



COUNCIL REPORT

DATE: June 27, 2023
CATEGORY: Consent
DEPT.: Finance and Administrative Services
TITLE: **Newspaper Advertising Bid Award**

RECOMMENDATION

Award the contract for legal advertising for Fiscal Year 2023-24 to the San Francisco Daily LLC, doing business as *The Daily Post*, as the lowest responsive responsible bidder in an amount not to exceed \$12,100.

BACKGROUND

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

“The council shall let annually contracts for the official advertising for the ensuing fiscal year. In the event there is more than one newspaper of general circulation published and circulated in the city, the council shall advertise for one day, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. 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.”

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. The City meets its legal noticing obligations by posting the notices of hearings as required by State law 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 notice of agenda items by publishing them in the newspaper.

ANALYSIS

The City has advertised and solicited bids for advertising for Fiscal Year 2023-24 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 one thousand one hundred inches (1,100") of advertising, and the notices will be placed in the legal notice section of the newspaper. The City received two bids as follows:

- The *Daily Post* in the amount of \$11.00 per inch, no minimum charge, \$12,100.00 total.
- The Daily Journal's *San Jose Post Record* in the amount of \$10.49 per inch, no minimum charge, \$11,539.00 total.

For reference, the City awarded the bid to the *Daily Post* in the amount of \$11.00 per inch, no minimum charge, \$12,100 total, for Fiscal Year 2022-23.

After performing due diligence, staff noted that The Daily Journal's *San Jose Post Record* submitted a proof of distribution dated September 12, 2022 which did not meet the bid requirement to submit a proof of distribution within the last two months of the date of the bid, May 12, 2023, and, therefore, it is recommended that this bid be awarded to the lowest responsive and responsible bidder, the *Daily Post*. The *Daily Post* will enable the City to place notices of City agenda items in the newspaper five days per week.

The City's noticing requirements generally include solicitation of purchasing and construction bids, public meetings, and public hearings, including land-use hearings. For the past several years, the City has averaged 34 City Council meetings per year, in addition to Regular Meetings of advisory bodies. The City also has a policy that establishes additional timelines for notifying the community of upcoming agenda items. Publishing information in the newspaper is essential since data services (used by vendors and contractors) collect information for their clients from the newspaper. The information is also accessible online.

The placement of notices in the legal advertising section of the *Daily Post* for public meetings may also be supplemented with additional ads in the following: *Mountain View Voice*, the *San Jose Mercury News*, *La Oferta* when non-English language noticing is required, and direct mailings to residents, email, traditional agenda subscriptions, local-access television ads, and notices on the City's website.

The *Daily Post*, 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. Reject all bids and readvertise for new bids.
2. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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