

REFERRED TO (NAME OF) COMMITTEE:
DATE:

2004R-323

RESOLUTION
of the
CITY OF
MINNEAPOLIS

By Zerby, Johnson, Johnson Lee, Niziolek

Establishing a procurement policy relating to the purchase or rental of items of apparel from only responsible manufacturers and factories able to demonstrate good faith efforts at compliance with laws regarding wages and benefits, workplace health and safety, forced and child labor.

Whereas, it is in the best interest of the City to procure items of apparel from responsible manufacturers and factories that provide a safe, non-discriminatory work environment, and who compensate their employees with non-poverty wages; and

Whereas, some manufacturers and factories in the apparel and textile industries have engaged in practices that result in poverty wages, violations of workers' rights and unsafe and unhealthy working conditions; and

Whereas, as a participant in the marketplace, the City chooses to allocate its procurement dollars to enhance the economic and social well being of people, while acquiring the best possible quality goods at the lowest cost;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

A. General. When sealed bids are required under the provisions of Minn. Stat. §471.345 for the purchase, rental, laundering or dry cleaning of items of apparel, contracts shall be awarded only to bidders who comply with this Resolution. The City Council also may require compliance with this Resolution by bidders not subject to Minn. Stat. § 471.345 when the council find that such compliance would effectuate the policies and purposes of the Resolution.

B. Bid Specifications. The City's Purchasing Director shall cause the provisions of this Resolution to be included in specifications, per Section A-General of this Resolution, for apparel purchasing, rental, laundering and dry cleaning. The specifications are to be incorporated into the contracts for procured items.

C. Certification. A successful bidder proposes must submit an affidavit to the City's Purchasing Director certifying that any factory or manufacturer to be used by the bidder meets all of the criteria of a responsible factory or manufacturer of apparel, as defined below. The affidavit must include the name, address, and phone number of any factory or manufacturer of apparel to be used by the bidder.

D. Definitions. In this Resolution:

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

Factory means any workplace, regardless of size, that processing, fabricating, assembling, treating or packaging items of apparel occurs.

Manufacture means to process, fabricate, assemble, treat or package items of apparel.

Non-poverty wage for domestic manufacturers means 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.

Non-poverty wage for non-domestic manufacturers means a nationwide wage and benefit level which is comparable to the non-poverty wage for domestic manufacturers as defined in paragraph c(1) after being adjusted to reflect the country's level of economic development by using a factor such as the relative national standard of living index in order to raise a family of 3 out of poverty. In addition, workers shall not be subject to disciplinary wage deductions.

Responsible factory or manufacturer means a place of business or an establishment engaged in manufacturing, distributing, laundering or dry cleaning that can demonstrate all of the following:

1. Compliance with all applicable local and international labor laws and workplace regulations regarding wages and benefits, workplace health and safety, as well as the fundamental conventions of the international labor organization, including those regarding forced and child labor and freedom of association.
2. Payment to its employees of the higher of (a) the legal minimum wage; (b) the prevailing wage in the industry in the country of production; or (c) non-poverty wages as defined above for domestic and non-domestic manufacturers.
3. Required working hours for hourly and quota-based production employees of the lesser of (a) 48 hours per week or (b) the limits on regular hours allowed by the law of the country of manufacture. At least one day off in every seven day period, as well as holidays and vacations. All overtime hours worked voluntarily.
4. No discrimination in employment including hiring, salary, benefits, advancement, discipline, termination or retirement. No discrimination on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, or social or ethnic origin.

5. No sexual, psychological, or verbal harassment or abuse, no corporal punishment, no forced use of contraceptives, or forced pregnancy tests.

6. Termination of its employees only with just cause. Establishment of a mechanism for the resolution of workplace disputes.

7. No attempts to dissuade, intimidate, harass or retaliate against any person for exercising any rights of freedom of speech or association, including the right to organize and the right to collective bargaining, consistent with applicable state and federal laws and regulations.

E. Monitoring. Any contractor or subcontractor engaged in an apparel contract who has been found by the City's Purchasing Director to have submitted any false, misleading or fraudulent information or to have failed to comply with this Resolution may be declared to be in breach of contract and may be subject to withholding of payments or termination, suspension or cancellation of the contract in whole or part.

F. Waiver. The requirements of this section may be waived in writing by the City Council if all bidders to a contract are deemed ineligible under this section, or in the case of an emergency affecting the public's safety or health.

G. Severability. If one part of this resolution is deemed illegal by a court of law and struck down, the remaining parts of the resolution remain in full force and effect.

Certified as an official action of the City Council: *Jh*

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
President Ostrow	X						Goodman	X					
							Lilligren	X					
Zerby	X						Schiff	X					
Samuels	X						Niziolek	X					
Johnson	X						Benson	X					
Johnson Lee	X						Colvin Roy	X					
Zimmermann	X						Lane	X					

PASSED JUL 23 2004
DATE

APPROVED NOT APPROVED VETOED

ATTEST *Monika*
CITY CLERK

[Signature] JUL 27 2004
MAYOR DATE