

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF NEW PALTZ
ESTABLISHING A SWEAT FREE PURCHASING POLICY FOR APPAREL &
TEXTILES**

WHEREAS, the Village Board of the Village of New Paltz supports the rights of workers domestically and internationally to be treated fairly in their workplaces and to be compensated equitably; and

WHEREAS, the Village Board of the Village of New Paltz endorses efforts to remedy conditions and improve exploitative workplaces such as sweatshop factories in the garment industry; and

WHEREAS, New York State remains a leader internationally in the garment industry where thousands of New Yorkers are employed; and

WHEREAS, the Village Board of the Village of New Paltz approves of state legislation enacted by the New York Legislature that enables local governments and public schools to purchase apparel and textiles from companies that are not sweatshops but instead comply with just and humane labor standards; and

WHEREAS, Governors Baldacci of Maine, Corzine of New Jersey and Rendell of Pennsylvania have begun to establish a "Sweat Free Consortium" to pool resources, factory monitoring capabilities and purchasing power.

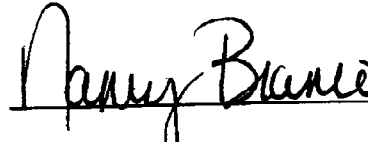
NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Village Board of the Village of New Paltz does establish a sweat free purchasing policy for apparel and textiles amending the village's current Procurement Policy as attached to this resolution under attachment A; and be it further

RESOLVED, that the Village Board of the Village of New Paltz does establish a Sweat free Purchasing Advisory Commission staffed by the Village Treasurer which will analyze and monitor village apparel purchasing, will develop a monitoring form for vendors and will report back to the Village Board concerning the implementation of sweat free purchasing, recommendations concerning the sweat free policy and advice concerning joining the new national sweat free consortium.

**BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF NEW
PALTZ, NY.**

Dated: October 25, 2006



Nancy Branco, Deputy Village Clerk

ATTACHMENT A

**AMENDMENTS TO THE VILLAGE OF NEW PALTZ PROCUREMENT POLICY
TO ESTABLISH SWEAT FREE PURCHASING PROCEDURES**

(New Sections 8 & 9)

8. Pursuant to Finance Law Section 162-4a (b) the Village of New Paltz establishes
a
sweat free purchasing procedure for all apparel purchases formally bid or not;

For purposes of this section only, the following terms shall have the following meanings:

(a) "Contract" means any written agreement, purchase order or instrument whereby the village is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing.

(b) "Responsible bidder" means that the manufacturer or contractor of apparel and textiles is able to demonstrate current compliance with all applicable wage and hour, health, labor, environmental and safety laws, building and fire codes and any laws relating to discrimination in hiring, promotion or compensation on the basis of race, disability, national origin, gender, ethnicity, color, age, religion, familial status, sexual orientation, source of income or affiliation with any political, non-governmental or civic group except when federal or state law precludes the city from attaching the procurement conditions herein. A responsible bidder for the purposes of this section shall not contract with any subcontractor operating in violation of any provision of this section for purchases and bids covered by this section.

(c) "Contracting agency" means a village, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, that purchases, leases, or contracts for the purchase or lease of goods or services finished in whole or in part from the village treasury.

(d) "Contractor" means any supplier, by sale or lease, of apparel or textiles to a contracting agency, including suppliers of uniforms for purchase by village employees through any uniform or voucher system.

(e) "Subcontractor" means any person or enterprise that contracts with a contractor, either directly or through other intermediary subcontractors, for the

manufacture or supply in whole or in part of apparel or textiles. Subcontractor shall include beneficiaries of bankruptcies, assignment, transfer, sales of operations, or other successorship intended to evade liability or responsibility for any wrongful conduct enumerated in this section.

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(f) "Apparel or textiles" means all articles of clothing, cloth or goods produced by weaving, knitting, or felting, or any similar goods.

(1) A contracting agency shall only enter into a contract to purchase or obtain for any purpose any apparel or textiles from a responsible bidder. The provisions of this section shall apply to every purchase of apparel or textiles.

(2) A contracting agency shall not enter into a contract to purchase or obtain for any purpose any apparel or textiles from a contractor unable or failing to provide certified documentation in writing including responding to questionnaires provided by the Sweatfree Purchasing Advisory Commission:

(a) that such apparels and textiles are manufactured in accordance with the requirements that constitute responsible bidder as defined in this section;

(b) listing the names and addresses of each subcontractor to be utilized in the performance of the contract;

(c) listing each manufacturing operation of the contractor and its subcontractors for performance of the contract, and the location of such facility;

The contracting agency must maintain this information in the agency contract file and make it available for public inspection. Such information shall also be made available to the Sweat Free Advisory Commission.

(3) A contracting agency shall not contract for apparel and textiles with any contractor who does not agree to permit independent monitoring at the request of the contracting agency or the Sweatfree Advisory Commission of their compliance with the requirements of this section. The contractor shall be responsible for ensuring that subcontractors comply with the independent monitoring requirements of this subdivision.

(4) The Sweatfree Advisory Commission shall collect and maintain information concerning the village's apparel and textile contracts that have been awarded and shall ensure that the information listed in subdivision two of this section be made available to the public. The Sweatfree Advisory Commission shall allow interested third parties an opportunity to submit information relating to the apparel and textile industry and shall review and consider such submissions as they become available. In November of each year, beginning one year after enactment of this section, the Sweatfree Advisory Commission shall submit a report to the Village Board on the information collected pursuant to this subdivision.

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(5) Upon information and belief that a contractor or subcontractor may be in violation of this section; the Treasurer shall review such information and offer the contractor or subcontractor an opportunity to respond. If the Treasurer finds that a violation has occurred, it shall present evidence of such violation to the contracting agency. Where such evidence indicates a violation of the subcontractor, the contractor shall be responsible for any violation. It shall be the duty of the Treasurer to take such action as may be appropriate and provided for by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the contractor in default and/or seeking debarment or suspension of the contractor or subcontractor. In circumstances where a contractor or subcontractor fails to perform in accordance with any of the requirements of this section, and there is a continued need for the service, a contracting agency may obtain the required service as specified in the original contract, or any part thereof, by issuing a new solicitation any administrative charge established by the contracting agency, and shall, as appropriate, invoke other sanctions as are available under the contract and applicable law. The Treasurer shall report such actions to the Sweatfree Advisory Commission and the Council.

(6) A contractor shall be liable for a civil penalty of not less than \$5,000 upon a determination that a contractor or subcontractor has been found, through litigation or arbitration, to have made a false claim under the provisions of this section with the contracting agency.

(7) Every contract for or on behalf of all contracting agencies for the supply of textiles and apparels shall contain a provision or provisions detailing the requirements of this section.

- (8) In an investigation conducted under the provisions of this section, the inquiry of the Treasurer shall not extend to work performed more than three years prior to (i.) the filing of a complaint of any provisions of this section; or (ii) the commencement of the investigation of the comptroller's own violation, whichever is earlier.
- (9) This section shall not apply to any contract with a contracting agency entered into prior to the effective date of this local law, except that renewal, amendment or modification of such contract occurring on or after the effective date shall be subject to the conditions specified in this section.
- (10) This amended policy shall go into effect on November 1, 2006 and will be reviewed annually.