



## MEMORANDUM

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Date: June 04, 2026

To: Honorable Mayor and Commissioners

CC: Christina Bervaldi  
Director of Finance

From: Lucas Torres-Bull  
Procurement Manager

Sponsor: Brian L. Barroso  
City Manager

Subject: **File ID 26-5492 - An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances, titled "Administration", by amending Article VII titled "Financial Matters"; by Amending Division 3 titled "Personal Property Purchasing and Procurement"; by amending Subdivision III titled Procedures, Section 2-826; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.**

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### **Introduction**

This memorandum is to inform the Mayor and City Commission of a proposed amendment to City Code Section 2-826, Public Notice. The proposed amendment is intended to strengthen the City's procurement procedures by clarifying that public notice requirements must comply not only with the City's minimum notice standards, but also with any applicable state, federal, or grant funding requirements, including Section 255.0525, Florida Statutes, when applicable.

The proposed amendment supports greater internal control, transparency, accountability, and fiscal responsibility by ensuring that City solicitations are advertised in a manner consistent with applicable legal and funding requirements.

### **Current Verbiage**

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. 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.

### **Suggested Verbiage**

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.

### **Background**

The proposed amendment to City Code Section 2-826 is intended to clarify and strengthen the City's public notice requirements for invitations to bid, requests for qualifications, and requests for proposals. The current ordinance establishes a minimum ten-calendar-day public notice period and requires publication in a newspaper of general circulation in the City.

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. This 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.

The proposed amendment preserves the City's existing ten-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.

### **Cost**

There is no direct cost associated with adopting this ordinance amendment. The proposed change may require staff to perform additional review of applicable statutory, federal, state, or grant funding requirements prior to advertising a solicitation; however, this review is consistent with sound procurement practices and is expected to reduce the risk of noncompliance, funding reimbursement issues, bid protests, or audit findings.

### **Procurement**

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 applicable legal requirements. By adding a reference to Section 255.0525, Florida Statutes, and applicable grant funding requirements, the City will better ensure that public construction solicitations and grant-funded procurements are advertised in a manner that satisfies all required notice standards.

This change also helps ensure that 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.

### **Recommendation**

Staff recommends that the Mayor and City Commission approve the proposed ordinance amendment to City Code Section 2-826. 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 applicable state, federal, and grant funding requirements.

Approval of this amendment will enhance transparency, improve consistency in procurement advertising, support grant compliance, and promote stronger internal controls over City solicitations.

### **Options**

1. **Approve** the proposed ordinance amendment to clarify that City public notice requirements are subject to applicable law, including Section 255.0525, Florida Statutes, and applicable state, federal, or grant funding requirements.
2. **Deny** the proposed ordinance amendment and maintain the current language in Section 2-826, which establishes a general ten-calendar-day notice requirement but does not expressly reference Section 255.0525, Florida Statutes, or applicable grant funding requirements.