

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AMENDING SEC, 2-826.-PUBLIC NOTICE., SUBDIVISION III.-PROCEDURES., DIVISION 3.-PERSONAL PROPERTY PURCHASING AND PROCUREMENT., VII.-FINANCIAL MATTERS. CHAPTER 2.-ADMINISTRATION, SUBPART A.-GENERAL ORDINANCES. OF THE CITY OF KEY WEST, FLORIDA TO REQUIRE EVALUATION OF THE SPECIFIC PROCUREMENT TYPE AND APPLICABLE NOTICE REQUIREMENTS AND ADDING A REFERENCE TO SEC. 255.0525, FLORIDA STATUTES TO BETTER ENSURE PUBLISHED NOTICE FOR PUBLIC CONSTRUCTION SOLICITATIONS AND GRANT FUNDED PROCUREMENTS SATISFY ALL REQUIRED PUBLIC NOTICE REQUIREMENTS AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this proposed amendment to Section 2-826. PUBLIC NOTICE. of the City's Code of Ordinances is intended to clarify and strengthen the City's public notice requirements for invitations to bid, requests for qualifications and requests for proposals; and

WHEREAS, the current ordinance establishes a minimum ten (10) calendar-day public notice period and requires publication in a newspaper of general circulation in the City; and

WHEREAS, while the existing language provides a general notice standard, certain procurements may be subject to additional or more specific advertising requirements under state law, federal law or grant funding agreements which is particularly important for public construction projects that may be subject to Section 255.0525, Florida Statutes, as well

as projects funded through state or federal grants that impose their own procurement, competition, publication or documentation requirements; and

WHEREAS, the added language in the proposed amendment preserves the City's existing ten (10) calendar day minimum notice requirement while expressly recognizing that longer or more specific notice requirements must be followed when required by applicable law or grant funding conditions. This addition helps ensure that City procurements remain compliant, competitive, transparent and audit-ready; and

WHEREAS, this ordinance amendment directly supports the City's procurement process by clarifying that public notice requirements must be evaluated in light of the specific procurement type, funding source and all applicable legal requirements. By adding a reference to Section 255.0525, Florida Statutes and applicable grant funding requirements, the City is better able to ensure public construction solicitations and grant-funded procurements are advertised in a manner that satisfies all required notice standards; and

WHEREAS, this change additionally helps ensure procurement files contain documentation demonstrating that advertising and public notice requirements were properly met. Such documentation is especially important for solicitations involving state or federal grant funds, where failure to comply with required

procurement procedures may result in questioned costs, reimbursement delays or loss of funding eligibility; and

WHEREAS, the proposed change strengthens the City's public notice requirements by expressly recognizing the need to comply with applicable law, including Section 255.0525, Florida Statutes, as well as other applicable state and federal law and grant funding requirements; and

WHEREAS, staff recommends the Mayor and City Commission approve the proposed ordinance amending Section 2-826 of the City's Code of Ordinances to enhance transparency, improve consistency in procurement advertising, support grant compliance and promote stronger internal controls over City solicitations;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That Sec. 2-826. *PUBLIC NOTICE.*, SUBDIVISION III.-*PROCEDURES.*, DIVISION 3.-*PERSONAL PROPERTY PURCHASING AND PROCUREMENT.*, VII.-*FINANCIAL MATTERS.* CHAPTER 2.-*ADMINISTRATION*, SUBPART A.-*GENERAL ORDINANCES.* of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows**:

"Sec. 2-826. - Public notice.

Public notice of the invitation to bid, request for qualifications, or request for proposals pursuant to this division shall be given not less than ten calendar days prior to the date set forth in the notice for the opening of bids or proposals, unless otherwise required by applicable law, including Section 255.0525, Florida Statutes, as may be amended, or by applicable state,

federal, or grant funding requirements. Such notice shall be given by publication in a newspaper of general circulation in the city. The notice shall state the place, date and time of the bid or proposal opening.”

** (Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

Section 2: If any section, provision, clause, phrase or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

** REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK **

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2026.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2026.

Authenticated by the presiding officer and Clerk of the
Commission on the _____ day of _____, 2026.

Filed with the Clerk _____, 2026.

Mayor Danise Henriquez	_____
Vice Mayor Donald "Donie" Lee	_____
Commissioner Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Sam Kaufman	_____
Commissioner Greg Veliz	_____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK