THE CITY OF KEY WEST
Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

MEMORANDUM

To: Brian L. Barroso, City Manager
Christina Bervaldi, Finance Director

From: Lucas Torres-Bull, Procurement Manager

Date: 10/09/2025

Reference: Approval to Contract with Florida Fence Corporation for Fence Installation at Bayview Park in Accordance with Purchasing Code §2-797(2).

Pursuant to Section 2-796 of the City's Purchasing Code, governing *Competitive Bidding*, "[a]ll purchases of commodities and contractual services when the estimated total cost thereof shall exceed $50,000.00 shall be awarded by the City Commission through the process of competitive, sealed bidding or competitive request for proposals, except as otherwise provided in this division."

Further, Section 2-797(2) of the Purchasing Code establishes specific exemptions to the formal competitive procurement requirements. This provision states in relevant part that:

The following are exempt from the requirements of formal competitive procurement:

a. The city manager may make emergency procurement of commodities or contractual services where the cost exceeds $50,000.00 when there exists a clear and present threat to public health, property, welfare, safety or other substantial loss to the city, including cases where a natural disaster has occurred, is occurring, or is imminently threatening. However, such emergency procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor or commodity shall be included in the contract file. As soon as practicable, a record of the emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the commodity or contractual service procured under the contract, and the number of the purchase order, if any. An emergency procurement in excess of $50,000.00 shall be ratified by the city commission at the next scheduled city commission meeting.

The fence at Bayview Park has already been removed, leaving the area open to the public and creating an immediate safety concern that requires prompt installation of a replacement fence. A significant safety concern has arisen that requires immediate action to install a replacement fence.

The absence of a perimeter fence poses multiple hazards. Bayview Park is heavily used by families, children, and recreational groups, and without a secure barrier, individuals may inadvertently enter construction areas or newly prepared turf areas that are not yet safe for public use. In addition, the lack of fencing increases the risk of injuries from tripping hazards, exposed soil, uneven ground, or equipment staged for the project. It also raises concerns

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about unauthorized access, vandalism, or damage to City property during the improvement process.

The fencing improvements at Bayview Park are also a prerequisite to the scheduled installation of new turf. Turf installation cannot proceed until the fencing is in place, making timely completion of the fencing critical to maintaining the project schedule. Any delay in this step would directly impact the overall timeline and hinder the City's ability to complete the planned improvements in a timely and cost-effective manner.

Given the urgency and the value of the required purchase, City staff recommends proceeding under the emergency exemption provided in Section 2-797(2). Approval of this exemption will allow the City to enter into a contract with Florida Fence Corporation for the necessary work and subsequently present a resolution to the City Commission for after-the-fact approval.

By following this approach, the City will protect the project schedule, avoid potential cost escalations caused by delays, and ensure successful completion of the turf installation. This action supports the City's commitment to enhancing and beautifying Bayview Park for the community's benefit.

Accordingly, staff respectfully requests authorization from the City Manager to proceed with this procurement under Purchasing Code Section 2-797(2), with the understanding that a resolution for ratification will be presented to the City Commission at the next available meeting.

Brian L Barroso — 9/23/25

Brian L. Barroso — Date
City Manager

09/23/2025

Approved by Lucas Torres-Bull — Date
Procurement Manager