

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 inserting a new Section 2-92-371 as follows:

2-92-371 Specification – Authorized dealers and distributors; Required brand or trade names.

(a) Unless otherwise prohibited by any federal or state law, any contract, as defined in Section 2-92-415, that includes a specification that includes a requirement that the bidder be an authorized dealer or distributor of a particular manufacturer, good, or equipment, or a requirement that a bidder use a particular brand or trade name for goods or equipment, shall be subject to the following minimum requirements:

(1) before the contract is let for bid, it shall be submitted to the Non-Competitive Review Board for review and approval;

(2) such requirement shall be clearly described in any applicable request for proposal, request for qualification, and bid specification, as applicable;

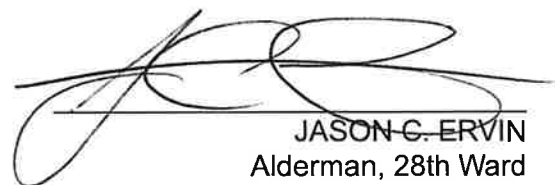
(3) the applicable manufacturer, supplier, or other contractor shall be required to make reasonable efforts to authorize or cause the authorization as a dealer or distributor all bidders otherwise deemed responsive and responsible and such bidder agrees to take the necessary actions to ensure that the goods or equipment are covered under the applicable manufacturer's warranty;

(4) no waiver under any applicable certification eligible business participation programs shall be granted if the applicable manufacturer, supplier, or other contractor unreasonably fails to authorize any bidders that are certification eligible businesses; and

(5) the Chief Procurement Officer shall in all cases retain the authority to make the final determination as to whether a particular bidder is responsive and responsible, including the authority to approve equivalent alternatives proposed by a bidder.

(b) A report of all contracts subject to this section, including the number of otherwise responsive and responsible bids that were rejected and the number of rejected bidders that are certification eligible businesses, shall be placed on file each quarter with the City Council Committee on the Budget and Government Operations.

SECTION 2. This ordinance shall take effect 90 days after passage.


JASON C. ERVIN
Alderman, 28th Ward