



**DATE:** June 19, 2018

**CATEGORY:** Consent

**DEPT.:** Finance and Administrative Services

**TITLE:** **Legal Advertising**

### **RECOMMENDATION**

Authorize the City Manager or his designee to award the contract for legal advertising for Fiscal Year 2018-19 to the Daily Journal's *San Jose Post Record* as the lowest responsible bidder.

### **BACKGROUND**

The City's legal noticing requirements generally include solicitation of purchasing and construction bids, public meetings, and land use hearings.

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."

The City has contracted with the Daily Journal's *San Jose Post Record* for 24 years, and the service has performed satisfactorily.

## **ANALYSIS**

The City has advertised and solicited bids for legal advertising for Fiscal Year 2018-19 as required by the Charter. The bid specification requested that the bid be based on 1,100 inches of legal advertising. The two bids received were as follows:

- The Daily Journal's *San Jose Post Record* in the amount of \$17.00 per inch, no minimum, \$18,700.
- The *San Francisco Chronicle* in the amount of \$51.00 per inch, \$12.75 three-line minimum, \$56,100.

As a comparison, for Fiscal Year 2017-18, the City's contract with the Daily Journal's *San Jose Post Record* was for \$16.50 per inch, no minimum, \$18,150. For this fiscal year, the City has paid approximately \$16,600 for legal advertising to date.

The Daily Journal's *San Jose Post Record* enables the City to place legal ads five days per week. Based on the bid specifications of 1,100 inches of legal advertising, similar five-day, Monday through Friday, ad placement capability in the *San Francisco Chronicle* is \$37,400 higher. The *San Jose Mercury News* has not submitted a bid in the past few years and has previously been higher than the Daily Journal's *San Jose Post Record*. The *Mountain View Voice* offers once-per-week publication, however, changing daily legal ad placements to a frequency of once per week would not serve the operational needs relating to project time lines.

Legal notices placed in the Daily Journal's *San Jose Post Record* for public meetings may also be supplemented with additional ads or notifications 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 Daily Journal's *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.

Purchasing and Public Works bids have been successfully advertised in the Daily Journal's *San Jose Post Record*. Data services used by vendors and contractors collect information for their clients from this newspaper. The information is also accessible online.

**FISCAL IMPACT** – Funds for legal advertising are included in the budget.

**ALTERNATIVES** – Reject all bids and readvertise for new bids.

**PUBLIC NOTICING** – Agenda posting.

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