June 2, 2025

Via email

Mayor Henriquez
Vice-Mayor Carey
Commissioner Haskell
Commissioner Kaufman
Commissioner Lee
Commissioner Hoover
Commissioner Castillo

Dear Mayor, Vice-Mayor, and Commissioners,

Subject: Agenda Item #50 - Request for Proposals for Water Quality Monitoring Program RFP #25-004

Last Stand would like to express our appreciation for the City staff's work on the Request for Proposals (RFP) for the Water Quality Monitoring Program.

However, we have one primary concern and a recommendation:

1. The scope of the RFP needs to be revised to align with the City's obligations under Sections 80-2 and 80-3 of the City's Ordinances, and the RFP should be reissued with these revisions. Section. 80-3 of its code does not call for a broad or generic water quality monitoring program. Instead, it mandates explicitly that "The City of Key West shall also establish a water quality monitoring fund for the monitoring of water quality violations under Sec. 80-2."
2. We strongly support RES Florida Consulting, LLC (RES), the top-ranked applicant, as the best choice to carry out the monitoring program.

Revisions to the RFP

We believe the current RFP does not fully align with the City's legal obligations under Section 80-3 of its code. Section 80-3 requires the establishment of a water quality monitoring fund specifically for monitoring violations under Section 80-2, which targets water quality violations caused by vessels, including cruise ships. The City is legally obligated to ensure that pollution from vessels, particularly cruise ships, is adequately monitored and controlled. Additionally, the term 'vessel' is defined in a very limited way in Section 80-1, specifying that it refers only to a cruise ship with a capacity of over five hundred (500) passengers, as well as the owner(s) of the ship.

Section 80-2(1) of the City's code states, "It shall be unlawful for any vessel to deposit, place or discharge any pollutant into the waterways of the City of Key West." Turbidity caused by cruise ships is a documented issue in Key West's waterways, with multiple findings by state and federal agencies, including evidence of 32 violations of federal turbidity standards caused by cruise ships. These violations have been shown to exceed levels generated by hurricanes and are specifically regulated by the City's ordinances. However, the current RFP does not include monitoring for turbidity, siltation, or sedimentation, which are directly tied to cruise ship operations.

The revised RFP should include specific monitoring for turbidity, siltation, and suspended particulates in areas where cruise ships operate, such as the harbor and ship channels. This monitoring will provide the accurate data necessary to implement effective mitigation strategies and comply with Sec. 80-2 of the City's Ordinances.

Support for RES Florida Consulting, LLC

We also express our strong support for RES Florida Consulting, LLC (RES) as the top-ranked applicant in the RFP evaluation process. The experienced and well-qualified RFP evaluation team conducted a thorough and professional review of each applicant. It was determined that RES was the most qualified based on its qualifications and experience.

RES has an established presence throughout the Florida Keys, with a project manager located in Key Largo and their team frequently engaged in various areas of Monroe County, including Key West. They have extensive experience conducting seagrass, benthic habitat, and water quality assessments in nearshore and upland environments. Additionally, their team is familiar with the challenges of working within coral protection zones and the Florida Keys National Marine Sanctuary, areas under City management.

Given their proven track record and familiarity with the region, we believe that RES is the best choice to lead the monitoring efforts. We strongly urge the City Commission to select RES as the preferred contractor for the program.

Unfortunately, we have concerns that some applicants may have conflicts of interest due to their ties to cruise ship operations. A local development corporation responsible for operating one of Key West's cruise ship piers has committed to making an annual donation of $50,000 to Mote Marine Laboratory, Inc., one of the applicants. This commitment is part of their lease agreement with the State of Florida and will be upheld for the entire duration of the lease term. Furthermore, although it did not materialize, discussions were held regarding a $1.00 donation per disembarking cruise passenger to the same applicant. This could create a potential conflict, leading to oversight of critical turbidity testing in the harbor. Having access to accurate data allows the City to take informed action to address issues effectively; ignoring such data leaves us without the necessary tools to protect our marine resources.

Conclusion

In conclusion, we recommend that the City revise and reissue the RFP to align with the City's legal obligations under Sections 80-2 and 80-3 of the City's Ordinances. This will ensure that the water quality monitoring program is focused on the most critical issues, particularly vessel-related pollution. Additionally, we strongly support RES Florida Consulting, LLC as the top-ranked applicant and the best choice to carry out the program.

Thank you for your attention to this matter.

Sincerely,

The Last Stand Board of Directors

*Last Stand is a nonprofit organization of volunteer citizens dedicated to preserving the unique quality of life and fragile, beautiful natural environment of the Florida Keys. We have worked tirelessly since 1987 to protect Key West and the Florida Keys.*

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