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Legislation Details (With Text)

File #: SO2014-4247

Type: Ordinance **Status:** Passed

File created: 5/28/2014 **In control:** City Council

Final action: 7/30/2014

Title: Amendment of Municipal Code Chapter 2-92 by adding new Section 2-92-605 regarding sweatshop-free procurement

Sponsors: Emanuel, Rahm, Moreno, Proco Joe, Fioretti, Bob, Burns, William D., Pope, John, Balcer, James, Cardenas, George A., Quinn, Marty, Burke, Edward M., Foulkes, Toni, Munoz, Ricardo, Zalewski, Michael R., Solis, Daniel, Maldonado, Roberto, Burnett, Jr., Walter, Reboyras, Ariel, Suarez, Regner Ray, Mell, Deborah, Colón, Rey, Sposato, Nicholas, Laurino, Margaret, O'Connor, Patrick, Cappleman, James, Pawar, Ameysa, Osterman, Harry, Moore, Joseph, Silverstein, Debra L., Reilly, Brendan

Indexes: Ch. 92 Dept. of Purchases, Contracts & Supplies

Attachments: 1. O2014-4247.pdf, 2. SO2014-4247.pdf

Date	Ver.	Action By	Action	Result
7/30/2014	1	City Council	Passed as Substitute	Pass
7/29/2014	1	Committee on Budget and Government Operations	Substituted in Committee	Pass
5/28/2014	1	City Council	Referred	

SUBSTITUTE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 2-92 of the Municipal Code of Chicago is hereby amended by adding a new Section 2-92-605, as follows:

2-92-605 Sweatshop-free procurement.

(a) For purposes of this section, the following definitions shall apply:

- 1) "Abusive forms of child labor" means (1) work performed by a person under the age of 18 when the person does not voluntarily seek the work or the person is threatened by the person's employer with physical, mental or emotional harm for nonperformance; (2) work performed by a person under the age of 18 in violation of the laws of the applicable jurisdiction governing the minimum age of employment, compulsory education, or occupational health and safety; or (3) the use of a person under the age of 18 for illegal activities, including, but not limited to, the production or trafficking of illicit drugs or for prostitution.
- 2) "Contract" means any contract, purchase order or agreement awarded by any officer or agency of the city for purchasing garments, and whose cost is to be paid from

funds belonging to or administered by the city.

- 3) "Contractor" means the person to whom a contract is awarded.
- 4) "Subcontractor" means any person that enters into a subcontract agreement directly with a contractor for any work under a contract.
- 5) "Foreign convict or forced labor" means any form of labor used to produce or manufacture goods prohibited from importation into the United States under 19 U.S.C. § 1307, which includes abusive forms of child labor and slave labor.
- 6) "Garment" means any clothing, including uniforms, footwear, and related clothing accessories, such as hats and caps, ties, scarves, ribbons and shoestrings.
- 7) "Slave labor" means any form of slavery, sale and trafficking of persons, debt bondage, indentured servitude, serfdom, or forced or compulsory labor.

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- 8) "Supply chain" means any manufacturer or distributor of garments.
- 9) "Sweatshop labor" means any work performed by a person engaged by a contractor or subcontractor which has habitually violated laws of any applicable jurisdiction governing wages, working hours, overtime, employee benefits, occupational health and safety, nondiscrimination, or freedom of association. "Sweatshop labor" also means any work performed by a person engaged by a contractor or subcontractor that constitutes foreign convict or forced labor, or abusive forms of child labor or slave labor.

b) Any solicitation for a contract advertised or otherwise communicated on or after January 1, 2015, and any contract entered into as a result of such solicitation, shall include a specification that the contractor shall:

1) disclose to the city, in a form prescribed by the chief procurement officer, information regarding the contractor's supply chain for the performance of the contract, including company names, business addresses, phone numbers, e-mail addresses, and contact names; and

2) complete an affidavit verifying that neither the contractor nor any of its subcontractors shall engage or otherwise utilize, in the performance of the contract, any supply chain that uses sweatshop labor.

c) A contractor's failure to comply with this section shall constitute an event of default. In the event of default for failure to comply with this section, the chief procurement officer shall notify the contractor of such noncompliance and may, as appropriate: (i) issue the contractor a 30-day opportunity to cure; (ii) terminate the contract; or (iii) terminate the contract and rebid the remaining contract amount. This section shall not be construed to prohibit the city from also prosecuting any person who knowingly makes a false statement of material fact to the city pursuant to Chapter 1-21 of this Code.

d) This section shall not apply to the extent it is preempted by applicable federal or state law or to the extent it conflicts with the terms or conditions of a federal or State of Illinois grant agreement.

e) The chief procurement officer is authorized to participate as a member of a sweatfree purchasing consortium of public entities and not-for-profit associations, organized to facilitate efficient sweatfree purchasing, and to execute all such instruments and to perform any and all acts, including the expenditure of funds subject to appropriation therefor, necessary for such membership.

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(f) The chief procurement officer is authorized to adopt rules and regulations for the proper administration and enforcement of this section.

SECTION 2. Severability. If any part or provision of Section 2-92-605 of the Municipal Code of Chicago or the application of Section 2-92-605 of the Municipal Code of Chicago to any person or circumstance is held invalid, the remainder of the Section, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue in full force and effect. To this end, the provisions of Section 2-92-605 of the Municipal Code of Chicago are severable.

SECTION 3. After passage and publication, this ordinance shall take effect on January 1, 2015.

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CHICAGO, July 30, 2014

To the President and Members of the City Council:

Your Committee on the Budget and Government Operations, having had under consideration an Ordinance authorizing an amendment to Chapter 2-92 of the Municipal Code of Chicago necessary to provide for the prohibition of "sweat- shop labor" , and having been presented with a proposed Substitute Ordinance by the Department of Law; and having had the same under advisement, begs leave to report and recommend that Your Honorable Body pass the Substitute Ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the Committee.

Carrie M. Austin Chairman