

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2012-23**

3 **INTRODUCED BY:**

4
5 Councilor Trujillo
6 Councilor Wurzbarger
7 Councilor Dominguez
8 Councilor Bushee
9

10 **A RESOLUTION**

11 **DIRECTING STAFF TO PREPARE AMENDMENTS TO THE CITY OF SANTA FE**
12 **PROCUREMENT CODE RELATING TO THE ESTABLISHMENT OF A SWEAT-FREE**
13 **PROCUREMENT POLICY.**

14
15 **WHEREAS**, the term “sweat-free” as it relates to purchasing, refers to purchasing
16 policies that protect against slavery, forced overtime, child labor, excessive hours, below-
17 subsistence wages, discrimination, abuse, harassment, and similar work place violations and
18 promotes purchasing policies that promote and protect freedom of association, and worker health
19 and safety; and

20 **WHEREAS**, the Governing Body of the City of Santa Fe recognizes its social
21 responsibility to support a diverse, equitable, healthy, and vibrant community, work force and
22 economy; and

23 **WHEREAS**, the products and services bought with City funds should be produced in an
24 environment that is “sweat -free” and the City’s purchases do have an inherent social, human,
25 health, environmental and economic impact on workers and our community; and

1 **WHEREAS**, the adoption and implementation of a City of Santa Fe sweat-free
2 procurement policy would:

- 3 • Require contractors and subcontractors that provide uniform garments to the City of
4 Santa Fe to abide by a code of conduct that declares manufacturing locations to be
5 sweat-free
- 6 • Communicate to the public, other public agencies and companies the City's
7 commitment to sweat-free procurement by setting an example in choosing sweat-free
8 uniforms
- 9 • Allow for possible expansion to other products, as the marketplace and industry make
10 such products predictably available with adequate inventory at competitive costs
- 11 • Seek enforcement and monitoring with available resources and capabilities
- 12 • Complement all aspects of social responsibility, including women- and minority-
13 owned business participation, environmental stewardship, fiscal responsibilities, and
14 fair labor practices; and

15 **WHEREAS**, the end-goal of a sweat-free procurement policy is to make an aspirational
16 statement that encourages the marketplace to move toward sweat-free production facilities, and to
17 provide a pragmatic and practical approach that can be implemented with likely compliance.

18 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
19 **CITY OF SANTA FE** that the Governing Body hereby directs staff to prepare amendments to
20 the City of Procurement Code relating to the establishment of a sweat-free procurement policy
21 that would include, but not be limited to the following:

22 1. The Purchasing Division shall require bidders to agree to sweat-free requirements
23 for the manufacture and production of uniform garments.. Bidders who fail to comply will be
24 rejected.

25 2. Sweat-free requirements apply to the prime vendor, who shall also warrant

1 subcontractor compliance. Requirements to bid shall include that the bidder:

- 2 • Sign and submit a Code of Conduct on a form approved by the Purchasing
- 3 Division;
- 4 • Provide a list of all manufacturing facility locations, including names and
- 5 addresses, used in product manufacturing and assembly; and
- 6 • Agree to cooperate with compliance monitoring upon the City's request.

7 3. The Purchasing Division shall proactively consider additional products, that may
8 in the future be added to the sweat free procurement policy, such as safety gear, uniform
9 accessories, and rental products, if and when such products are known to be available,
10 competitively priced, and have adequate marketplace inventories.

11 4. The Purchasing Division may consider the experiences of other cities, or may use
12 such bid strategies such as inviting alternate bids, reserving the right to reject bids, or scoring
13 compliance during proposal evaluation to ensure compliance with this policy.

14 5. The Purchasing Division may exempt a uniform purchase from this policy if:

- 15 • No compliant bidders are available and the acquisition is essential;
- 16 • The contract is directly with a public entity or by Cooperative Purchasing
- 17 Agreement;
- 18 • Acquisitions are less than the Sealed Bid Limits in aggregate annual City
- 19 spending;
- 20 • It is an emergency purchase; and/or
- 21 • Grant requirements prohibit the sweat-free policy requirements.

22 6. If contracts are executed that were procured with sweat-free certifications as part
23 of the bid, the City expects the prime vendor to comply fully. If the prime vendor fails in the
24 opinion of the City, given significant factual evidence, the City will reserve rights to terminate or
25 pursue resolution. The City will apply liquidated damages as allowed by law.

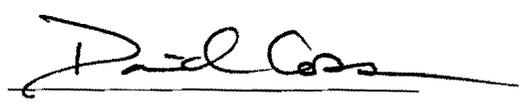
1 7. All sweat free contracts shall contain terms that reserve the right for the City to
2 require third-party audits and monitoring. Such costs are borne by the City unless specified
3 otherwise in the contract.

4 8. The Purchasing Division will collaborate with other community interests and
5 public agencies in seeking best practices and will progressively update the policy as best practices
6 evolve. The City will support monitoring initiatives that may benefit from combined resources.

7 **BE IT FURTHER RESOLVED** that staff is directed to enroll the City in the Sweatfree
8 Purchasing Consortium of state and local government entities to develop and share supply chain
9 resources, expertise, technology, training, monitoring services, and help create economies of scale
10 for sweat-free procurement."

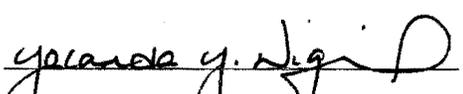
11 PASSED, APPROVED AND ADOPTED this 29th day of February, 2012.

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DAVID COSS, MAYOR

ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



GENO ZAMORA, CITY ATTORNEY

CAO/Melissa/Resolutions 2012/2012-23 Sweat-free