



DATE: June 20, 2017

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 2017-18 to the Daily Journal's *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 Daily Journal's *San Jose Post Record* for 23 years, and the service has been well received. The Daily Journal's *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 2017-18 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 from newspapers were as follows:

- The Daily Journal's *San Jose Post Record* in the amount of \$16.50 per inch, no minimum, \$18,150.
- The *San Francisco Chronicle* in the amount of \$59.88 per inch, \$14.96 three-line minimum, \$65,868.

As a comparison, for Fiscal Year 2016-17, the City paid the Daily Journal's *San Jose Post Record* the amount of \$15.50 per inch, no minimum, \$17,050.

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 Daily Journal's *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 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 \$47,718 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.

Legal notices placed in the Daily Journal's *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 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.

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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