

## 310-18.5 Department of Administration

7. SANCTIONS. Any contractor engaged in a contract who has been found by the business operations division - department of administration to have submitted any false, misleading or fraudulent information or who has failed to comply with the provisions of this section may be subject to the sanctions referenced in s. 310-17-3-f.

**310-18.5. Purchase of Neighborhood Electric 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 and use of neighborhood electric vehicles.

### 310-18.7. Electronic Waste Recycling.

1. DECLARATION OF POLICY. It is a desirable goal of the city that the city reduces the amount of electronic waste it creates. Maximum electronic waste recycling is in the best interest of the city in order to protect public health, to protect the quality of the natural environment and to conserve resources and energy. The city will lead by example by being environmentally responsible in its efforts to recycle electronic waste, which will encourage individuals, businesses and other levels of government to do the same.

2. DEFINITIONS. In this section:

a. "Electronic waste" means computer central processing units, computer monitors and monitor cables, computer mice, computer keyboards, CRT units, laptop computers, computer hard drives, surge protector strips, uninterruptible power supplies, and other computer-related accessories, servers, printers, copy machines, facsimile machines, scanners, televisions, stereos, and related cords and cables, mobile telephones, personal digital assistants, data tapes, compact discs and other electronic devices or accessories identified by a city department, agency, committee, board or commission that is determined to be harmful to human health or the environment if disposed of in a solid waste disposal facility.

b. "Recycling" means preparing electronic waste for use in manufacturing processes or for recovery of useable materials and delivering the material for use. "Recycling" does not include destruction by incineration or other processes or land disposal of recyclable materials.

3. ELECTRONIC WASTE. Every city department, agency, committee, board or commission shall collect the electronic waste it creates and ensure the proper disposal and recycling of such electronic waste by contacting the department of administration for direction on the proper method of disposal.

### 310-18.9. Purchase of Milwaukee-Made, Milwaukee County-Made and American-Made Goods.

1. DEFINITIONS. a. "American-made good" means an article that is manufactured, mined or produced in the United States and whose domestic components exceed 50% of the total cost of all components.

b. "Component" means an article, material or supply incorporated directly into an end product.

c. "Milwaukee-made good" means an article that is manufactured, mined or produced in the city of Milwaukee and whose components made in Milwaukee exceed 50% of the total cost of all components.

d. "Milwaukee county-made good" means an article that is manufactured, mined or produced in the county of Milwaukee and whose components made in Milwaukee county exceed 50% of the total cost of all components.

2. MILWAUKEE-MADE GOODS. The city purchasing director and any other officer, agent, agency, committee, board or commission of the city shall, unless contrary to federal, state or local law, trade agreement or other regulations, purchase Milwaukee-made goods for purchases over \$30,000, except for vehicles purchased under s. 310-18.3. Contracts shall be awarded to the lowest responsible bidder proposing to supply Milwaukee-made goods provided that the bid does not exceed the lowest bid by more than 12%.

3. MILWAUKEE COUNTY-MADE GOODS. If a Milwaukee-made good is not available, the city purchasing director and any other officer, agent, agency, committee, board or commission of the city shall, unless contrary to federal, state or local law, trade agreement or other regulations, purchase Milwaukee county-made goods for purchases over \$30,000, except for vehicles purchased under s. 310-18.3. Contracts shall be awarded to the lowest responsible bidder proposing to supply Milwaukee county-made goods provided that the bid does not exceed the lowest bid by more than 12%.

4. **AMERICAN-MADE GOODS.** If a Milwaukee-made or Milwaukee county-made good is not available, the city purchasing director and any other officer, agent, agency, committee, board or commission of the city shall, unless contrary to federal, state or local law, trade agreement or other regulations, purchase American-made goods for purchases over \$30,000, except for vehicles purchased under s. 310-18.3. Contracts shall be awarded to the lowest responsible bidder proposing to supply American-made goods provided that the bid does not exceed the lowest bid by more than 12%.

5. **AFFIDAVITS.** No contracts for items specified in sub. 2 or 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 goods to be supplied are Milwaukee-made, Milwaukee county-made or American-made goods.

6. **MONITORING AND COMPLIANCE.**

a. The business operations division – procurement services section – department of administration shall be responsible for monitoring compliance with this section.

b. The business operations division – procurement services section – department of administration shall, prior to contract execution and final payment of a contract, obtain an estimate from the successful bidder of the impact of the contract on job creation and retainment.

7. **WAIVER.** The requirements of this section may be waived in writing by the purchasing director for any of the following reasons:

a. The good is not produced in the United States in a sufficient and reasonably available quantity and of a satisfactory quality.

b. The purchase is necessary for responding to an emergency which endangers the public health and safety, and no other 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, under 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 goods pursuant to a cooperative purchasing agreement with the state or another governmental entity.

8. **EXEMPTIONS.** The requirements of this section shall not apply to any of the following:

a. The purchase of a commodity that is considered to be a raw material, including salt, gravel or petroleum, or any product derived from petroleum.

b. The purchase of a commodity that is considered to be a chemical, including liquid oxygen, fluoride or anhydrous ammonia.

9. **RELATION TO OTHER LAWS.** No provision of this section shall relieve any bidder from compliance with other bid specifications or code provisions. Any bidder proposing to supply an American-made good with a bid considered for a contract award as defined in sub. 2 or 3 shall not also receive the benefit of the bid award provided in s. 365-7-1.

10. **REPORTING.** The business operations division – procurement services section – department of administration shall report annually to the common council on purchases made under this section.

11. **SANCTIONS.** Any person, firm or corporation who has been found by the business operations division – department of administration to have submitted any false, misleading or fraudulent information or who has failed to comply with the provisions of this section may be subject to the sanctions provided in s. 310-17-3-f.

**Note: The authorization of this ordinance shall expire July 1, 2014, unless reauthorized by the common council.**

### **310-19. Purchasing Appeals Process.**

1. **DEFINITIONS.** In this section:

a. "Board" means the purchasing appeals board.

b. "Purchasing director" means the city purchasing director.

c. "Recommendation" means a recommendation of the purchasing director as to the apparent low bidder which is made after a bid opening or a reverse auction but prior to the award of a bid.

2. **APPLICABILITY.** This section applies only to appeals of specifications and recommendations involving procurement of items of apparel under s. 310-17 and proposed city purchases that exceed \$30,000 in cost.

3. **SPECIFICATION APPEALS.**

a. Any potential bidder, common council member or city department which objects to the original or revised specifications on a bid may appeal the specifications by filing a written appeal with the purchasing director no later than 5 working days prior to bid opening or the beginning of a reverse auction. Appeals made by a potential bidder shall be filed with the fee specified