

310-15 Department of Administration

3. DISCLOSURE. a. Each contractor with whom the city enters into a contract, whether or not subject to competitive bid, shall complete an affidavit, prior to or contemporaneous with entering into the contract verifying that the contractor has searched any and all records of the company or any predecessor company regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era. The names of any enslaved persons or slaveholders described in those records must be disclosed in the affidavit.

b. The city shall make the information contained in the affidavit available to the public, including but not limited to making the information accessible on the city's Internet accessible World Wide Web home page and provide an annual report to the common council.

4. SANCTIONS. Any contract between the city and a contractor which fails to provide the requisite affidavit or which includes material false information on such affidavit shall be rendered null and void.

310-15. Purchase of Products Made from Recycled Materials.

1. In this section, "city public purchaser" means the central board of purchases, the city purchasing director and any other officer, employee, agent, agency, committee, board or commission of the city that makes purchasing decisions.

2. Each city public purchaser shall, to the extent practicable, make purchasing decisions that maximize the purchasing of materials and products utilizing recycled materials and recovered materials.

3. Each city public purchaser shall ensure that the average recycled or recovered content of all paper purchased by the city public purchaser in a year is not less than 40% of all purchased paper.

4. Each city public purchaser that awards contracts for equipment and supplies shall, to the extent practicable, award such contracts for equipment and supplies that will minimize the amount of solid waste generated by the city. Each city public purchaser shall, to the extent practicable, diminish the purchase of single-use disposable products and substitute therefor the purchase and use of multiple-use, durable products.

310-16. Placement of Vending Machines on City Property. Effective November 4, 2005, no city department or employee or agent thereof may request and permit the placement of a vending machine in any city office or facility or elsewhere on city property, or enter into an agreement or contract for such placement, unless the placement of the vending machine, and any agreement or contract therefore, has been reviewed and approved by the city purchasing director and the commissioner of public works or the commissioner's designee.

310-17. Procurement of Various Items.

1. PURPOSE. The common council finds that: a. It is in the city's best interest to procure items from responsible vendors and manufacturers who provide a safe, non-discriminatory work environment, and who compensate their employees with non-poverty wages.

b. Many manufacturers, both domestic and international, are engaged in practices that result in poverty wages, violations of workers' rights and unsafe and unhealthy working conditions.

c. Minimum standards for workers' and human rights should be extended to all workers, and it is the responsibility of the city of Milwaukee to ensure that it is not expending funds in ways that contribute to violation of workers' rights and the perpetuation of poverty.

d. As a participant in the marketplace, the city chooses to expend its purchasing dollars to enhance the economic and social well-being of people, while acquiring the best possible quality goods at the lowest cost.

2. DEFINITIONS. In this section:

a. "Apparel" means all items of clothing and cloth produced by weaving, knitting and felting, and shall include uniforms, coveralls, footwear, linens and entrance mats.

b. "Contractor" means the business entity with which the city enters into a contract.

c. "Manufacture" means to process, fabricate, assemble, treat or package.

d. "Non-poverty wage" means the following for:

d-1. Domestic manufacturers. A base hourly wage adjusted annually to the amount required to produce, for 2,080 hours worked, an annual income equal to or greater than the

U.S. department of health and human services' most recent poverty guideline for a family of 3 plus an additional 20 percent of the wage level paid either as hourly wages or health benefits.

d-2. Outside the United States. A nationwide wage, to be adjusted annually, that shall be comparable to the wage for domestic manufacturers in subdiv. 1, adjusted to reflect the country's level of economic development using the central intelligence agency's most recent world factbook purchasing power parity-adjusted gross domestic product per capita index.

e "Responsible manufacturer" means an establishment engaged in manufacturing, distributing, laundering or dry cleaning that can demonstrate all of the following:

e-1. Compliance with all applicable local, state and national laws of the jurisdiction in which the labor is performed concerning wages and benefits and workplace health and safety. In addition, for manufacturers located outside the United States, compliance with the principles of the fundamental conventions of the International Labor Organization regarding forced labor, child labor and freedom of association.

e-2. Payment of non-poverty wages as defined in par. d-1 for domestic manufacturers and par. d-2 for manufacturers located outside of the United States to laborers in any work done as part of fulfillment of a contract with the city.

e-3. Termination of its employees only with just cause.

e-4. Establishment of a mechanism for the resolution of workplace disputes that are not regulated by the National Labor Relations Act.

3. REQUIREMENTS FOR APPAREL PURCHASES. a. Application. Contracting departments shall award contracts to responsible manufacturers for all apparel contracts in excess of \$5000. These contracts may include any or all of the following activities relating to apparel: purchase, rental, laundering and dry cleaning.

b. Affidavits. b-1. No contracts for items referenced in par. a shall be entered into by contracting departments unless the lowest responsible bidders first submit to the purchasing director sworn reports or affidavits which include the following information for the specified time periods of the contracts:

b-1-a. The names and addresses of the companies and facilities in which the items

have been or will be manufactured, distributed, laundered or dry cleaned.

b-1-b. The names and addresses of all owners of the facilities in which the items have been or will be manufactured, distributed, laundered or dry cleaned.

b-1-c. The base hourly wage and the percent of wage level paid as health benefits for persons working at the facilities in which the items have been or will be manufactured or distributed, laundered or dry cleaned.

b-1-d. Sworn statements by the contractors that facilities identified pursuant to this paragraph are responsible manufacturers as defined in sub. 2-e.

b-1-e. Any other information deemed necessary by the purchasing director for the enforcement of this section.

b-2. Contractors shall procure and submit sworn reports or affidavits from every subcontractor employed by the contractor during the specified time period of the contract for the fulfillment of contracts covered under this section.

b-3. In the event that any information provided by the contractor or subcontractor pursuant to this paragraph changes during the specified time period of the contract, the contractor shall submit or cause to be submitted to the purchasing director sworn reports or affidavits relating to the updated information.

b-4. The purchasing director shall maintain and make available for public inspection any sworn report or affidavit submitted pursuant to this paragraph.

c. Contract bid specifications. Contracting departments shall add a digest of the provisions of this section to all specifications for apparel purchasing, renting, laundering and dry cleaning upon which they issue invitations to bid.

d. Specifications for apparel contracts. No contract for the purchasing, renting, laundering and dry cleaning of items of apparel covered under this paragraph shall be entered into by the city unless the contract contains a stipulation stating that the contractor agrees to provide in fulfillment of the contract items from responsible manufacturers, and that the contractor agrees to include an equivalent stipulation in all subcontracts.

e. Monitoring and enforcement.

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e-1. Responsibility. The business operations division - procurement services section - department of administration shall be responsible for monitoring contracts for compliance with this paragraph. The department shall review and monitor the sworn reports or affidavits submitted by contractors, receive and investigate complaints relating to compliance with this section, and impose appropriate sanctions upon any contractor who provides false information to the department or fails to comply with the provisions of this section.

e-2. Notice. The department shall provide in a timely manner on the city's website notice and related documentation regarding the following:

e-2-a. The issuance of invitations to bid and the awarding of contracts relating to items covered by this section.

e-2-b. The receipt of sworn reports or affidavits submitted pursuant to sub. 3-b.

f. Sanctions. Any contractor or subcontractor engaged in a contract who has been found by the business operations division-procurement services section-department of administration to have submitted any false, misleading or fraudulent information shall be referred to the district attorney for investigation. In addition to such fraudulent conduct, any such contractor or subcontractor who has otherwise failed to comply with the provisions of this section, may be subject to any of the following sanctions imposed by the business operations division:

f-1. Withholding of payments.

f-2. Termination, suspension or cancellation of the contract in whole or in part.

f-3. After a due process hearing, denial of the right of the contractor or subcontractor to bid on future city contracts, by himself or herself, partner or agent, or by any corporation of which he or she is a member, for a period of one year after the first violation is found and for a period of 3 years after a second violation is found.

4. REQUIREMENTS FOR NON-APPAREL PURCHASES. a. Application. Contracting departments shall award contracts to responsible manufacturers for all non-apparel items, materials, supplies and equipment in excess of \$30,000 that are bid by the city. The requirements of this paragraph shall not

apply to items, materials, supplies and equipment to be furnished as part of a public works contract subject to s. 66.0903, Wis. Stats.

b. Contract bid specifications. No contracts for purchases of non-apparel items referenced in this subsection shall be entered into by the city unless the bidder affirms on the bid that he or she is familiar with the requirements of this subsection and affirms that he or she will comply with the requirements contained in this subsection. The bid shall state failure to comply may result in bid rejection.

c. Affidavits. No contracts for items referenced in par. a shall be entered into by contracting departments unless the lowest responsible bidders first submit to the purchasing director sworn reports or affidavits which include a statement by the bidders that the bidder's facilities identified pursuant to this subsection are responsible manufacturers as defined in sub. 2-e.

d. Monitoring and enforcement. The business operations division - procurement services section - department of administration shall be responsible for monitoring contracts for compliance with this paragraph.

e. Sanctions. Any contractor engaged in a contract who has been found by the business operations division-procurement services section-department of administration to have submitted any false, misleading or fraudulent information may be subject to the sanctions referenced in sub. 3-f.

5. WAIVER. The requirements of this section may be waived in writing by the purchasing director if any of the following are true:

a. All bidders to a contract are deemed ineligible under this section.

b. The contract is necessary in order to respond to an emergency which endangers the public health and safety, and no contractor who complies with the requirements of this section is immediately capable of responding to the emergency.

c. It is impossible or impracticable to draw specifications satisfactorily to permit competitive bidding, items can be furnished from only one source, or items constitute a special adaptation for a special purpose, pursuant to s. 16-05-3 of the charter.

6. APPEALS. Any contractor who objects to any decision or action of the business operations division relative to this section may appeal the decision to the purchasing appeals board pursuant to s. 310-19.

7. PENALTIES. Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this section by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than \$2,000 nor more than \$5,000 together with the costs of prosecution, or upon default of payment, shall be imprisoned in the house of correction or county jail not to exceed 90 days.

310-18. Purchase of Ethanol-fueled Vehicles.

1. DECLARATION OF POLICY. It is a desirable goal of the city and a matter of legitimate concern to its government, constituents and environment, that the city reduce the burning of conventional motor vehicle fuels and increase the use of a cleaner-burning, sustainable alternative. It shall be city policy that purchasing decisions reflect that goal and city-owned vehicles eventually be replaced with vehicles which have the capacity to operate with an ethanol content of at least 85%, to the greatest extent practicable. The city will lead by example in making economically and environmentally responsible purchasing decisions which will encourage individuals, businesses and other levels of government to do the same.

2. ETHANOL-FUELED VEHICLES. To the greatest extent practicable, the city purchasing director and any other officer, agent, agency, committee, board or commission of the city shall make purchasing decisions that maximize the purchase of vehicles which have the capacity to operate with an ethanol content of at least 85%.

310-18.3. Purchase of American-Made Vehicles.

1. DECLARATION OF POLICY. The United States federal government has a direct financial interest in preserving the American automobile industry, owning portions of some companies. There is also a lack of Americans purchasing cars made in the United States which is contributing to the collapse of the domestic auto industry and contributing to the decline in the health, safety and welfare of the nation. It is therefore a desirable goal of the city and the citizens of the United States to support the economic success of these companies.

2. DEFINITIONS. a. "American made vehicle" means a light duty vehicle having at least 51% of the monetary value of the parts manufactured in the United States, and 51% of the vehicle assembled in the United States, except in the case of a public safety vehicle, when an "American made vehicle" means a light duty vehicle having at least 51% of the monetary value of the parts manufactured in the United States.

b. "Parts" means an article, material or supply incorporated directly into a vehicle.

3. AMERICAN MADE VEHICLES. The city purchasing director and any other officer, agent, agency, committee, board or commission of the city, unless contrary to federal, state or local law or regulations, are directed to purchase only American made vehicles.

4. AFFIDAVITS. No contracts for items referenced in sub. 3 shall be entered into by contracting departments unless the lowest responsible bidders first submit to the purchasing director sworn reports or affidavits which include a statement by the bidder that the vehicles to be supplied are American made vehicles as defined in sub. 2-a.

5. MONITORING AND ENFORCEMENT. The business operations division - procurement services section - department of administration shall be responsible for monitoring contracts for compliance with this section.

6. WAIVER. The requirements of this section may be waived in writing by the purchasing director if any of the following are true:

a. All bidders to a contract are deemed ineligible under this section.

b. The contract is necessary in order to respond to an emergency which endangers the public health and safety, and no contractor who complies with the requirements of this section is immediately capable of responding to the emergency.

c. It is impossible or impracticable to draw specifications satisfactorily to permit competitive bidding, items can be furnished from only one source, or items constitute a special adaptation for a special purpose, pursuant to s. 16-05-3 of the charter.

d. The purchasing director determines that it would be in the best interests of the city to procure the vehicles pursuant to a cooperative purchasing arrangement with the state or another governmental entity.