

**DRAFT****RESOLUTION 20xx-xxx****RESOLUTION AMENDING BPC POLICY NO. 359  
EQUAL OPPORTUNITY CONTRACTING**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

**WHEREAS**, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

**WHEREAS**, since January 1989, the BPC have had a formal policy statement to ensure that diversity and inclusion were incorporated into the way we conduct business; and

**WHEREAS**, specifically, at the time, the District received federal funding requiring a policy covering Disadvantaged Business Enterprises (DBE) as a condition of federal grant eligibility; and

**WHEREAS**, in 1999, the policy statement was revised to incorporate new federal regulations and the title was changed from DBE to Equal Opportunity Contracting; and

**WHEREAS**, in 2003, in conjunction with the airport transition, the policy was updated to delete federal regulation references and to incorporate the utilization of small businesses, thereby servicing a broader pool of contractors including DBEs and minority, women, disabled veteran, and veteran owned businesses, while staying in compliance with the California Civil Rights Initiative (aka Proposition 209) which was approved by the voters in 1996; and

**WHEREAS**, today, standard industry practice reflects a shift away from “equal opportunity” to diversity, equity, and inclusion, as characteristic of broader objectives; and

**WHEREAS**, the District has embraced this transition, renaming, and rebranding the Equal Opportunity Department as the Diversity, Equity, and Inclusion (DEI) Department; and

**WHEREAS**, Policy No. 359 needs updating to reflect this change; and

**WHEREAS**, District staff also recommends the following changes, consistent with DEI:

- Added verbiage to emphasize, and raise visibility to the fact that small businesses are inclusive of minority, women, disabled veterans, veteran, and other socioeconomically owned businesses based on size, and
- Replacing verbiage to update equal opportunity with diversity, equity, and inclusion as needed; and

**WHEREAS**, the proposed changes to Policy No. 359 will allow better alignment with existing and potential future policies addressing equal opportunity, nondiscrimination, and diversity, equity, and inclusion; and

**WHEREAS**, this freestanding contracting policy clearly articulates the District's DEI commitment and allows flexibility for adjustment whenever governing regulations require revisions under contracting laws.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That BPC (Board of Port Commissioners) Policy No. 359 – Equal Opportunity Contracting, as amended, is hereby adopted.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14<sup>th</sup> day of September 2021, by the following vote: