison General Ordinances to eliminate the Committee on Sweatfree purchases and transfer their duties to the Finance Committee and Finance Director.

**Body**

DRAFTER'S ANALYSIS: This ordinance eliminates the Committee on Sweatfree Practices and places some of their duties with the Finance Director and staff of the Finance Department.

The Substitute would transfer most of the committee's duties to the Finance Committee, except that the Finance Director would be authorized to determine exceptions for Personal Protective Equipment and compliance with bidder disclosure statements.

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

1. Subdivision (d) entitled "Lack of Compliant Bidders for Certain Purchases" of Subsection (2) entitled "Applicability - Procurement of Apparel" of Section 4.25 entitled "Procurement of Items of Apparel" of the Madison General Ordinances is amended as follows:

“(d) Lack of Compliant Bidders For Certain Purchases.

1. Personal Protective Equipment. If, after conducting the applicable competitive selection process required by the Finance Department for a purchase of personal protective equipment (PPE) that meets the definition of apparel, there are no qualified bidders that can comply with this ordinance, and such PPE is deemed essential by the Finance Director, the PPE may be procured without the requirements of this ordinance and the resulting contract (if any) 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. The Finance Director shall report any exceptions granted under this paragraph to the ~~Committee~~ Common Council Finance Committee not less than quarterly.
2. Uniform Rental and Laundry. If, after conducting the applicable competitive selection process required by the Finance Department for services that include the rental, lease, laundering or dry cleaning of uniforms or other apparel worn by City employees, there are no qualified bidders that can comply with this ordinance, city staff may bring a request for exemption from this ordinance to the ~~Committee on Sweatfree Purchases Finance Director Committee.~~ Finance Director Committee. ~~The Committee shall hold a meeting within two (2) weeks of the request to consider the following factors: whether any qualified bidders can comply with the requirements of this ordinance and whether the uniform(s) and related services are essential to City operations, taking into account the purpose of this ordinance. The Committee Finance Director Committee shall either grant or deny the exception at their first meeting convened for this purpose.~~ If the Committee grants the exception, the services may be procured without the requirements of this ordinance and

~~the resulting contract need not include the language required by this ordinance. If the Committee cannot meet within two weeks, the decision shall be made by the Finance Director, using the same criteria. The Finance Director shall report any exceptions granted under this paragraph to the Common Council not less than annually."~~

2. 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 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)~~ developed by the Finance Director or designee. 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.
  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."

3. 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 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) under~~

this ordinance. 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.”

4. Subsection (9) entitled “Committee on Sweatfree Purchases” of Section 4.25 entitled “Procurement of Items of Apparel” of the Madison General Ordinances is repealed.

#### EDITOR’S NOTE:

Subsection (9) entitled “Committee on Sweatfree Purchases” of Section 4.25 entitled “Procurement of Items of Apparel” of the Madison General Ordinances currently reads as follows:

(9) Committee on Sweatfree Purchases.

- (a) Purpose, Duties, Responsibilities. There is hereby created a Committee on Sweatfree Purchases, for the purpose of ongoing evaluation and assistance in the application of this ordinance and the furtherance of its purpose. On an annual basis, this committee shall provide the Common Council with a report describing any suggested recommendations regarding the ordinance, including the feasibility of expanding the ordinance beyond its original application to apparel only as described in subsection (2). This committee is also encouraged to communicate with other units of government to encourage similar policies to further increase the effectiveness of this ordinance in achieving its policy goals.
- (b) Composition and Appointment of Members. The Committee on Sweatfree Purchases shall consist of five (5) voting members and one (1) alternate member. Membership shall include one (1) alderperson who serves concurrently as an appointed member of the Finance Committee. The remaining four (4) members and one alternate shall be residents of the City of Madison of legal voting age. At least one (1) of the remaining four (4) members shall be a representative, preferably a student, recommended by an appropriate department, committee or student organization of the University of Wisconsin-Madison focused on labor codes and licensing of licensed collegiate products or, if none exists, a resident with knowledge or interest in international labor practices and workers' rights. Appointments shall be made by the Mayor, subject to the approval of the Common Council.
- (c) Term. The alderperson member shall serve for a term of two (2) years. Resident members shall serve for three (3) years. Any vacancies shall be filled by the Mayor, subject to approval of the Common Council, for a term filling out the remainder of the vacated member's term.
- (d) Officers and Staff. The members of the Committee shall annually elect a chairperson from among its membership. The Committee shall be staffed by an employee of the Office of the Finance Director involved in Purchasing Services, who shall also serve as its secretary.
- (e) Meeting Schedule. The Committee shall meet as often as necessary, but at minimum four times per year.
- (f) Compensation. Members of the Committee shall serve without compensation.

**EDITOR'S NOTE:**

**TITLE:** Amending Section 4.25 of the Madison General Ordinances to eliminate the Committee on Sweatfree purchases and transfer their duties to the Finance Committee and Finance Director.