

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council Members
FROM: Susan Sneddon, City Clerk
DATE: June 7, 2011
SUBJECT: Consideration of a Resolution awarding a one-year contract to the Calistoga Tribune for publication of legal advertisements for the period ending June 30, 2012 and authorizing the City Manager to execute the contract

APPROVAL FOR FORWARDING:



 Richard Spitler, City Manager

1 **ISSUE:** Consideration of a Resolution awarding a one-year contract to the
 2 Calistoga Tribune for publication of legal notices for the period ending June 30,
 3 2012 and authorizing the City Manager to execute the contract.

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 5 **RECOMMENDATION:** Adopt Resolution.

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 7 **BACKGROUND:** Each year, in accordance with Public Contract Code §20169,
 8 cities that have more than one newspaper of general circulation must publish a
 9 notice inviting bids for the publication of legal notices. The City currently has two
 10 adjudicated newspapers within the City: the Weekly Calistogan, published by the
 11 Napa Valley Publishing Company (NVP), and the Calistoga Tribune. The
 12 Calistoga Tribune is the City's current provider.

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 14 **DISCUSSION:** On April 1, 2011 staff published a notice inviting written bids for
 15 legal advertising to be submitted to the City Clerk by Monday, April 29, 2011, we
 16 also sent the Request for Proposal (RFP) to the Calistoga Tribune and NVP on
 17 this date. Proposals were received from NVP and the Calistoga Tribune on the
 18 required due date.

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 20 After review of the bids it was determined that the NVP's proposal was
 21 incomplete and non-responsive to points in the RFP. Specifically, the proposal
 22 did not include the essential and requested circulation amount for February 2011,
 23 the number of paid subscription in the 94515 zip code area, and the required
 24 notarial acknowledgment for all signatures on the bid.

25 On May 1, 2011 the attached letter was sent to the NVP stating that their
26 proposal was incomplete and therefore could not be considered for award.

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28 Proposal Evaluation

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30 The City Clerk established the following as the criteria for review of the proposals
31 received:

- 32
33 1. Completeness of proposal and responsiveness to the RFP.
34 2. Compliance with State and Federal requirements.
35 3. Circulation and coverage.
36 4. Frequency of publication.
37 5. Cost.

38
39 The following lists the Calistoga Tribune's response to the five criteria:

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41 Criterion #1: Completeness of proposal and responsiveness to the RFP.
42 Staff determined the proposal to be complete and responsive to the RFP.

43
44 Criterion #2: Compliance with State and Federal Requirements. State law
45 requires publication of legal notices in a "newspaper of general circulation."
46 The Calistoga Tribune meets this requirement of the State definition and the
47 Federal requirement for publication of notices for projects or programs
48 utilizing grant funding (such as Community Development Block Grants).

49
50 Criterion #3: Circulation and Coverage. The U.S. Postal Service
51 "Statement of Ownership Management and Circulation" (Form PS 3526)
52 which was filed for the period of September 2009 through October 2010
53 states that Calistoga Tribune's average weekly paid and/or requested
54 circulation was 1,046. For February 2011 the paid and/or requested
55 circulations for the City's zip code area (94515) was 679.

56
57 Circulation and Coverage for October '09-Sept '10 (Postal Report).
58 Following is data for the circulation amounts for October 2009 through
59 September 2010:

754	Subscriptions mailed in-County
<u>165</u>	"Single copy" (sold through newsracks and vendors or subscriptions delivered within the Napa County)
919	Total

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61 Criterion #4: Frequency of Publication. The Calistoga Tribune publishes
62 one time per week (Fridays).
63

64 Criterion #5: Cost. The Calistoga Tribune proposes to charge \$10.65 per
65 column inch for legal notices and display advertisements.

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67 The following lists the NVP's (*Weekly Calistogan*) response to the four criteria:

68 Completeness of proposal and responsiveness to the RFP. Staff
69 determined the submittal by the Napa Valley Publishing Company was
70 incomplete and non-responsive due to the following reasons.

- 71 ▪ The Bid Proposal Form has four sections A-D which asks for pertinent
72 information necessary to make a bid award. NVP's proposal did not
73 include the required notarial acknowledgments for all signatures on the
74 bid as required in Section D form. Further this section states: "No bid will
75 be considered for an award of contract unless such notarial
76 acknowledgment is received".
- 77 ▪ Section D asks for the number of paid subscriptions in the 94515 zip
78 code area, and the circulation amount for February 2011. These were
79 not included in the bid submittal.

80
81 Compliance with State and Federal Requirements. State law requires
82 publication of legal notices in a "newspaper of general circulation." The
83 NVP meets this requirement of the State definition and the Federal
84 requirement for publication of notices for projects or programs utilizing grant
85 funding.

86 Circulation and Coverage for October '09 - Sept '11 (Postal Report).
87 Following is data for the circulation amounts for October '08 through
88 September 2009:

280	Subscriptions mailed in-County
<u>675</u>	"Single copy" (sold through newsracks and vendors or subscriptions delivered within the Napa County)
955	Total

89
90 Frequency of Publication. The NVP (*Weekly Calistogan*) publishes one
91 time per week (Thursday).

92 The following is the cost for publishing legal and display advertisements in the
93 *Calistoga Tribune* and the NVP (*Weekly Calistogan*):

94 Legal Advertisement: Both newspapers prepared the same sample legal
95 advertisement, and provided the cost to run the ad. The Calistoga Tribune
96 charges \$10.65 per column inch for legal notices which results in a cost of
97 \$91.59, as compared to the NVP (*Weekly Calistogan*) charge of \$7.48 per
98 column inch \$71.05 for the same ad.

99 Display Advertisement: Both newspapers prepared the same sample
100 display advertisement, and provided the cost to run the ad. The Calistoga

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101 Tribune's cost results in a cost of \$127.80 (\$10.65 per column inch). The
102 NVP (Weekly Calistogan) cost to run the display ad was \$76.20 (\$6.35 per
103 column inch).

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105 Following is a summary of the City's advertising costs (both legal notices and
106 display advertising) for the past three fiscal years:

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108	Fiscal Year 2009/2010	\$8,000
109	Fiscal Year 2010/2011	\$6,000 (estimate)

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111 Recommendation

112 Staff recommends that the City Council consider the following two options: (1)
113 award the bid to the Calistoga Tribune; or (2) reject any and all bids and to re-
114 advertise for new bids.

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116 **FISCAL IMPACT:** The estimated cost for publishing legal notices and display
117 advertisements in Fiscal Year 2011/2012 is \$6,000, which is included in the
118 proposed Fiscal Year 2011/2012 budget.

119

120 ATTACHMENTS:

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- 122 1. Resolution
- 123 2. Request For Proposal
- 124 3. Calistoga Tribune Proposal
- 125 4. Weekly Calistogan (NVP)
- 126 5. Professional Services Agreement
- 127 6. May 5, 2011 Letter to Napa Valley Publishing Company