

## AGENDA



Thursday, February 25, 2010

**Purchasing Office  
RECOMMENDATION FOR COUNCIL ACTION**

**Item No. 46**

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**Subject:** Approve an ordinance amending Ordinance No. 20070621-152 to modify vendor recordkeeping requirements and providing exceptions to the Workplace Conditions Code.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**For More Information:** Cynthia Gonzales, Acting Deputy Purchasing Officer, 974-1905

**Boards and Commission Action:** June 21, 2007 - Approved ordinance enacting a policy to procure and maintain contracts for goods and services relating to apparel, garments, and corresponding accessories in a manner that supports humane and legal labor practices.

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The original ordinance approved by City Council on June 21, 2007 was to enact a policy to encourage responsible contracting and to eliminate inadvertent support of those vendors using illegal sweatshop labor.

This action item amends the ordinance by removing the requirement for vendors to submit with its bid submittal an initial copy of each facility's standard payroll records, including the minimum 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, and overtime policy when responding to solicitations for the purchase of goods or provision of services covered by this policy.

Instead of requiring this information at the time the offer is tendered, each resultant City contract for these type products and services shall include an agreement in which the vendor commits to maintain and provide this information upon request by the City.

This item also amends the ordinance by excepting the following contracts from the WorkPlace Conditions Code: grant agreements if the application of the Code requirements would violate the grant; incidental purchases of goods, and procurements that are necessary under the public health and safety exception or the public calamity exception of the Local Government Code Chapter 252 upon certification to the Purchasing Officer.

The City of Austin was the first municipality to join the Sweatshop Purchasing Consortium. This amendment is an attempt to align our contracting rules with other members' policies to allow for the consistent purchase of these type goods and services without the use of sweatshop labor. Some of the other Consortium members include the City of San Francisco, City of Portland, and the states of Maine, New York, and Pennsylvania. The City of Austin is working with the founding members of the Consortium to develop guidelines, standards, and requirements.