

Zerby

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:

General. When sealed bids are required under the provisions of Minnesota Statutes, Section 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.

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.

List of responsible manufacturers of apparel. The City's Purchasing Director shall develop, maintain and distribute a list of responsible factories and manufacturers of apparel and shall make that list available to all bidders on subject contracts.

Affidavits. If a successful bidder proposes to use a factory or manufacturer of apparel not on the City's list of responsible factories and manufacturers of apparel, the bidder must submit an affidavit to the City's Purchasing Director that the factory or manufacturer meets all of the criteria of a responsible factory or manufacturer of apparel, as defined below. The City's Purchasing Director must approve the use of any factory or manufacturer not on the City's list of responsible factories and manufacturers of apparel after a bidder submits an affidavit pursuant to this section.

Definitions. In this resolution:

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 three plus an additional twenty 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 the definition of "*Responsible factory or manufacturer*", subdivision 2 (c), 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 three 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.

Monitoring. The City's Purchasing Director shall be responsible for maintaining a list of responsible factories and manufacturers of apparel and monitoring compliance with this resolution. 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.

Waiver. The requirements of this section may be waived in writing by the City's Purchasing Director 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.

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.