



Legislation Text

File #: 090279, Version: 3

090279
SUBSTITUTE 3

ALD. ZIELINSKI AND KOVAC

A substitute ordinance relating to purchase of city vehicles.

310-18.3 cr

This ordinance requires that the city only purchase light duty vehicles having at least 51% of the monetary value of the parts manufactured in the United States, and 51% of the vehicle assembled in the United States, or in the case of public safety vehicles, 51% of the monetary value of the parts manufactured in the United States. The business operations division - procurement services section - department of administration shall be responsible for monitoring contracts for compliance with this section including the right to waive the requirement.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 310-18.3 of the code is created to read:

310-18.3. Purchase of American Made Vehicles.

1. DECLARATION OF POLICY. The United States federal government has a direct financial interest in preserving the American automobile industry, owning portions of some companies. There is also a lack of Americans purchasing cars made in the United States which is contributing to the collapse of the domestic auto industry and contributing to the decline in the health, safety and welfare of the nation. It is therefore a desirable goal of the city and the citizens of the United States to support the economic success of these companies.

2. DEFINITIONS.

a. "American made vehicle" means a light duty vehicle having at least 51% of the monetary value of the parts manufactured in the United States, and 51% of the vehicle assembled in the United States, except in the case of a public safety vehicle, when an "American made vehicle" means a light duty vehicle having at least 51% of the monetary value of the parts manufactured in the United States.

b. "Parts" means an article, material or supply incorporated directly into a vehicle.

3. AMERICAN MADE VEHICLES. The city purchasing director and any other officer, agent, agency, committee, board or commission of the city, unless contrary to federal, state or local law or regulations, are directed to purchase only American made vehicles.

4. AFFIDAVITS. No contracts for items referenced in sub. 3 shall be entered into by contracting departments unless the lowest responsible bidders first submit to the purchasing director sworn reports or affidavits which include a statement by the bidder that the vehicles to be supplied are American made vehicles as defined in sub. 2-a.

5. MONITORING AND ENFORCEMENT. The business operations division - procurement services section - department of administration shall be responsible for monitoring contracts for compliance with this section.

6. WAIVER. The requirements of this section may be waived in writing by the purchasing director if

any of the following are true:

- a. All bidders to a contract are deemed ineligible under this section.
- b. The contract is necessary in order to respond to an emergency which endangers the public health and safety, and no contractor who complies with the requirements of this section is immediately capable of responding to the emergency.
- c. It is impossible or impracticable to draw specifications satisfactorily to permit competitive bidding, items can be furnished from only one source, or items constitute a special adaptation for a special purpose, pursuant to s. 16-05-3 of the charter.
- d. The purchasing director determines that it would be in the best interests of the city to procure the vehicles pursuant to a cooperative purchasing arrangement with the state or another governmental entity.

7. SANCTIONS. Any contractor engaged in a contract who has been found by the business operations division - department of administration to have submitted any false, misleading or fraudulent information or who has failed to comply with the provisions of this section may be subject to the sanctions referenced in s. 310-17-3-f.

Part 2. This ordinance takes effect 60 days after passage and publication of charter ordinance file number 090430.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

MET

9/9/09

LRB09267-4