



**DATE:** July 23, 2019

**CATEGORY:** Consent

**DEPT.:** Finance and Administrative Services

**TITLE:** **Newspaper Advertising Bid Award**

### **RECOMMENDATION**

Authorize the City Manager or his designee to award the contract for legal advertising for Fiscal Year 2019-20 to the *San Jose Post Record* as the lowest responsible bidder.

### **BACKGROUND**

The City Charter requires the City to conduct a bidding process each year to select a newspaper to publish official City notices. Section 1109 of the City Charter states:

“The council shall let annually contracts for the official advertising for the ensuing fiscal year. . . . The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; provided, that the council may reject any or all bids and advertise for new bids.”

However, not a single newspaper is currently published in the City. State law also requires the City to provide notice of upcoming land use decisions either by publishing the notice in a newspaper published in the City or by posting the notice at designated locations, such as City Hall and the Library. The City meets its legal noticing obligations by posting the notices of hearings because there is no newspaper of general circulation in the City of Mountain View as defined by State law. In addition to satisfying the legal noticing requirements, the City provides additional public notice of agenda items by publishing them in a newspaper that has circulation in the City.

### **ANALYSIS**

The City has advertised and solicited bids for advertising for Fiscal Year 2019-20 to meet the intent of the Charter provision and provide notice of upcoming agenda items

by publishing this information in the newspaper in addition to posting notice at specified City facilities and on the City's website. The bid specification requested that the bid be based on 1,100 inches of advertising in a newspaper published at a minimum of three times per week, and the notices will be placed in the legal or public notice sections of the newspaper. The City received two bids as follows:

- The Daily Journal's *San Jose Post Record* in the amount of \$17 per inch, no minimum charge, \$18,700.
- The *Daily Post* in the amount of \$9.50 per inch, no minimum charge, \$10,450.

Unfortunately, while the *Daily Post* is published three times a week, the newspaper only publishes public notices one day per week. Selecting the *San Jose Post Record* will enable the City to place notices of City agenda items in the legal notices section of the newspaper six days per week.

The City's noticing requirements generally include solicitation of purchasing and construction bids, public meetings of both the City Council and advisory bodies, and land use hearings. For the past several years, the City has averaged at least 30 City Council meetings per year in addition to regular meetings of advisory bodies. Additional considerations involve the timing and noticing of agenda items that are reviewed by both the Environmental Planning Commission and the City Council. The City also has a policy that establishes earlier timelines for notifying the community in advance of upcoming agenda items than those required by State law. Due to these many constraints, a once-per-week publication of public notices would significantly limit the City's ability to schedule agenda items and comply with the City's own noticing requirements. Information published in the newspaper is key as data services (used by vendors and contractors) collect information for their clients from the newspaper. The information is also accessible online.

As a comparison, for Fiscal Year 2018-19, the City issued a Purchase Order to the Daily Journal's *San Jose Post Record* in the amount of \$17 per inch, no minimum, \$18,700.

The placement of notices in the legal advertising section of the *San Jose Post Record* for public meetings may also be supplemented with additional ads in the following: *Mountain View Voice* (which publishes once per week on Fridays), the *San Jose Mercury News*, direct mailings to residents, e-mail, and traditional agenda subscriptions, local-access television ads, and notices on the City's website.

The *San Jose Post Record*, in combination with other noticing approaches used by the City, is an efficient means of reaching the target audiences for which different notices are intended.

**FISCAL IMPACT**

Funds for legal advertising are included in the budget.

**ALTERNATIVES**

1. Select the other bidder who responded to the City's request for bids, affecting the ability to comply with the City's noticing requirements.
2. Reject all bids and re-advertise for new bids.
3. Provide other direction.

**PUBLIC NOTICING** – Agenda posting.

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