



**DATE:** June 23, 2015

**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 2015-16 to the *San Jose Post Record* as the lowest responsible bidder.

### **BACKGROUND**

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.”

Staff requests Council authorization to comply with the requirements of the City Charter. The City has contracted with the *San Jose Post Record* for 21 years, and the service has been well received. The *San Jose Post Record* is experienced in meeting our legal requirements of bid noticing and similar required advertising.

### **ANALYSIS**

The City has advertised and solicited bids for legal advertising for Fiscal Year 2015-16 as required by the Charter. The bid specification requested that the bid be based on 1,100 inches of legal advertising. The three bids received from newspapers were as follows:

- The *San Jose Post Record* in the amount of \$14.50 per inch, no minimum, \$15,950.

- The *San Francisco Chronicle* in the amount of \$59.88 per inch, \$14.96 three-line minimum, \$65,868.
- The *San Jose Mercury News* in the amount of \$87.50 per inch, \$87.50 minimum, \$96,250.

These bids per inch are the same as the prior fiscal year.

The City's legal noticing requirements generally include solicitation of purchasing and construction bids, public meetings, and land use hearings. Purchasing and Public Works bids are successfully advertised in the *San Jose Post Record*. Their five-day-per-week publishing schedule and low cost allow the City to meet its legal notice requirements efficiently. This is key as data services (used by vendors and contractors) collect information for their clients from this newspaper. The information is also accessible online.

The *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 \$49,918 higher. The *Mountain View Voice* offers once-per-week publication which provides value to the City as a supplemental source for community noticing. However, changing weekly legal ad placements to a frequency of once per week would result in negatively impacting operational needs relating to project time lines. The *Mountain View Voice* did not respond with a bid.

Legal notices placed in 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** – Reject all bids and re-advertise for new bids.

**PUBLIC NOTICING** – Agenda posting.

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