

ORDINANCE NO. 122-92

Requiring that specifications for contracts and purchase orders of the City of Toledo contain a requirement that American-made materials and components be used; directing the City Manager and the Commissioner of Purchasing and Supplies to establish written guidelines to implement a buy-American requirement;

WHEREAS, this Council finds that it is in the best interest of the City of Toledo and the United States of America to promote the purchase and use of American-made goods and services; and

WHEREAS, the purchase of American-made goods and services promotes the employment of citizens on the local and national level; and

WHEREAS, the purchase and use of American-made goods and services will enhance the local and national tax base; NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. Except as hereafter provided, only such unmanufactured articles, materials and supplies as have been mined or produced in the United States, and only such manufactured articles, materials and supplies as have been manufactured in the United States, substantially all from articles, materials or supplies mined, produced or manufactured in the United States shall be acquired for use by the City of Toledo.

SECTION 2. Section One (1) shall not apply if the City Manager finds and certifies in writing to City Council that articles, materials or supplies of sufficient and reasonable available commercial quantities and satisfactory quality are not available at a reasonable price. The City Manager and the Commissioner of Purchasing and Supplies shall establish written guidelines as to reasonableness of price and availability. The price of American-made goods shall be generally considered reasonable if they are not six percent (6%) more than the cost of equivalent off-shore goods.

SECTION 3. Section One (1) shall not apply to purchases of less than Twenty-Five Hundred Dollars (\$2,500.00).

SECTION 4. Every contract for the construction, alteration, or repair of any public building or public work let by the City of Toledo in amount greater than Fifty Thousand Dollars (\$50,000.00) shall contain a provision that in the performance of the work, the contractor shall use only such unmanufactured articles, materials and supplies as have been mined, produced or manufactured in the United States substantially all from articles, materials and

supplies as have been mined, produced or manufactured in the United States.

SECTION 5. Section Four (4) shall not apply to the extent that the City Manager shall find and certify in writing to City Council prior to award of the contract that in respect to some articles, materials and supplies, it is impractical to make such a requirement, or that it would unreasonably increase the cost. A cost increase of less than six percent (6%) shall be considered reasonable.

SECTION 6. If a contractor is found to be in violation of the requirements of Section 4 and has not been relieved of that requirement by action of the City Manager pursuant to Section 5 prior to award of the contract, the City Manager and the Commissioner of Purchasing and Supplies shall make public the violation and the contractor shall not be eligible for award of another construction contract from the City of Toledo for a period of three years. Notice of this consequence shall be made a provision of all construction contracts of the City of Toledo.

SECTION 7. This ordinance shall take effect and be in force ninety (90) days from and after its passage.

Passed: February 11, 1992
years 9, days 0.

Attest: Larry J. Brewer John McHugh
Larry J. Brewer John McHugh
Clerk of Council Mayor

I hereby certify that the above is a true and correct copy of an ordinance passed by Council _____.

Attest: _____
Larry J. Brewer
Clerk of Council

PUBLISHED IN TCJ 2-15-92
Purchases & Supplies
Finance
Accounts
Law

2-12-92