

RESOLUTION NO. 3055

A RESOLUTION of the Port Commission of the Port of Seattle, expressing abhorrence at the policy of apartheid as practiced by the government of the Republic of South Africa and directing the Executive Director to implement policies related to Port procurement, contracting, and other commercial activities consistent with this Resolution.

WHEREAS, the government of the Republic of South Africa practices apartheid, an institutionalized system of racial segregation and political and economic discrimination against nonwhite people; and

WHEREAS, apartheid embodies principles and practices which directly contravene fundamental human rights and values upheld in the Constitution of the United States, including the right to participate in political process; and

WHEREAS, the Port of Seattle's Commissioners find apartheid abhorrent and repugnant, and have considered the comments provided by members of the Port's constituency in correspondence and at open public meetings; and

WHEREAS, the Port of Seattle has authority, subject to requirements of federal and state law, to make economic decisions as a participant in the marketplace and to adopt policies and procedures governing its commercial activities;

NOW, THEREFORE BE IT RESOLVED, by the Port Commission of the Port of Seattle, Washington as follows:

Section 1. The Commission hereby expresses its loathing and abhorrence of the racial policies and practices of the government of the Republic of South Africa, collectively termed apartheid, and its desire to take actions in opposition to apartheid.

Section 2. The Commission hereby directs the Executive Director as follows:

Section 2.1. Implement a procurement policy, and related procedures, restricting the Port's acquisition, or the use in the construction of any Port facility, of natural resources, equipment, materials, supplies, or other finished goods or products originating in the Republic of South Africa.

Section 2.2. Implement a contracting policy, and related procedures, restricting the award of Port contracts for consulting, professional and other services, and for public works, to persons or entities which do not do business with the government of the Republic of South Africa (including any agencies or subdivisions thereof or any entities organized under the laws of or controlled thereby).

Section 2.3 Include in all Port contracts affected under Sections 2.1. and 2.2. remedies permitting the Port to terminate the contract without payment if the Port determines that the contracting party acted in violation of any policy implemented pursuant to this resolution at the time of contracting or during the term of the contract, or, at the Port's option, requiring replacement at no cost to the Port of any natural resources, equipment, materials, supplies, or other finished goods or products discovered to have originated in the Republic of South Africa.

Section 2.4. Prepare a form of statement which may be utilized in contracts affected under Sections 2.1. and 2.2., to be submitted by the contracting party under penalty of perjury prior to the Port's review of any bid documents or contract proposals concerning the contracting party's business dealings with the government of the Republic of South Africa, and such other matters as the Executive Director determines are necessary or appropriate to carry out the intent of this resolution, and which requires prompt notification to the Port in writing of any subsequent change in the content or responses thereto.

Section 2.5. The Commission approves and adopts King County's policy titled "Disinvestment from South Africa", adopted by the King County Council July 31, 1986, as satisfactory to meet the intent of this section. That policy prohibits investment of funds with any commercial financial institution or investment brokerage firm which does business with the government of the Republic of South Africa or any of its agencies, as long as the system of apartheid remains in place. The Executive Director shall implement a policy, and related procedures, restricting Port investment in a similar manner whenever the Port undertakes investment of temporarily idle Port funds.

Section 2.6. Take steps to inform federal and state officials of the Port's policies regarding apartheid, and petition the Washington State Congressional delegation and other state and federal officials and organizations, as appropriate, to adopt or make changes in existing federal or state laws which will permit the Port to restrict the use of its facilities for South African cargo.

Section 2.7. Take steps to inform all Port management and staff of the Commission's intent as expressed in this resolution and of the policies and procedures implemented pursuant to this resolution in opposition to the continued practice of apartheid by the government of the Republic of South Africa.

Section 3. In implementing the policies described above, the Executive Director may provide for such exceptions as he deems necessary and in the best interests of the Port, which may include, for example:

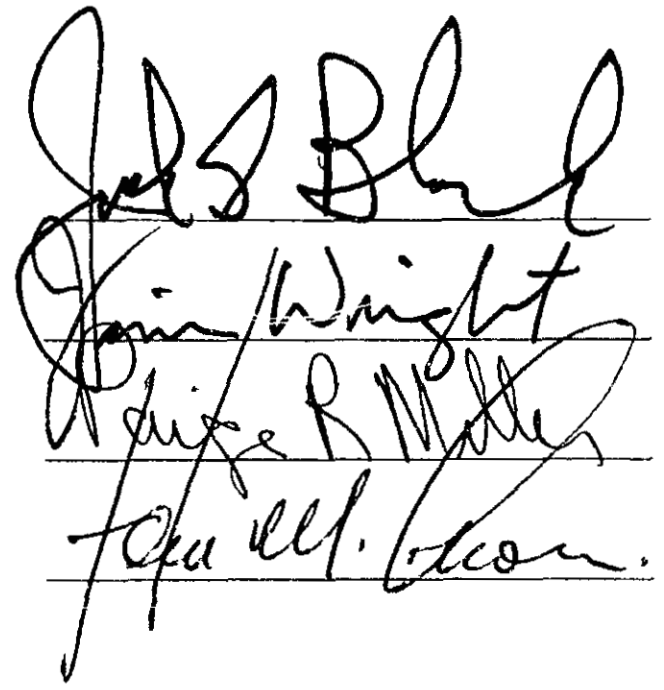
- acquisitions under \$500.00;
- acquisitions clearly limited to a single source of supply;
- acquisitions utilizing contracts issued by the State of Washington or Washington municipal corporations;
- emergencies, when the public interest or property of the Port would suffer significant injury or damage by delay.

All exceptions shall be reported promptly to the Commission.

Section 4. The provisions of this resolution, or of policies and procedures adopted in accordance with this resolution, shall not be applicable where prohibited by federal or state law or where application would violate or be inconsistent with the terms or conditions of a grant or contract with an agency of the United States or the State of Washington.

Section 5. The provisions of this resolution are separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this resolution or of its application to any particular persons or circumstances, shall not affect the validity of its application to other persons or circumstances, or the validity of the remainder of this resolution.

ADOPTED by the Port Commission of the Port of Seattle this 24th day of October, 1989, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Commission duly affixed.



John S. Blum
Jim Wright
George R. Miller

Port Commissioners