

Sweatfree Contracting Ordinance compliance form

Item	Section	Requirement	Points		Prime		[Sub 1]		[Sub 2]		[Sub 3]	
			Avail.	Awarded	Yes	No	Yes	No	Yes	No	Yes	No
		Please use the check-off boxes to indicate whether you and your subcontractors will comply with items 1-13 below. Some items do not apply to subcontractors. Item 14 is a provision that will appear in the contract.										
		Subcontractors; Subcontracts; Factory locations and the City's right to inspect them										
1	12U.3 (j)	Using form P-12U-I, "Supply Chain Information," you must provide the City a list of all subcontractors of all tiers you will use. You must submit this information with your bid. "Subcontractor" is defined on the form. Have you listed all the subcontractors?	10		<input type="checkbox"/>	<input type="checkbox"/>						
		The relevant portion of the Ordinance reads as follows: "Before commencing any work under the Contract, the Contractor shall provide ... the names and addresses of each Subcontractor to be utilized in the performance of the Contract."										
2a	12U.3 (j)	Using form P-12U-I, "Supply Chain Information," you must include the dollar value of all subcontracts of all tiers. You must submit this information with your bid. Have you provided the dollar value of all subcontracts?	10		<input type="checkbox"/>	<input type="checkbox"/>						
		The relevant portion of the Ordinance reads as follows: "Before commencing any work under the Contract, the Contractor also shall provide the City ... a written statement showing the amount to be paid each Subcontractor and shall update this information in writing to show changes in the amount to be paid any Subcontractor or amounts to be paid Subcontractors added after submittal of the most recent statement to the City Amounts to be paid to subcontractors may be reported" in dollar ranges specified by the City. "Updates in the amount to be paid a Subcontractor or Subcontractors after submittal of the most recent statements to the City ... need only be submitted if the changed amount would fall into a different range."										
2b		The City needs to know whether you have reported dollar amounts for all the subcontracts. If you have, enter "100" in the box. If you have not, count the number of subcontracts you identified in item 2a, divide by the number of subcontractors (whether you identified them all in item 1 or not), and enter the resulting percentage. In contrast to item 3b below, this percentage is based on the number of subcontracts and not their dollar amounts. Document your calculations on a separate sheet (i.e., not this form and not the supply chain form) and submit it with your bid..			%							
3a	12U.3 (j)	You must provide the City a list of all factory locations on the supply chain chart where the apparel is manufactured or assembled. You must also provide a contact name and phone number for each factory. You may include that information on form P-12U-I, "Supply Chain Information," or may submit it separately. You must submit this information with your bid.	30		<input type="checkbox"/>	<input type="checkbox"/>						

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		The relevant portion of the Ordinance reads as follows: "Before commencing any work under the Contract, the Contractor shall provide the name and address of each manufacturing or other facility or operation of the Contractor and its Subcontractors for the performance of the Contract."										
3b		The City needs to know whether you have identified all the factories that will be performing work on the contract. If you have, enter "100." If you have not, then total the dollar amount of the work done in the factories you have identified, and divide that by either: (1) the total amount of the prime contract, if you are operating a factory in connection with this contract; or (2) the total amount of subcontracts, if you are not operating a factory in connection with this contract. To do these calculations, you must use exact dollar amounts when reporting the value of subcontracts in item 2. Document your calculations on a separate sheet (i.e., not this form and not the supply chain form) and submit it with your bid..			%							
4	12U.3 (j)	"Contractor shall update the list to show any changes in the Subcontractors or the facilities or operation during the term of the Contract."	1									
5a	12U.7 (c)	You must allow the City or its designee to inspect any factory you own that does work on this contract. You must ensure that your subcontractors will allow similar inspections of their factories, and you must ensure that your subcontractors will enforce similar inspection requirements on lower-tier subcontractors throughout the supply chain.										
		Do you operate a factory that will perform work on this contract? Does each subcontractor operate a factory that will perform work on this contract? In the Subcontractor columns, provide the information the subcontractors provided to you.										
5b		For each company you checked "yes" in item 5a, indicate whether you will ensure that the City may inspect each factory you have listed in item 3a. In the Subcontractors' columns, you are advising the City whether you are guaranteeing we can inspect their factories. You are not telling the City what the subcontractors told you.	15									
		The relevant portion of the Ordinance reads as follows: "Each Contractor and Subcontractor shall cooperate fully with any investigation of the Director, the Office of Labor Standards Enforcement, the Director's designee or contractors, including without limitation any independent non-profit monitor, and other City employees and agents authorized to assist in the implementation, administration or enforcement of this Chapter. Such persons or entities shall, in the performance of their duties, have the right to engage in random inspections of any worksite where the Contract or any Subcontract is performed and have access to any Worker or any record required to be maintained in Section 12U.3."										

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5c		<p>The City needs to know whether you have promised we can inspect all the factories that will be performing work on the contract. If you have, then enter "100." If you have not, then calculate what percentage of the factories we can inspect, based on the dollar amounts of the work they will do. Total the dollar value of all work the factories will do (which is probably less than the amount of the prime contract), and divide that into the dollar amount of the work that will be done by the factories the City can inspect. Enter the resulting percentage in the box.</p> <p>If the answer is less than 100%, then you must use exact dollar amounts when reporting the value of subcontracts in item 2. Document your calculations on a separate sheet (i.e., not this form and not the supply chain form) and submit it with your bid..</p>			%							
		Requiring your subcontractors to comply with this Ordinance										
6	12U.3 (I)	<p>You will ensure that all subcontractors comply with as much of the Ordinance as you have indicated on this form.</p> <p>You will ensure that your fist-tier subcontractors comply with as many of the items on this as form as you check "Yes" for each first-tier subcontractor. Your first-tier subcontractors, in turn, will ensure that your second-tier subcontractors comply with as many of the items on this as form as you check "Yes" for each second-tier subcontractor. And so on throughout the supply chain. This means that if any subcontractor of any tier fails to comply with any part of the Ordinance that you indicated on this form the subcontractor would comply with, then you may be held liable for breach of contract.</p> <p>The relevant portion of the Ordinance reads as follows: "Each Contractor and Subcontractor shall be responsible for ensuring the Subcontractor's compliance with this Chapter."</p>	5		<input type="checkbox"/>	<input type="checkbox"/>						

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			Avail.	Awarded	Yes	No	Yes	No	Yes	No	Yes	No
		Wages										
7	12U.3 (b)	You and your subcontractors must pay specified wages to employees who work on this contract in the United States and elsewhere. The wage rates are posted at: http://www.sfgov.org/site/olse_index.asp?id=36470 . In the Subcontractors' columns, provide the information the subcontractors provided you.	15									
		<p>The relevant portion of the Ordinance reads as follows: "Each Contractor and Subcontractor shall pay at least the following minimum wages to Workers: ... to Workers working in the United States a base hourly wage, to be set and adjusted annually by the Director, 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 guidelines for a family of three plus an additional 20 percent of the wage level paid, including without limitation amounts paid as hourly wages or health benefits or retirement benefits."</p> <p>You and your subcontractors will pay specified wages to employees who work on this contract outside the United States. The wage rates are posted at: http://www.sfgov.org/site/olse_index.asp?id=36470</p> <p>The relevant portion of the Ordinance reads as follows: "Each Contractor and Subcontractor shall pay at least the following minimum wages to Workers: ... for Workers working in countries other than the United States, a wage, to be set and adjusted annually by the Director, that shall be comparable to the wage for domestic manufacturers established above, adjusted to reflect the country's level of economic development by using the World Bank's most recent Gross National Income per capita Purchasing Power Parity Index."</p>										
		Hours and overtime										
8	12U.3 (g)	You and your subcontractors must comply with Section 12U.3 (b), set forth immediately below.	2									
		"All Contractors and Subcontractors shall comply with the overtime laws and regulations applicable to their Workers. In the absence of a law setting overtime compensation, overtime hours shall be compensated at the rate of one-and-one-half times the regular hourly compensation rate. All overtime hours worked beyond 48 hours of working time per work week shall be worked voluntarily, except mandatory overtime above that 48-hour mark is permitted if each of the following conditions is satisfied: (1) the law of the country of manufacture permits mandatory overtime, (2) the manufacturing facility is party to a collective bargaining agreement that permits mandatory overtime, and (3) the mandatory overtime hours are worked in conformance with the collective bargaining agreement."										

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			Avail.	Awarded	Yes	No	Yes	No	Yes	No	Yes	No
		Labor rights and labor standards										
9		You and your subcontractors will comply with the provisions listed immediately below. In the Subcontractors' columns, provide the information the subcontractors provided to you.	2									
	12U.3 (a)	"Each Contractor and Subcontractor, regarding any worker, shall comply with all human and labor rights and labor standards imposed by treaty or law on the country in which the Goods are made or assembled, and shall not engage in Sweatshop Labor." The Ordinance's definition of "Sweatshop labor" appears at 12U.2 (j).										
	12U.3 (h)	"No Contractor or Subcontractor shall subject any Worker to any physical, sexual, or other illegal harassment or abuse, including corporal punishment, illegal discrimination or retaliation for exercising his or her right to free speech and assembly or other rights protected under applicable labor or employment laws."										
	12U.3 (i)	"No Contractor or Subcontractor shall require or compel any Worker to use contraceptives or take pregnancy tests."										
	12U.3 (m)	"No Contractor or Subcontractor shall subject a Worker to harassment, intimidation or retaliation as a result of his or her efforts to freely associate or bargain collectively. This subsection shall not apply to Contractors or Subcontractors subject to the National Labor Relations Act, 29 U.S.C. §§ 151 et seq."										
		Keeping records of employees' hours worked and wages paid; City's right to inspect										
10a		You and your subcontractors must comply with Section 12U.3(d) and (f), set forth immediately below. In the Subcontractors' columns, provide the information the subcontractors provided you.	1									
	12U.3 (d)	"Each Contractor and Subcontractor shall keep or cause to be kept for a period of not less than three years from the date of the expiration or termination of the term of the Contract, basic payroll and time records for each Worker, and copies of any tax records filed with a governmental entity during the term. Such records shall include the following for each Worker: (a) name and job classification; (b) a general description of the work the Worker performed each day and the rate of pay (including rates of contributions for, or costs assumed to provide fringe benefits); and (c) the daily and weekly number of hours worked, deductions made; and (d) any actual wages paid."										
10b	12U.3 (f)	You ensure that the City may inspect your payroll records and your subcontractors' payroll records. In this question, in the Subcontractors' columns, you are advising the City whether you are guaranteeing we can inspect the subcontractors' records. You are not telling the City what the subcontractors told you.	1									
		The relevant portion of the Ordinance reads as follows: "All records required to be maintained by this Chapter shall at all times be open to inspection and examination of the duly authorized officers and agents of the City "										

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11	12U.3 (e)	You and your subcontractors must submit payroll records to the City as described immediately below. In the Subcontractors' columns, provide the information the subcontractors provided you.	2									
		"Each Contractor and Subcontractor shall maintain weekly certified payroll records for submission to the Office of Contract Administration, the Office of Labor Standards Enforcement, or the Director's designee or other authorized officers or agents of the City ... upon demand. The Contractor shall be responsible for submitting the payroll records of its Subcontractors, although Subcontractors shall submit such records directly to the City ... upon request. All certified payroll records shall be accompanied by a statement signed by the Contractor, or Subcontractor if requested by the City ... to submit the records, stating that the records are complete and correct. "										
		Written assurances of compliance										
12	12U.3 (k)	You and your subcontractors must provided written assurances of compliance as described immediately below. In the Subcontractors' columns, provide the information the subcontractors provided you.	1									
		"During each year of the term of a Contract, the Director, the Office of Labor Standards Enforcement, or the Director's designee may request a written assurance from the Contractor and each of its Subcontractors that the Contractor or Subcontractor is in compliance with this Chapter. The request may seek confirmation of compliance with some or all of the requirements of this Chapter, and may require the response to be submitted under penalty of perjury. The Contractor or Subcontractor shall provide the written assurance within the time period specified by the Director, the Office of Labor Standards Enforcement, or the Director's designee, which shall not be less than 14 days from receipt of the request."										
		Liquidated damages										
13	12U.4	You must agree to the contract provision set forth immediately below.	5									
		"Contractor agrees to be bound by the following contract provision: 'If the Director determines that any Contractor or Subcontractor has failed to comply with any provision of this Chapter or any regulations implementing this Chapter, the Contractor shall be liable for liquidated damages equal to the greater of \$1,000 or 20% of the amount of the Goods provided in violation of this Chapter, as determined by the Director; and (2) the City ... may deduct any liquidated damages owed by a Contractor from any monies owed the Contractor under the Contract or any other agreement that the Contractor has with the City' "										
		Total points	100									

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		Compliance plan										
14	12U.9.5 (d)	<p>If you and your subcontractors do not comply 100% with all of the items on this form, then your contract will include a Compliance Plan to bring you, your subcontractors, or both, into compliance with one or more of the items not complied with. The City will negotiate the plan with the highest-ranked bidder. If the bidder and the City do not agree on a Compliance Plan, then the City will negotiate a plan with the next-highest-ranked bidder.</p> <p>The relevant portion of the Ordinance reads as follows: "In addition, the Director shall include in any Contract awarded pursuant to subsection (b) a compliance plan that identifies deficiencies in the bid or proposal and specifies a condition or conditions and related timetables designed to achieve an additional level or levels of compliance with the provisions of this Chapter no later than six months prior to the expiration of the original term of the Contract; and failure of the Contractor to satisfy said compliance plan may serve as the basis for the Director to terminate the Contract."</p>										

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			Avail.	Awarded	Yes	No	Yes	No	Yes	No	Yes	No
		Instructions										
		Use this form to inform the City that you and your subcontractors will comply with Chapter 12U's requirements. If compliance with respect to a particular requiremeent is not possible, then explian why on a separate sheet.										
		If your bid or contract involves more than three subcontractors, then revise this form to add columns at the far right and change the paper size to legal or ledger as needed.										
		Change the names of columns "Sub 1", "Sub 2" and "Sub 3" to the names of the subcontractors you will use. The subcontractors must be the same companies as you list on form P-12U-I, "Supply Chain Information."										
		Complete the information below, then sign the form and return it with your bid to: Office of Contract Administration City Hall, Room 430 San Francisco, CA 94102-4685										
		For more information, call the buyer who is managing this bid.										
		Company:										
		Signature:										
		Name:										
		Date:										
		Bid number (if applicable):										