

AN ORDINANCE No. 87-39-45

ADOPTED MAR 9 1987

To amend Article II, Procurement, of Chapter 12 of the Code of the City of Richmond, 1985, by adding therein a new section numbered Sec. 12-59.1 stating the City's South African policy.

Patrons - *City Manager, by request*

Approved as to form and legality
by City Attorney

WHEREAS, the Council, by its Resolution No. 85-R344-313, has previously stated its strong opposition to apartheid, the system of racial discrimination presently sanctioned by the South African government; and

WHEREAS, the Council now desires to incorporate within the Code of the City of Richmond certain policies and procedures embodying the City's continuing commitment to oppose this abhorrent form of racial discrimination; and

WHEREAS, adoption of the following policies and procedures is in furtherance of the City's obligation to procure goods and services through fair competition and in such manner as to neither participate in nor promote or sanction acts of racial discrimination; and

WHEREAS, this enactment shall supersede any prior statement of the City's South Africa policy, as pertains to procurement of goods and/or services, equipment or



materials, and specifically that found in Resolution No. 85-R344-313; NOW, THEREFORE, THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Article II, Procurement, of Chapter 12 of the Code of the City of Richmond, 1985, is hereby amended by adding therein a new section numbered Sec. 12-59.1, as follows:

Sec. 12-59.1. South African policy.

(a) Policy. The city shall not procure by contract, lease, or other means any goods and/or services, equipment or materials from any person or entity which has done business with the South African government within the preceding twelve (12) months or which is located in South Africa. The city shall be further prohibited from procuring any goods, equipment or materials manufactured or produced in South Africa. This policy shall not apply to any procurement transaction involving an expenditure of less than ten thousand dollars (\$10,000.00).

(b) Waiver. The city manager or the director of general services may in cases of substantial hardship allow a waiver from the requirements and prohibitions stated in this section, provided that no waiver shall be effective until the grounds for such waiver have been reported to the council. A case of substantial hardship may be declared whenever the special characteristics of a particular product or service are necessary for the efficient operation of the

city or the health, safety, and welfare of the public, and either no comparable product or service is available or a comparable product or service is available only at a significantly higher cost.

(c) Definitions. The following terms, when used in this section, shall have the meanings hereinafter ascribed to them:

(1) Entity. A sole proprietorship, firm, partnership, corporation, or other business association, including a subsidiary or other affiliate owned or controlled thereby.

(2) Located in South Africa. A person or entity shall be determined to be located in South Africa by virtue of domicile or residence in South Africa; organization under the laws of South Africa; maintenance of an office, branch, agency or other place of business in South Africa; ownership of property in South Africa; or direct involvement in soliciting or transacting business in South Africa.

(3) Significantly Higher Cost. When a bid or quoted price exceeds another bid or quoted price by ten percent (10%) or more.

§ 2. This ordinance shall be in force and effect upon adoption.



ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. <u>87-39</u> Requested by <u>City Manager, By Request</u> Received City Manager's Office <u>---</u> Summarized <u>3/2/87</u>	Subject To Amend Code - South African Policy.
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SUMMARY

This Ordinance would amend the Code by adding therein a new section numbered Sec. 12-59.1, South African Policy.

Sec. 12-59.1. South African Policy

(a) Policy. The city shall not procure by contract, lease, or other means any goods and/or services, equipment or materials from any person or entity which has done business with the South African government within the preceding twelve (12) months or which is located in South Africa. The city shall be further prohibited from procuring any goods, equipment or materials manufactured or produced in South Africa. This policy shall not apply to any procurement transaction involving an expenditure of less than ten thousand dollars (\$10,000.00).

Companion Paper#29 - Resolution No. 87-R78

COUNCIL ACTION

	On Docket <u>3/9/87</u>
	Amended
	Adopted
	Rejected