



**DATE:** June 23, 2020

**CATEGORY:** Consent

**DEPT.:** Finance and Administrative Services

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

### **RECOMMENDATION**

Authorize the City Manager or her designee to award the contract for legal advertising for Fiscal Year 2020-21 to the Daily Journal's *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, there is no newspaper of general circulation that is 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 of general circulation or by posting the notice at designated locations. Because there is no newspaper of general circulation in the City of Mountain View as defined by State law, the City meets its legal noticing obligations by physically posting the notices of hearings. In addition to satisfying the legal noticing requirements by physical posting, the City provides additional notice of land use agenda items by publishing them in the newspaper. In addition to land use agenda items, the City has noticing requirements/policies for solicitations, construction bids, and public meetings.

## ANALYSIS

The City has advertised and solicited bids for advertising for Fiscal Year 2020-21 to meet the intent of the Charter provision and provide notice of upcoming agenda items in addition to posting notice at City facilities and on the City's website. The bid specification requested that the bid be based on 1,100 inches of advertising and the notices will be placed in the legal notice section of the newspaper. The City received three bids as follows:

- The Daily Journal's *San Jose Post Record* in the amount of \$18.00 per inch, no minimum charge, \$19,800. Lowest responsive and responsible bid.
- The *Daily Post* in the amount of \$12.50 per inch, no minimum charge, \$13,750. Bidder deemed nonresponsive.
- Embarcadero Media's *Mountain View Voice*—Rates not provided on bid form. Bidder deemed nonresponsive.

As a comparison, for Fiscal Year 2019-20, the City awarded the bid to the Daily Journal's *San Jose Post Record* in the amount of \$18,700 at a rate of \$17.00 per inch with no minimum charge.

The City's noticing requirements generally include solicitation of purchasing and construction bids, public meetings, and land use hearings. For the past several years, the City has averaged at least 34 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 additional timelines for notifying the community of upcoming agenda items. 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.

The *San Jose Post Record* will enable the City to place notices of City agenda items in the newspaper up to six days per week, which provides helpful flexibility in light of the City's noticing volume and frequency. The placement of notices in the legal advertising section of the *San Jose Post Record* for public meetings may also be supplemented by advertisement in the *Mountain View Voice* (recently changed to an online format only), direct mailings to residents, e-mails to SubscribeMV subscribers, local-access television ads, and notices on the City's website and social media.

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.

**ALTERNATIVE**

Reject all bids and readvertise for new bids.

**PUBLIC NOTICING** – Agenda posting.

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