



## MEMORANDUM

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Date: December 12, 2024

To: Honorable Mayor and Commissioners

Via: Todd Stoughton  
Interim City Manager

CC: Christina Bervaldi  
Director of Finance

From: Lucas Torres-Bull  
Procurement Manager

Subject: **File ID 24-6648 - Recommendation to Award for RFP 25-002 Code Compliance  
Special Magistrate**

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### **Introduction**

Staff recommends the Mayor and Commission approve a resolution authorizing the City Manager to enter into an agreement with Donald E. Yates, Esq to provide the service of Code Compliance Special Magistrate deriving from RFP 25-002 and authorize any budget amendments necessary.

### **Background**

Pursuant to Florida Statute 162.03, the City of Key West established a Code Compliance system with quasi-judicial hearings being overseen by a special magistrate. The purpose of these hearings is to provide an opportunity for substantive due process for alleged code violators and the City of Key West, as well as hearing certain appeals as provided by the Code of Ordinances.

On September 21, 2024, a Request for Proposals, (RFP), was published in the Citizen newspaper. On October 23, 2024, one (1) sealed proposal was opened at the City Clerk's Office. The one individual that responded to the RFP was Donald E. Yates, Esq.

A Ranking Committee comprised of three (3) City staff members, Lucas Torres-Bull (Procurement Manager), Jessica Durocher (Central Purchasing Specialist), and John Wilkins. The one (1) proposer was evaluated by this ranking team on November 01, 2024, at 2:00 P.M. Respondents were evaluated based on the following criteria:

- Qualifications and Experience in Litigation or Quadi-Judicial Proceedings: Max Points (30).
- Prior Experience as Judicial or Quasi-Judicial Officer: Max Points (20).
- Training and Experience in Florida Local Government: Max Points (20).
- Proposed Fee Arrangement: Max Points (25).
- Demonstrated Positive Community Relations: Max Points (5)
  - Total Point Available: 300

The Ranking Committee created a list, based on the above criteria and point scale, for the City Commission to consider in order of the most qualified to least. The list consists of the following proposers with their ranking score and fee proposal:

1.) Donald E. Yates     296 Points

Fee Proposal	
Monthly Fee:	\$2,000
Additional Hourly Rate:	\$500 (Capped at \$3,000 per day)

The City’s staff have provided for the City Commission the only proposal submitted and the scoring sheet for their review.

**Procurement**

Funding for the Code Compliance Special Magistrate service is budgeted in FY2024-2025 budget in account 001-2402-524-3100 the amount of \$18,000. A budget amendment from General Fund Reserve account 001-1900-519-9803 in the amount of \$6,000 will be necessary.

**Recommendation**

Staff recommends the Mayor and Commission approve a resolution authorizing the City Manager to enter into an agreement with Donald E. Yates, Esq to provide the service of Code Compliance Special Magistrate deriving from RFP 25-002 and authorize any budget amendments necessary.

**Attachments:**

- Resolution
- RFP 25-002 Code Compliance Special Magistrate Proposal – Donald Yates
- Evaluation Sheets