

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST,  
FLORIDA, AMENDING CHAPTER 2 OF THE CODE  
OF ORDINANCES ENTITLED "ADMINISTRATION"  
BY ADDING SECTION 2-799 TO PROVIDE FOR  
A PREFERENCE IN COMPETITIVE  
SOLICITATIONS WHERE THE VENDOR DOES NOT  
DISCRIMINATE IN THE PROVISION OF  
BENEFITS TO DOMESTIC PARTNERS;  
PROVIDING FOR SEVERABILITY; PROVIDING  
FOR REPEAL OF INCONSISTENT PROVISIONS;  
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West City Commission encourages  
equality in all aspects of life and desires to permit a  
preference in competitive solicitations to vendors who  
provide benefits to domestic partners to the same extent.

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

Section 1: That Section 2-799 of Chapter 2 of the  
Code of Ordinances is hereby added as follows\*:

**Sec. 2-799. Preference for City contractors providing for  
nondiscrimination of benefits for domestic partners.**

(a) Except where federal or state law mandates to the  
contrary, in the purchase of goods, general services or  
professional services by means of competitive bid or

proposal procedure, a preference in an amount of one (1) percent of the bid or proposal price shall be given to a Contractor providing for nondiscrimination of benefits for Domestic Partners as defined in chapter 38 of the Code of Ordinances for the City of Key West.

(b) *Public projects.* Except where federal or state law mandates to the contrary, in the purchase of, or contract for, the construction or renovation of City of Key West public works or improvements, a preference in an amount of one (1) percent of the bid or proposal price shall be given to a Contractor providing for nondiscrimination of benefits for Domestic Partners.

(c) *Point totals.* Except where federal or state law mandates to the contrary and notwithstanding the provisions above, in the purchase of general services or professional services by means of letter of interest and competitive selection and negotiation in which objective factors used to evaluate the letters of interest or other submittals received from vendors are assigned point totals, a preference in the amount of ten (10) percent shall be given to a Contractor providing for nondiscrimination of benefits for Domestic Partners.

(d) Other preferences. The preferences established herein in no way prohibit the right of the City Commission to compare quality of materials proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals. Further, the preferences established herein in no way prohibit the right of the City Commission from giving any other preference permitted by law instead of the preference granted herein.

(e) Nondiscrimination. As used herein, Nondiscrimination of benefits for Domestic Partners shall be defined to include the provision of benefits to domestic partners on the same basis as the provision of benefits to the spouse and dependents of an employee.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

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.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Filed with the Clerk \_\_\_\_\_, 2012.

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK